

T.C
TURKISH-GERMAN UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
EUROPEAN AND INTERNATIONAL AFFAIRS

**THE TRANSITION FROM EUROPEANISATION TO DE-
EUROPEANISATION IN HUNGARY AND THE CZECH
REPUBLIC: CASE OF RULE OF LAW**

MASTER'S THESIS

Mustafa Furkan DURMAZ

ADVISOR

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JANUARY 2021

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DECLARATION

I hereby declare that this thesis is an original work. I also declare that, I have acted in accordance with academic rules and ethical conduct at all stages of the work including preparation, data collection and analysis. I have cited and referenced all the information that is not original to this work.

Mustafa Furkan Durmaz

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To my family that always supported me...

ÖZET

Son yıllarda Avrupa Birliği (AB) içerisinde yaşanan en önemli krizlerden birisi hukukun üstünlüğü krizi olarak adlandırılmaktadır. Özellikle bu krizin bu kadar önemli görülmesinin sebeplerinden birisi üye ülkeler ve AB arasındaki uyumun sorgulanmaya başlanması şeklinde açıklanmaktadır. AB kurucu anlaşmalarında özellikle vurgulanan AB temel değerleri bu krizin en önemli kavramlarından birisidir. Özellikle AB temel değerlerinden olan hukukun üstünlüğü kavramı bu kriz ile beraber AB ve üye devletler arasında bir gündem oluşturmuştur. Bu noktada AB'ye 2004 genişlemesi ile katılan Macaristan ve Polonya gibi ülkelerde AB'nin önemsendiği temel değerlere ve kurallara uyulmaması negatif sonuçlar ortaya çıkarmaya başlamıştır. Aslında AB üye devletleri arasında artan popülizm ve milliyetçi görüşler bu problemin başlaması için birer eşik olmuştur. Yani Macaristan ve Polonya'nın uyguladığı popülist ve milliyetçi siyaset bu iki ülkenin AB'nin tanımladığı temel değerlerden uzaklaşmasına neden olmuştur. Bu noktada ortaya bazı sorular çıkmaya başlamıştır. Bu sorulardan ilki AB'ye üye olmak için birçok düzenleme ve reform yapan ülkelerin neden AB temel değerlerinden veya diğer bir deyişle Avrupalılaşmadan uzaklaşmaya başladıklarını incelemek için sorulmuştur. Diğer bir soru ise AB'nin yaptırım mekanizmasının işlevselliği hakkında olmuştur. Yani AB'nin yaptırım mekanizması ve bu mekanizmanın gücü eleştirilmeye başlanmıştır. Tüm bu bilgiler ışığında bu çalışma AB'ye aynı yıl üye olan Macaristan ve Çek Cumhuriyeti'nin Avrupalılaşma açısından durumlarını hukukun üstünlüğü krizi üzerinden incelemektedir. Bu çalışmada Macaristan ve Çek Cumhuriyeti'nde Avrupalılaşmadan uzaklaşmaya doğru bir geçiş süreci yaşanmış mıdır ve eğer bu süreç yaşandıysa, bunu tetikleyen faktörler nelerdir soruları incelenmiştir. Bu soruların incelenmesinde uluslararası ilişkiler ve Avrupa çalışmaları literatüründe önemli bir yere sahip sonuçlar mantığı ve uygunluk mantığı kavramları kullanılmıştır. Bu kavramlarla beraber Çek Cumhuriyeti ve Macaristan'ın hukukun üstünlüğü krizi üzerinden Avrupalılaşma ve Avrupalılaşmadan uzaklaşma süreçleri ele alınmıştır.

Anahtar Kelimeler:, Hukukun Üstünlüğü, Avrupalılaşma, Avrupalılaşmadan Uzaklaşma, Macaristan, Çek Cumhuriyeti, Sonuçlar Mantığı, Uygunluk Mantığı, Yaptırım Mekanizması

ABSTRACT

One of the most important crises in the European Union (EU) in recent years is the rule of law crisis. Especially one of the reasons why this crisis is seen so important is explained as the harmony between member countries and the EU started to be questioned, the rule of crisis also started to be seen as imperative. The fundamental values of the EU which have been especially emphasized in the EU founding agreements, are one of the most important concepts related to this crisis. In particular, concept of rule of law, one of the basic values of EU, created an agenda between the EU and member states with this crisis. At this point, in countries such as Hungary and Poland, which joined the EU with the 2004 enlargement, failure to comply with the basic values and rules that the EU cares about has started to produce complications for the EU. In fact, the increasing populism and nationalist views among EU member states have been a threshold for the start of this problem. In other words, the populist and nationalist politics implemented by Hungary and Poland caused these two countries to move away from the basic values defined by the EU. At this point, some questions began to arise. The first of these questions was asked to examine is why the countries that made many regulations and reforms in order to become a member of the EU started to move away from the EU's basic values. Another question has been about the functionality of the EU's sanction mechanism. In other words, the EU's sanction mechanism and the power of this mechanism have started to be criticized. In light of all this information, this study examines the situation of Hungary and the Czech Republic, which became members of the EU in the same year, in terms of Europeanization by looking at the rule of law crisis. In this study, question of is there any transition from Europeanisation to de-Europeanisation and the question of, if there is a transition from Europeanisation to de-Europeanisation, what are the triggering factors of this transition are examined. In the analysis of these questions, results logic and conformity logic concepts, which have an important place in international relations and European studies literature, were used. Along with these concepts, processes of Europeanization and moving away from Europeanization through rule of law crisis of the Czech Republic and Hungary are discussed.

Keywords: Rule of Law, Europeanisation, De-Europeanisation Hungary, Czech Republic, Logic of Consequences, Logic of Appropriateness, Sanction Mechanism

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LIST OF ABBREVIATIONS

CEEC's: Central Eastern European Countries

COMECON: Council for Mutual Economic Assistance

CVM: Cooperation and Verification Mechanism

EC: European Community

EMU: European Monetary Union

EP: European Parliament

EU: European Union

NATO: North Atlantic Trade Organization

NOJ: National Judicial Council

TEU: Treaty on European Union

TFEU: Treaty on the Functioning of the European Union

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CHAPTER 1: INTRODUCTION

Throughout history, accession to the European Union (EU) has always been an essential aspiration for many countries. The establishment of the EU, which started in 1952 as the European Coal and Steel Community, was completed with the Maastricht Treaty signed in 1992. Thus, the EU has turned from an economic entity into a political one, which led many countries to aspire to membership in the EU and became a regional power. This brought to attention the enlargement policy of the EU, which deals with accepting new member states. The enlargement process of the EU started in 1973 with Denmark, Ireland, and the United Kingdom (UK). It reached 28 members but remained 27 members due to the UK's recent withdrawal from the EU, so-called Brexit.

Especially with the end of the Cold War, new states' efforts to seek a partner for security and the new world system encouraged them to seek membership in the EU. In this process, the Copenhagen criteria (1993) has been established for these new candidates who want to become an EU member. Copenhagen criteria have revealed both political and economic conditions that these countries must comply with and demanded the adoption of community *acquis*. The Luxembourg Summit held in 1997 had crucial status in the enlargement history of the EU when twelve countries gained candidate status. Nevertheless, the majority of these 12 countries were under the impact of the Soviets during the Cold War, and they failed to adopt the conditions demanded by the EU at the same level, such as democracy and a liberal economy. For this reason, the most challenging enlargement process for the EU started in 1997. In this process, these countries, which gained candidate status, started to comply with the EU's conditions and made great strides in terms of membership.

In 2004, the EU completed its fifth enlargement round, which was the largest enlargement round in the EU's history. With this enlargement, new states like Hungary, Poland, Slovakia, Slovenia, Lithuania, Latvia, Estonia, Malta, the Czech Republic and the Republic of Cyprus became members of the EU. Following this membership, Romania and Bulgaria in 2007 and Croatia in 2013 became members of the EU. Thus, today's membership constellation of the EU has been formed.

The enlargement of 2004 was the most critical enlargement wave for the EU as it changed the structure of the EU due to massive differences in the economic and political frameworks of newly acceding members. This situation created problems for the EU and forced it to develop strategies to deal with it. In particular, the integration of these countries into the EU has been and remains challenging. Among the countries mentioned above, Poland and Hungary can be considered the most problematic countries (Soyaltın-Colella, 2020a, p. 2), (Kochenov & Bard, 2018, p. 20). As an essential question, why the Czech Republic, which entered the club in the same year as Hungary, did not create problems for the EU in terms of the rule of law should be examined. This question in terms of the rule of law crises requires a more in-depth analysis of the conditions under which these countries joined the EU. The rule of law crisis can be explained as experiencing backsliding on fundamental values of the EU that are adopted by countries (Soyaltın-Colella, 2020, p. 70). In particular, the crisis of the rule of law in Hungary and Poland has occurred over issues such as the press's situation in terms of freedom, minority rights, and freedom of expression, gender equality and judicial independence (European Commission, 2020c, p. 1).

The domestic change that these countries have experienced is defined with Europeanisation's research agenda, which explains the process through which the prospective new members comply with the EU rules and standards. Especially after the fifth enlargement, which involved the accession of the Central Eastern European Countries (CEECs), the importance of Europeanisation started to increase in the academic literature focused on explaining the domestic change in these countries. Nevertheless, the accession of these countries to the EU started to create some problems after their membership. These problems are called the de-Europeanisation process of the countries in the literature. For example, the Hungarian government's intervention to the media tools can be described as the de-Europeanisation movement (Agh A., 2015, p. 16). However, de-Europeanisation movements can be seen not only in member states but also in candidate countries. As an important example of this situation, Turkey can be examined. The EU's concerns about terrorism, instability and refugee problems in Turkey can be evaluated from the perspective of de-Europeanisation (Aydın Düzgüt & Kaliber, 2016, p. 2). Apart from this, new reforms in Poland started to damage judicial independence (Soyaltın-Colella, 2020, p. 73). Thus, Poland started to move away from the conditions

of the EU. This situation was evaluated as de-Europeanisation in literature. That is to say, the second important concept for this thesis is de-Europeanisation.

First of all, Ladrech explains Europeanisation as an effective and increasing interaction between the member state's politics and the European Community's economic and political structures (Ladrech, 1994, p. 69). Another necessary explanation about the concept of Europeanisation was made by Radaelli (2003). According to Radaelli, the concept of Europeanisation can be described as a process that includes official and unofficial rules, procedures, norms, and values secured in the EU's decision-making process.

Adam Szymanski made another contribution to the Europeanisation literature with the article "De-Europeanisation and De-Democratization in the EU and Its Neighbourhood." Firstly, this article describes the concepts of Europeanisation and democratization. This article notes the vital importance of explaining these concepts in detail to attribute them to negative meaning. Especially in this article, the most critical point is splitting up the countries as 'new member states' and the states with different forms of relations with the EU (Szymanski, 2017, p. 204). In light of understanding the concept of Europeanisation, Uldrich Sedelmeier (2011) provided crucial information to the literature with the article on the Europeanisation in new member and candidate states. This article explains Europeanisation as the impact of the EU on the domestic structure of countries. (Sedelmeier, 2011, p. 5). Significantly, this study tries to explain conceptual frameworks of Europeanisation by focusing on the patterns of Europeanisation in member states and candidate countries while showing the emerging gaps and new directions in this research area. The most remarkable part of Sedelmeier's (2011) analysis is collecting the research questions asked by Europeanisation scholars, and Sedelmeier tries to assess these questions in his article. These research questions are as follows;

- What are the reasons for the convergence between the CEEs and the EU arising from the EU (Vachudova, 2005, p. 2)?
- To what extent have EU incentives and pressures influenced the choices of CEEs (Jacoby, 2004, p. 2)?
- What are the conditions that create an impact on adopting the EU's rules by non-member countries (Schimmelfennig & Sedelmeier, 2005, p. 8)?

- How and when the EU convinced the governments to pass certain legislation (Sedelmeier, 2011, p. 9)?

Therefore, the concept of Europeanisation will be used in this study to illustrate how member states continue to adopt the policies, politics and administrative structures of the EU in their respective countries in the post-accession period. Nevertheless, by definition, Europeanisation refers to a positive change. The process of Europeanisation works through the principle of conditionality. The EU imposes certain conditions about liberal democracy, human rights, and the rule of law, governance, and market economy to countries wishing to become members (Agne, 2009, p. 2). Conditionality principle refers to the countries' compliance with the political and democratic criteria requested by the EU for the completion of the application process for the EU membership (Usul, 2008, p. 106). In other words, according to Grabbe, candidate countries should have well-functioning democracy, a competitive and robust economy, and most importantly, a political will to comply with the policies and norms of the EU (Grabbe, 2002, p. 246). In this situation, the concepts "present" and "future" are very important because some countries stop complying with these conditions as mentioned above in the process after accession to the EU. The EU's failure to generate sustainability of democracy and the rule of law, leads to significant crises within the EU.

The problem associated with the lack of sustainability in the reforms adopted to comply with the EU by the target states leads to what is called as de-Europeanisation, which means that target states act opposite to the EU's pressures. De-Europeanisation means a weakening EU impact on the political system, or more precisely, the damage or exiguosness of the EU as a normative/political condition and as a reference point in domestic settings and national public debates (Aydın Düzgit & Kaliber, 2016, p. 5). After acceding to the EU, some member states give up or do not want to comply with specific rules and standards required by the EU. In this case, the interaction with the EU decreases. Thus, a process of de-Europeanisation starts in those countries.

It is possible to say that countries can act with the logic of appropriateness and logic of consequences after becoming EU members. The logic of appropriateness refers to the implementation of norms and values accepted by the society and defined as correct behavior in the policy making process (Saurugger, 2014, p. 147), (March & Olsen, 1998, p. 951) (March & Olsen, 1989, p. 9). According to the logic of appropriateness, countries

do not fulfill the EU's requirements because of gaining the award, but rather because they comply with the norms or rules established by society. In other words, countries fulfill the requirements because that is the right thing for countries. The logic of consequences is the opposite of the logic of appropriateness. According to the logic of consequences, countries fulfill the requirement demanded by the EU to gain membership status (March & Olsen, 1998, p. 950). That is to say, it is like an award for the countries, and the primary purpose of countries is attaining this award. Hence, it entails a cost-benefit analysis and utility maximization by the governing parties in target countries.

The EU has recently started to experience many problems with the countries that became members with the enlargement rounds in 2004 and beyond. These problems, which are mainly related to the fundamental values of the EU, have begun to lead to trouble in the EU and have enhanced question marks about the Europeanisation of the countries. One of the essential crises that emerged at this point was the rule of law crisis (Kochenov & Bard, 2018, pp. 4-6), (Soyaltın-Colella, 2020, p. 70). There were other crises like gender equality backlash and migration crisis in Hungary. Especially in Hungary, it is observed that there is no gender equality in many areas. Women's wages are less than men's. The number of women in politics is less than men. This situation shows gender inequality in Hungary (European Parliament, 2018, pp. 27-30). Within this crisis structure, the EU has initiated an infringement procedure to some countries, but it has not been entirely successful. Hungary, a country where this procedure has been launched, will be one of the critical reviews of this study. This is because there are many problems, especially between Hungary and the EU in terms of democracy, freedom of rights, gender equality, media freedom and judicial independence (Soyaltın-Colella, 2020, p. 71). Hungary's divergences from the EU values in the post-accession period is taken as a case to be examined. One of the most critical issues that reveal the tension between Hungary and the EU has been the refugee crisis (Juhász, Molnár, & Zgut, 2017, p. 6).

For examining the countries' situation, this thesis will examine the transition from the Europeanisation to the de-Europeanisation of Hungary after it acceded to the EU. Apart from this, the Czech Republic will be another country to compare with Hungary regarding Europeanisation and de-Europeanisation. The main question to be examined is "why Hungary has gone through a process of de-Europeanisation while Czech Republic

continued to Europeanise without any backlash after becoming a full member of the EU?.” Czech Republic rejected to accept the number of refugees and asylum seekers laid out in the EU quotas. In the asylum policy, Czech Republic is regarded as a de-Europeanisation case. The central puzzle which motivated the writing of this thesis is the observation that some countries which acceded to the EU in the same year and based on the same criteria have pursued different paths concerning the rule of law.

This thesis conducts a case study of the 'rule of law crisis' in two countries: Hungary and the Czech Republic. The reason for focusing on the rule of law is that the EU has initiated a violation case against Hungary over the concept of the rule of law (European Parliament, 2020). By contrast, the Czech Republic, which became a member in the same year as Hungary, has retained its strong commitment to the rule of law in line with the EU requirements and compliance with the principle of conditionality in the pre-accession period. Hence, the thesis aims to examine the factors that triggered Hungary's Europeanisation transition to the de-Europeanisation while the Czech Republic retained its Europeanisation process and its loyalty to the rule of law.

Theoretically, the thesis is guided by two critical logics widely discussed in the research agenda of Europeanisation that aims to understand the impact of the EU on target states, in this case, new member states which have gone through candidate conditionality from 1997 to 2004. The dependent variable of this thesis is 'domestic change.' Independent variables are deducted from the logic of appropriateness and logic of consequences, both of which depart from misfit (March & Olsen, 1989), (March & Olsen, 1998). For the logic of consequences, clarity of the EU's demands, size and credibility of the EU's incentives, preferences of the governing parties and presence of veto players are most often cited in the academic literature for determining the level of domestic change as well as its direction (Europeanisation or de-Europeanisation). For the logic of appropriateness, the most frequently discussed independent variables are: interactions of the political elites in the EU sponsored networks, legitimacy of the EU norms, normative resonance, and identification of the domestic political elites with the EU.

After the introduction part, chapter two of this thesis will present the theoretical framework. The starting point will be the concepts of Europeanisation and de-Europeanisation. After defining Europeanisation and de-Europeanisation concepts, a

scholarly discussion will be held with in-depth elaboration and interpretations of the concept of Europeanisation, which is identified by different scholars. In this section, while discussing the concepts of Europeanisation and de-Europeanisation, the logic according to which countries approach the EU will be scrutinized. For this reason, this section will also contain explanations of the logic of consequences and the logic of appropriateness. Hence, the Europeanisation of countries or their departure from Europeanisation is related to these two logics, which shape the countries' accession process to the EU. This part will also include the operationalization of the theoretical framework. This part's primary focus will be the conditionality concept, which means that the EU offers conditions to target countries and expects them to complete these conditions to offer them certain rewards, including full membership. However, these conditions are not abolished when the countries joined the EU. For this reason, it is possible to say that the EU has pre-membership conditionality and post-membership conditionality. In this part, these two concepts will be explained in light of the concept of Europeanisation concerning the rule of law.

In chapter three, the concept of the rule of law in the EU will be examined. Especially the recent crises among the EU and the member states are based on the rule of law, and this concept is therefore essential for this study. Following the brief description of the rule of law, the EU's methods to protect the rule of law and its relevant policy template will be examined. At the same time, this part will explain the methodology which will be used in the thesis. The thesis relies on the Most Similar System Design method, which is a comparative method. The most Similar System design is grounded on the logic that two congener cases in a variety of ways would be expected to have very similar political outcomes. Thus, if two cases have variations in outcomes, we would look for the variations that explain why the countries are dissimilar (Dickovick & Eastwood, 2018, p. 16). This comparative methodology offers suitable mechanisms to capture why Hungary and the Czech Republics have pursued different paths in response to the EU's pressures in the post-accession period. Hence, this section explains how different results are obtained by focusing on these two countries' common characteristics.

The thesis then moves on empirical parts, part four and part five, where Hungary and the Czech Republic cases are examined concerning the aforementioned theoretical framework and methodology. These sections have an identical structure that starts with

the accession processes of these countries to the EU from a historical perspective, moving to the assessment of the EU's conditionality. Afterward, both part five and part six incorporate progress reports about Hungary and the Czech Republic and discourses of the leaders in these countries. However, the most significant explanation in this part will explain the transition from Europeanisation to de-Europeanisation in these countries. All the questions which were asked in this thesis will generally be answered in this section.

The sixth, final part of this thesis will be the conclusion. This part will explain the outcomes of the hypotheses and move into a comparative discussion between Hungary and the Czech Republic regarding their Europeanisation level. For this comparison, first of all, Hungary and the Czech Republic will be examined in terms of their pre-membership conditions to understand the situation of these countries' pre-accession period.

In short, while this thesis focuses on the question of is there any transition from Europeanisation to de-Europeanisation in Hungary and the Czech Republic, it tries to explain the hypotheses of Hungary experienced de-Europeanisation due to the logic of consequences whilst the Czech Republic did not experience de-Europeanisation in terms of rule of law due to logic of appropriateness.

CHAPTER 2: CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. INTRODUCTION

When the concept of Europeanisation is examined in general, it is possible to mention two critical concepts. These concepts can be explained as rational institutionalism and sociological institutionalism. When these types of institutionalism are analyzed from the EU's perspective, it generally reveals a conclusion about how the actors approached the EU. We develop a concept of logic of consequences that aims to maximize the benefit and the concept of logic of appropriateness, which holds norms and values in a critical position (March & Olsen, 1998, pp. 949-951). The use of these two concepts in this study is essential for examining the actors' behavior. Since these are especially comparative studies, these two concepts will provide some data for both countries to be examined in this study. In other words, it can be said briefly that the

concepts of Europeanisation and de-Europeanisation will be examined in terms of rational institutionalism and sociological institutionalism.

This chapter is divided into three parts. The first part will explain the historical background of the concept and the research agenda of Europeanisation. While clarifying this historical development, European integration before and after 1945 will be focused on, and this integration will be conveyed over specific periods. A sufficient understanding of the historical development of Europeanisation studies will lead to a practical understanding of this concept's theoretical infrastructure. Afterward, the definitions of the concept of Europeanisation according to many scholars will be discussed, and a theoretical framework constituted by scholars will be examined. At this point, the central questions of this part are the Europeanisation, the spheres of influence of the Europeanisation, and the conditions of the Europeanisation. With the theoretical framework created in the light of these questions, the concept of Europeanisation, which has two definitions as top-down and bottom-up, will be explained.

In the following parts of the chapter, the tools, goals, and mechanisms of Europeanisation will be discussed in light of the theories developed by the authors, especially whether the countries approach rationalist or sociological in Europeanisation processes. In this case, the last focal point of this part will be about the consequences of Europeanisation and the emergence of the concept of de-Europeanisation. For this reason, the concept of "de-Europeanisation" will be explained in the last part of this section, which constitutes an essential part of the hypotheses in the thesis.

2.2. HISTORICAL BACKGROUND OF THE PROCESS OF EUROPEANISATION

The concept of Europeanisation emerged in the 1990s and became popular in academic life in subsequent years. This was mainly since the European Community (EC), which functioned economically, gained political qualification besides economic qualification with the Maastricht Treaty, signed in 1992, also known as the Treaty on the EU. Apart from this, the fact that the new states, which emerged with the dissolution of the Soviet Union in 1991, were attracted with the EU membership, and domestic change that was triggered through the process of their integration with the EU played an essential role in the increase of this popularity of the concept of Europeanisation. With the

Maastricht Treaty, the EU was created, but the EC's institutions and the decision-making procedures were reformed, and the European Monetary Union (EMU) had been created (Phinnemore, 2003, p. 29).

When the EU was evaluated in terms of enlargement, it can be argued that the most significant enlargement was realized following the dissolution of the Soviet Union with the process of integration of the CEECs to the EU. After the CEECs was disintegrated from the Soviet Union and became independent states, they have turned their face to Europe, where they were historically and culturally connected. The process that explained the establishment of the democratic and liberal economic structures of these countries and ensuring their integration have become the most critical issue for the EU and the academic literature that aimed to understand the domestic change that the CEECs have been going through gave rise to the literature and the research agenda of Europeanisation (Balkır & Soyaltın, 2018, p. 18).

The concept of Europeanisation is contested, and many Europeanisation definitions have been provided in the academic literature. Radaelli and Featherstone (2003) provided one of the most straightforward definitions, which define it as the adaptation to EU politics. According to them, as the EU's impact on the continent increases, the scope of 'Europeanisation' expands significantly and spreads between member states and candidate countries. It can be said that Europeanisation has historically been included in today's studies through different stages. Initially, Europeanisation has been studied exclusively as economic integration and eventually expanded a more comprehensive range of policy areas and its evolution to political integration (Balkır & Soyaltın, 2018, p. 5). This evolution is a process from the economic community to the political union, which gave rise to diverse definitions of Europeanisation. Hence, the diversity of definitions itself reflect the historical evolution of European integration and expansion of the units of analysis studied and the case studies elaborated with the concept of Europeanisation.

Literature indicates that Europeanisation means different things for member states on the one hand and the candidates and third countries which aspire to be members on the other hand. For these two main clusters of countries, Europeanisation is studied either as a bottom-up and top-down process. When these two concepts are examined, the concept

of mutual exchange will also emerge. These mutual exchanges are both the cause, and the result of the actions and activities carried out at the national level (Featherstone & Kazamias, 2001, p. 2). That is to say, in the Europeanisation process, the EU can affect the candidate, and member states and the candidate or member state can affect the EU. Europeanisation occurs as a bottom-up process that focuses on how and how to transfer the national powers of states to an EU institution (Samur, 2008, p. 380).

In addition to the above definition, Saurugger (2014) studied the bottom-up Europeanisation. According to Saurugger, in the 1990s, the national policies' importance increased in the European integration process. This means that is the explanation of the institutional structure and policies of the EU, national positions of the countries were used by scholars. This situation was described as an uploading perspective of the Europeanisation (Saurugger, 2014, p. 124). By contrast, literature illustrates the presence of a top-down process of Europeanisation, particularly since the early 1990s. Since this period, the EU has expanded to a certain extent, deepened integration in policy areas, and has started to bring some rules, criteria, and practices to its new members. In particular, the Maastricht Treaty, which was adopted in 1993 and the Single European Act, signed in 1986, was of particular importance in transforming the EU criteria into a "top-down" process (Samur, 2008, p. 383). In this process, the EU gave a road map to the candidate countries, and they said what they had to do and made requests, which caused this type of Europeanisation to be explained from top to bottom. It should not be forgotten that, for the concept of Europeanisation, the Copenhagen Criteria are crucial. The process of the Copenhagen Criteria constitution started with the acceptance of the EU to the CEES enlargement. This kind of enlargement idea helped to the creation of the criteria. Thus, on 22 June 1993, the Copenhagen criteria, which are separated as political criteria, economic criteria, and legislative alignment, occurred in Copenhagen Summit. Thanks to complying with these criteria, the Europeanisation concept started to take place on the agenda. European integration from bottom to top and from top to bottom is described in the table below;

Table 1: Europeanisation vs. European Integration (Schmidt, 2001, p. 3)

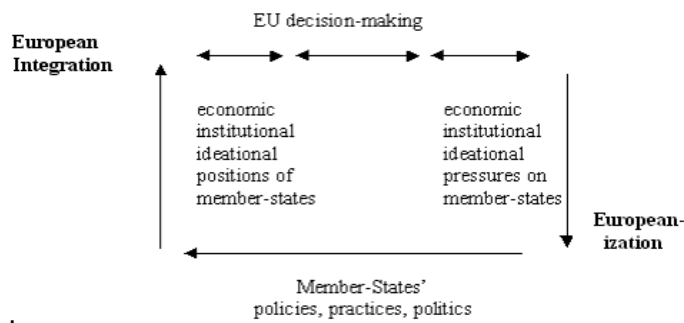


Table one above describes the relationship between Europeanisation and European integration and emphasizes how different Europeanisation types were realized bottom-up and top-down. According to this table, the vertical arrow from member states to the EU symbolizes European integration. The horizontal arrow at the EU level indicates the complex decision-making process of the EU. The vertical arrow, which extends from the EU level to the member state, refers to Europeanisation. With Europeanisation, there is pressure on member countries' policies and practices and member states' positions at the EU decision-making level change. European integration is the policy formulation and construction process at the EU level. In other words, the countries that can take a participate EU decision-making process can affect the European level's developments. Thus, with this table, Europeanisation has been shown as a downloading process and European integration has been shown as an uploading process. That is to say, the vertical arrow which is proceeded top to bottom represent top-down Europeanisation. Since with the pressure making process of the countries, their political institutions and regime can be shaped by the EU. Otherwise, the vertical arrow which proceeded bottom to top represents Europeanisation because at this point, member states' policies, practices and politics try to reach Brussels. In other words, these policies, practices and politics affect the EU. For this reason, this can be explained as bottom-up Europeanisation.

According to Balkır and Soyaltın, Europeanisation is not convergence, harmonization or political integration and should not be confused with these concepts (Balkır & Soyaltın, 2018, p. 42). The concept of Europeanisation can be included in these concepts, and there may be relations with these concepts, but its definition cannot be made through these concepts. Firstly, the concept of convergence is not equated to Europeanisation. Since there are differences between its process and results, from this point on, convergence can be the result of Europeanisation. Another concept in explaining

the question of what Europeanisation is not is harmonization. The harmonization of national policies of the countries is the main aim of European integration. However, the implementation of harmonization is a choice for the countries. Countries can use different policy solutions to overcome their problems. Lastly, Europeanisation is not political integration. Political integration represents a bottom-up level where countries transfer their sovereign rights to a supranational formation. In contrast, Europeanisation has a top-down effect.

Europeanisation can generally be explained as the effect of rules, procedures, policies, shared values, and norms of the EU on the countries' discourses, identities, and political structures (Szymanski, 2017, p. 188). Robert Ladrech made one of the first definitions of Europeanisation. According to Ladrech, Europeanisation is a situation where European core values and norms become the main actors of the national politics and policy-making process and shape this process (Ladrech, 1994, p. 69). It is possible to emphasize the effect on the national level in the definitions of Europeanisation. Based on this explanation, according to Börzel, Europeanisation can be explained as the process in which national policy areas are a structure of the policy-making process within the EU (Börzel, 1999, p. 574). However, it was seen in the literature is that the explanation that Europeanisation caused the change of institution building at the European level at the national level (Winn & Harris, 2003, p. 1).

Despite their differences in defining the concept of Europeanisation, all definitions seem to highlight that that Europeanisation refers to the EU's impact at the national level. Apart from this, some scholars explain Europeanisation with institutionalization. For instance, according to Cowles et al. (2001), Europeanisation refers to the emergence and development of political, legal and social institutions and policy networks that specialize in the creation of rules with enforcement powers, formalizing different governance structures at the European level, interactions between actors and providing solutions to political problems (Cowles, Risse, & Caporaso, 2001, pp. 6-7). The emergence and interaction of these policy networks affect the national policies leading national institutions to shift their interests and increase participation in the EU decision-making process (Wessels, 1987, p. 378). The evolution of national structures and European policies together is a fusion concept, which means that the

political unification of national institutions and EU institutions (Balkır & Soyaltın, 2018, p. 44).

As mentioned above, the definition of Europeanisation is very diverse. For this reason, Europeanisation studies and researches are examined from different perspectives. The beginning of the membership process of the CEECs caused the EU to use this concept as a transformative force. For understanding this transformative power well, the impact areas of the concept of Europeanisation should be examined well. In other words, explaining Europeanisation will be possible with the question of what is Europeanising. According to Börzel and Risse (2006), Europeanisation studies generally address one of the policies, politics and political systems, and the most frequently analyzed area is policies (Börzel & Risse, 2006, p. 483). Börzel and Risse constituted titles of standards, instruments and problem solving under the title of policies, and they explained the Europeanisation of policies of the countries as a Europeanisation of these titles (Börzel & Risse, 2003, p. 60). At this place, politics, which is the second title, can be explained as political processes. The last item in this statement is the political systems, namely the way of government. What is important here is creating a common European identity in political institutions, legal structures and concepts such as state tradition. In this way, Europeanisation will be completed. The table below describes this situation.

Table 2: The Domestic Effect of Europeanisation (Börzel & Risse, 2003, p. 60)

Policies	Politics	Polity
Standards	Interest Formation	Political Institution
Instruments	Interest Aggregation	Intergovernmental Relations
Problem Solving Approaches	Interest Representation	Judicial Structures
Policy Narratives and Discourses	Public Discourses	Public Administration
		States Traditions

		Economic Institutions
		State- Society Relations
		Collective Identities

Table two examines the units of analysis that are examined through the conceptual framework of Europeanisation. Especially at this point, what is primarily examined is the mismatch between the EU and national level policies and institutions. The EU has determined this mismatch's change as a necessary condition (Balkır & Soyaltın, 2018, p. 57). It is possible to say that there is pressure from the EU to provide this establishment. The lower mismatch between these concepts necessitates the lower pressure, and the higher mismatch necessitates higher pressure (Cowles, Risse, & Caporaso, 2001, pp. 6-7). In other words, the EU is a force that pushes countries to Europeanise. At this point, the idea intended to be explained in the table is the change caused by Europeanisation. According to this table, the EU' affects countries' policies, political processes, and polity. The first area where the effect of the EU is seen is the policy area. In this area, the determined standards, political tools, and problem-solving form a significant influence on member countries. The second area is the area where political processes come into play in terms of harmonization of interests. Here, there is an impact on the mutual interest, commonization and representation among countries (Börzel & Risse, 2003, p. 60). In the third area, institutions, organizations and structures come into play, and there is an administrative situation. International relations, public administration, state-society relations, state tradition, economic, political and judicial structures and institutions come into play, and the aim is to create a common identity. Thus, Europeanisation constitutes a sphere of influence for countries.

When we look at the countries that are on the way to joining the EU, and within the EU, it is possible to say that Europeanisation is a concept that does not stop in terms of examination. In other words, it can be said that the concept of Europeanisation is examined to be explained domestic change in the units as mentioned above of analysis both inside and beyond the borders of the EU like an export material. The following section describes the mechanisms of the EU's influence on rationalist institutionalism and sociological institutionalism. These two different theories are used in this thesis because of the two concepts of "logic" they contain. These two concepts, namely the conformity

logic and the results logic, will provide a more detailed examination of how countries enter the EU. At this point, the theories mentioned above and concepts will be studied in depth. After these definitions are made and examined, the results of Europeanisation will be examined.

2.3. PATHWAYS OF THE EU'S INFLUENCE

The top-down process of Europeanisation has been studied mostly with the insights of new institutionalist approaches (Bulmer, 2008, pp. 49-55), but predominantly with two variants of new institutionalism: rationalist and sociological institutionalism to explain the changing domestic structures with the effect of the EU (Hall & Taylor, 1996, pp. 936-957). Institutionalism is a critical theory for the EU studies tested within the discipline of international relations and focuses on the effects of institutional formations or processes on international actors' preferences and behaviors, especially nation-states (Jupille & Caporaso, 1999, p. 431). It can be said that the central claim of institutionalism is that the institution can create an impact on the actors. In this sense, it can be said that actor preferences and institutions are the raw material of institutionalist explanations, and institutions constitute the game rules. In the light of this explanation, the EU is a significant research area due to the high degree of institutionalization. Based on the influence of official rules, institutions and processes on actor preferences and behavior, the institutionalism approach has found both broader application and application areas after the Second World War.

The birth of new institutionalism in the literature represents March and Olsen's (1984) article titled 'The New Institutionalism: Organizational Factors in Political Life.' New Institutionalism expresses that institutional structures shape the inputs of social, economic, and political dynamics and have final effects on policy outcomes. New institutionalism suggests that when an actor makes a different political choice in a given situation, the same actor will be in another situation. Thus there may be many other factors that his or her definitions of interests and preferences. These factors have influenced the decision-making process of actors. The real question for new institutionalism is why actors' preferences and interests are defined in that particular sense. In other words, new institutionalism aims to analyze the distinction between actors' potential interests and their preferences expressed in their political behavior.

New institutionalists keep the definition of institutions more comprehensive. Institutions include formal powers and structures such as parliamentary executive bodies and informal structures such as procedures, practices, traditions, and norms (Kahraman, 2016, p. 98). According to the new institutionalist approach, different explanation frameworks explain the Europeanisation process and the related mechanisms of influence affecting both actors and institutions in the Europeanisation studies, depending on the domestic change at the national level. These emerged in three headings: rationalist institutionalism, sociological institutionalism, and historical institutionalism. These three types of institutionalism want to understand institutions' work and their impact on politics through political and social interactions, both internally and internationally. When these theories are examined, two essential concepts, which can be explained as the logic of consequences and appropriateness, occur. These two concepts can be clarified in the table below.

Table 3: Policy and Institutional Misfit (Börzel & Risse, 2003, p. 57)

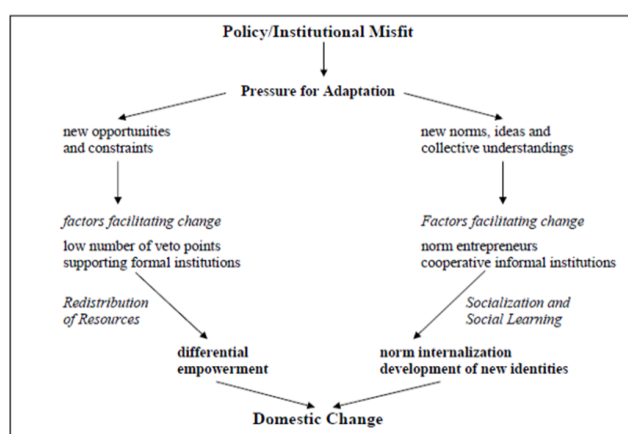


Table three shows, harmonization with EU rules begins with political and institutional incompatibilities in countries. These incompatibilities reflect either policy or institutional misfit, which triggers pressure for adaptation. This adaptation process can be realized in two ways. While one of them reveals a process on norms, interest is vital in the other process. In compliance with EU rules is to be achieved through norms, a common understanding of new norms is created first. The critical point here is that norm entrepreneurs adopt these norms. This is a factor that facilitates change. After this process, socialization and the social learning process begins in the society, and at this point, internalized norms reveal new identities and harmonize with EU rules. This norm-driven process is realized through a logic of appropriateness. Conversely, if

compliance with EU rules is to be achieved in terms of interests, new opportunities and threats emerge first. The factors that facilitate change at this point are few veto players and supporting institutions. Thus, compliance with EU rules occurs with the emergence of interests and threats. In other words, a logic of consequences dominates the process of Europeanisation. According to Börzel and Risse (2003) the two logics constitutes particular propositions about the phase and direction of domestic change (Börzel & Risse, 2003, p. 58). Both take misfit as the necessary condition of domestic change and converge around the expectation that the lower the misfit, the smaller the pressure for adaptation and the lower the degree of expected domestic change. Nevertheless, the two logics depart on the effect of high adaptational pressure. In the light of this information, the two headings highlighted above will be examined in detail in terms of Europeanisation under the next heading, and how they are applied in this study will be explained.

2.4. RATIONALIST INSTITUTIONALISM AND LOGIC OF CONSEQUENCES

Table 4: Summary of Independent Variables¹

Misfit	
Logic of Consequence	Logic of Appropriateness
Clarity of the EU demands (Conditionality)	Interactions in the EU Sponsored Network
Size and credibility of the EU's incentives	Legitimacy of the EU Norms
Preferences of governing parties (indicator of domestic adoption costs)	Normative Resonance
Veto players (indicator of domestic adoption costs)	Identification of the domestic political elites with the EU

People can act individually and utilitarian by nature. At this point, while making political choices, individual benefits and preferences are always evaluated together. For

¹ Source: Own compilation

this reason, they enter the decision-making process by keeping their interests in the foreground in the nation-states that have the characteristics of human nature. Individuals acting in institutions also shape institutional designs in the same way and seek to defend their institutions' interests. Official institutions provide national actors with opportunities and various resources that enable them to be better integrated.

Particularly after World War two, the entry of Europe into the reconstruction process has revealed some ideas. The first of these ideas was to demand that nation-states be replaced by a full political authority, while the other was establishing political authority to support nation-states. Rational choice institutionalists emerged at this point and supported the idea of establishing a political authority to help nation-states (Wessels, 1987, p. 4). When focusing on states in international relations, cost and benefit analysis is a fundamental issue. Especially when states are establishing relations with each other, transaction costs arise. According to the rational choice institutionalists, institutions, which are the main point of the relations between states, have a significant effect on reducing transaction costs.

Rationalist institutionalism emerged in the 1980s and 1990s, and it began to be applied in European studies by Fritz Scharpf, George Tsebelis and Geoffrey Garrett. According to rationalist institutionalism, compliance with EU rules begins with the emergence of new opportunities and threats. The opportunities that facilitate this harmony are the absence of veto players and supporting institutions in this process, which paves the way for the target states' harmonization of and compliance with the EU rules. Hence, domestic change becomes an outcome of the cost-benefit assessment and the logic of consequences.

When we first look at rationalist institutionalism, it is possible to say that cost-benefit calculation is essential. There is a crucial incentive concept here, and according to Hall and Taylor, this concept or mechanism affects actor behavior (Hall & Taylor, 1996, p. 945). The ultimate goal of rational actors is to maximize their interests and take advantage of them. For this reason, these actors determine their preferences and behavior through the logic of consequences. At this point, actors think it is vital to make the right choice for the most benefit (Hall & Taylor, 1996, pp. 942-948). In terms of relations with the EU, rational institutionalism envisages a wide range of awards and incentives ranging from various commercial agreements to membership when the relevant country complies

with the EU criteria and deprives them off if they do not comply (Schimmelfennig & Sedelmeier, 2004, pp. 661-670). In other words, the EU reinforces its rules on target states by offering incentives but does not pursue any punishment strategy in case of non-compliance/non-harmonization. From this perspective, creating the EU as a supranational institution and compliance of the target states with this institution reflects a cost-benefit assessment and logic of consequences. Another important concept which is drawn from rationalist institutionalism is the concept of the external incentive model. This model is based on the logic of causality and effectiveness. This logic makes it mandatory for the governments of countries that want to join the EU to comply with the EU's rules (Schimmelfennig & Sedelmeier, *The Europeanization of Central and Eastern Europe*, 2005, pp. 10-11).

The external incentive model focuses on the mismatch/misfit between EU and national policies, institutions and political processes. The EU provides various economic and social benefits and offers membership incentives to states that comply with their own rules and policies. In the face of these incentives and awards offered by the EU, the countries' governments calculate whether the benefit from the awards exceeds their costs and makes a cost and benefit relationship accordingly. The first independent variable that triggers the domestic change in the countries is the misfit between the EU and the domestic norms. According to many studies, there should be a mismatch or misfit between European rules and norms and domestic rules and norms for providing Europeanisation. European policies may not be in line with the policies of the country which is concerned. This situation leads to a policy mismatch. On a fundamental basis, European policies and norms may not be compatible with the countries' national policy objectives and the techniques they use to achieve these targets. For this reason, a general mismatch occurs. The fit between EU norms and the domestic norms determines the level of adaptation that the state implemented for the Europeanisation. At this point, the lower the compatibility, the pressure for compliance will be higher. That is to say, for domestic change, misfit can be called a necessary condition.

In general, when this model is examined, reward strategy can be expressed as a method used to strengthen relationships (Balkır & Soyaltın, 2018, p. 80). At this point, conditionality is a crucial factor for this model. Actors can achieve membership status on

the condition that the conditionality of EU rules and norms are applied. At this point, if the benefit is higher than the cost, countries will agree to comply with EU rules and norms. Several independent variables shape the mechanism of conditionality/external incentives model/logic of consequences and rationalist institutionalism. These are clarity of the EU's conditions/demands, size and credibility of the EU's rewards/incentives, preferences of the governing parties, and veto players' number and position.

First of all, when the clarity of the EU's conditions/demands from the target states are examined, which is also known as conditionality mechanism, clarity and the certainty of such demands is critically essential. The target states should clearly understand what they have to do to achieve the EU's awards. Hence, at this point, it can be said that the clarity of conditions focuses on the relationship between the rules and the EU harmonization process (Schimmelfennig & Sedelmeier, 2017, p. 3). In other words, as long as the rules are set as an explicit condition for achieving awards, the EU harmonization process increases, and domestic change occurs in target states.

Secondly, the rewards' size and speed are crucial for the cost-benefit assessment and the resulting logic of consequences. The size and speed of the rewards is measured with the extent to which the target countries approach closer to the biggest incentive: full membership with the EU (Baareir & Soyaltın, 2018, p. 80) (Suleymanoglu-Kurum, 2018). In this part, the leading most significant is that as the size of the rewards increases and their delivery becomes immense, compliance of the target states with the EU will increase (Steunenberg & Dimitrova, 2007, p. 4). Apart from the full membership, there are other rewards that motivate states like financial incentives, technical assistance, trade and cooperation agreements, and association other rewards motivate gained with EU membership for states. However, none of them give a definitive result as much as membership. Another important factor here is the concept of time. The main situation that creates problems for the countries is the time to reach the result, even though conditions primary obligations are placed before the countries. At this point, rewarding actualise very late for countries. This situation can sometimes reduce the motivation of countries. At the end of the low actualize, the countries' governments that request EU membership may give up the reform efforts (Meyer-Sahling & Goetz, 2009, p. 194).

Related to the rewards' size and speed, the credibility of threats and commitments is an essential factor under the external incentive model's framework and the logic of

consequences. This means that the target government feels the EU's confidence that it will be for its harmonization of the EU rules and punished when it comes to non-compliance. That is to say, at this point, the party that sets the rules must both make the sanctions and threats believable and must guarantee the awards to the state (Steunenberg & Dimitrova, 2007, p. 3). Thus, it can be said that the effectiveness of conditionality increases thanks to these threats and commitments posed by the EU. The concept of conditionality in many international organizations has always been important for the EU. Thanks to this threat and reward approach of the EU, the membership process has become more attractive for countries.

Thirdly, domestic adoption costs are often cited in the literature as essential factors triggering compliance or non-compliance in target states. Domestic adoption costs are measured through the presence and absence of veto players. As it is known, acceptance and internalization of EU rules and norms in a country are related to government preferences. Hence, the government plays an important role here. However, the preferences of veto players in a country can also affect this process. Veto players are important actors that need approval for the change of government and structure in a country. Changing the status quo in a country becomes difficult in direct proportion with the number of veto players in that country and their distance to the status quo (Tsebelis, 2002, p. 37). The presence of veto players increases the cost of compliance and creates resistance to governments' compliance with EU rules. These veto players mostly include civil society, political parties, bureaucracies and recently also publics.

The EU can influence countries' cost-benefit calculations, both directly and indirectly, thereby promoting change. At this point, the incentives offered in the process of compliance with EU rules yield two results. First, incentives serve in favor of political actors. Thus, the effects and bargaining power of political actors in the internal system increases. Secondly, with the increase of some actors' power, some actors will lose their range of activities in the political system and will weaken further (Schimmelfennig & Sedelmeier, 2017, p. 11). Ultimately, the rational choice analysis explains how the incentives and redistribute resources in all national actors' EU compliance process, whether government, political party or interest groups, are evaluated (Balkır & Soyaltın, 2018, p. 82). Therefore, it can be argued that the benefits which are provided from institutions to the states are significant to understand rationalist institutionalism. For

example, institutions provide an environment enabling states to cooperate by structuring their relations in a certain way. Many benefits are made by institutions that make states' behavior more practical, such as creating a platform for discussion, bringing together different states' activities, creating norms, providing unbiased information, representing states, allocating resources between states, and mediating between states. That is to say, national actors can benefit from opportunities that are created by the institutions. Thus, the logic of consequences can be discussed in this framework (March & Olsen, 1989).

In light of this information, the primary purpose of using this theory in the study is to show how the candidate countries of the EU are influenced by the institutional attachment from the EU in the process of their integration with the EU. The main point to be explained here is to explain the domestic change in the countries. To understand the causes of domestic change, the explanation of this concept should be examined first of all. When we look at domestic change from rationalist institutionalism, domestic change begins with the mismatch between European policies and domestic policies. States, who see the EU's incentives as good opportunities, start to harmonize their internal policies with the EU to achieve the greatest reward. Thus, domestic change begins to occur gradually in the countries (Börzel & Risse, 2000, p. 2). This change is explained as the dependent variable of this study. To understand the reasons for the domestic change in terms of rationalist institutionalism, some factors should be focused on. These factors can be called the independent variable of this study.

This theory has an essential place in this study to show that some of the countries that joined the EU with the 2004 enlargement approached the EU with a rationalist perspective and regarded the EU only as a gateway to reach their economic, social and political goals. In other words, the short reason for choosing this theory in this study is to show the decrease in the level of Europeanisation of the countries that approach the membership of the EU with the logic of consequences and to explain how de-Europeanisation emerged. At this point, the concept of domestic change and its reasons examined.

2.5. SOCIOLOGICAL INSTITUTIONALISM AND LOGIC OF APPROPRIATENESS

As can be understood from the name Sociological Institutionalism, which is also called constructivist institutionalism, has developed into sociology science. It has entered the literature with studies in which sociological institutionalist and constructivist theorists such as Thomas Risse, Jeffrey Lewis, and Jeffrey Checkel have influenced actors' behavior both inside and beyond the EU's borders. According to this concept, institutions are independent, autonomous actors in community building. This process begins with the emergence of new norms and a shared understanding of these norms. The factors that facilitate change here are the norm entrepreneurs and collaborative institutions. After this point, social learning comes into play. Finally, with the internalization of these norms, new identities develop. In this way, compliance with the rules of the EU begins, and domestic change occurs.

Sociological institutionalism deals with institutions in a sociological sense, and the institutions they are interested in are norms, cultural practices, political culture, and political rituals. These norms, symbols, and cultures determine the actors' movement framework according to this approach. This type of institutionalism has built on the logic of appropriateness and argues that it is more important to internalize norms than utilitarian logic. In other words, it can be said that the primary purpose of the actors is not to realize their interests but to do what they consider right or legitimate. Hence, this theory explains that the states that want to become a member do not make the EU's rules as an interest, but because they consider them as a norm and appropriate. In this way, these rules can be internalized by countries. From the perspective of sociological institutionalism, the concept of "Europeanisation" refers to adopting European values and lifestyles. Since the concept can also be used to assess the effects of the EU in the new member states, it is crucial for the effects of the enlargement dynamics of integration.

Sociological institutionalism inspires the social learning model. However, to understand the social learning model, the question of what is socialization should be examined. Socialization is a social learning process in which norms are passed from one side to another (Ikenberry & Kupchan, 1990, p. 289). Institutions, norms, and values can be called social structures at this point. These social structures have the feature of affecting behavior, preferences, and attitudes. When talking about these social structures,

the concept of identity emerges. According to Checkel, this social structure changes not only the actors' preferences but also their identities (Checkel, 1999, p. 554). That is to say, actors and norms affect each other. At this point, the actors' situation can be explained as shaping their identities and roles according to that group or community to become a member of a group or community. Thus, internalization of the norms started to occur. It is possible to say that socialization is based on the interaction between the EU and national actors. At this point, socialization is different from the conditionality principle of the EU. As a result, national actors adopt EU norms and values not because of achieving awards but because they consider these norms and values legitimate.

In the socialization process, the government and the non-governmental actors are necessary (Smith, 2011, p. 6). At this point, the EU projects, such as training opportunities, help significantly increase the social impact. As socialization is based on the internalization of norms and values, the political change is more permanent than conditionality. As it is known, there are many EU-funded and supported projects and programs. These projects and programs increase the interaction of countries with the EU (Balkır & Soyaltın, 2018, p. 78). With the increase of this interaction, countries that can take a closer look at EU rules and norms are experiencing a domestic change by internalizing these norms. In the social learning process, transferring the rules and adapting to the rules is based on persuasion (Schimmelfennig & Sedelmeier, 2004, p. 667). That is to say; the EU behaves like a teacher. Once the norms are entirely taught, the main task of the EU is to ensure that these norms spread in the country concerned. With that being said, several factors facilitate or hinder social learning and persuasion (Schimmelfennig & Sedelmeier, 2005, pp. 18-19).

First of all, interactions and dialogue between the EU-level and domestic level political actors in the EU sponsored networks are crucially meaningful. The central assumption of the social learning model is that the country's government will comply with the EU rules and comply the rules.

The legitimacy of EU rules is a factor that is affecting the EU's persuasion power. As the legitimacy of the rules increases, compliance with these governments with these rules will increase. Hence, there is the right proportion between legitimacy and compliance (Schimmelfennig & Sedelmeier, 2004, p. 672). The factors affecting the legitimacy are the clarity of the EU's rules, the degree of acceptance, and the Union's

commitment to these rules. At this point, one of the most important concepts is consensus. Since if there is a consensus between countries to comply with EU rules, the legitimacy of these rules increases. The idea that is intended to be explained with the concept of legitimacy is that it is reliable that the EU treats all candidates equally without discrimination according to the valid rules accepted by all members.

The third important factor in the social learning model is identifying the domestic political elites with the EU. In this case, it is much easier for EU values, rules, and norms to be harmonized in those countries. In other words, having a shared identity with the EU is a facilitating factor for the social learning model (Checkel, 2001, p. 563). Candidate countries will be easier to adopt the EU rules to the extent that they share the collective identity, values and norms of the community of states represented by the EU and want to be recognized and included in this community. Accordingly, it is assumed that the government and the community's identification with the EU in the candidate country increase the likelihood of adopting EU rules. As it is known, the Europeanisation process is also affected by other internal actors with political and economic interests, by non-governmental organizations, and to a certain extent by the public.

On the one hand, there is an interaction between the EU and the national government at the analytical level. On the other hand, there is an interaction between the national government and the policy-making environment. For this reason, it is vital that domestic political elites have a perspective on this process and how they define the EU. The elites' discourse and actions are influenced by the demands and conditions of the EU, the necessity of these conditions to be fulfilled in a limited time, the pressures in the membership negotiations, and the internal pressures on the national governments. Political elites have an essential place in the relationship between EU conditionality and internal harmonization. Political elites, especially the critical elite, act as one of the main actors in the adaptation process. The attitudes of these elites to take necessary measures for compliance or prevent harmony can be decisive in political conditionality. At this point, the elite's definition of the EU and the EU's conditions and the extent to which the established rules are correct affect the Europeanisation process entirely and create a domestic change.

Finally, resonance is an essential concept in the social learning model. Resonance is because EU rules, values and norms already exist in that country. In such a situation,

the level of compatibility with values, rules and norms is relatively high. In other words, if the EU-related country can share a common identity and core values and beliefs, the concept of resonance emerges. At this point, as cultural compatibility increases, compliance with EU rules in member countries will increase (Schimmelfennig & Sedelmeier, 2005, p. 20). The concept of resonance is related to the compatibility between the EU's rules and norms and the country's own rules and norms. In other words, the rules and norms of the EU, which is an external actor, should be in line with the national rules and norms of the country which wants to join the EU. Norm entrepreneurs have a significant role in increasing resonance between EU norms and domestic norms. Increasing this resonance will further increase countries' harmonization with the EU and further strengthen the Europeanisation process and level. Norm transfer may be possible when it concerns new norms, established institutions, traditions, and beliefs. According to this idea, resonance is a structural prerequisite that defines how much a norm can be in a new context to ensure effective norm propagation. If there is no national rule in an area or existing rules are problematic, or if it has lost its legitimacy in the national arena due to a severe policy failure, it will be easier to adopt a new outsourced rule in that area. In other words, under these conditions, the candidate country will be more open to new norms. Likewise, if EU rules exist and are linked to traditional rules, or if the principles on which the EU rules are based are compatible with the policy approaches considered appropriate in the relevant country, it is easier to adopt them. On the other hand, contradicting EU rules with rules that are considered mostly legitimate in the national field makes it difficult for the candidate country to adopt the Union's rules. In this case, it is assumed that as national resonance increases, it will be easier to adopt EU rules (Schimmelfennig & Sedelmeier, 2005, pp. 19-20).

In short, when this situation is evaluated within the framework of the social learning model, the EU is defined by a specific collective identity and shared values and norms as a regional organization. In this context, whether a non-member country adopts EU rules depends on how appropriate it sees these rules and the EU's demands for compliance with the rules in terms of collective identity, values and norms. The most basic proposition that can be made here is; is that if a candidate country is to be convinced about EU rules' conformity, it will comply with these rules. That is to say, countries that want to join the EU at this point want this situation because of the correctness of the rules,

norms, and values in the EU. The internalization of these values, which are currently correct by the society in that country, will become more comfortable with membership in the EU.

Unlike the two models described under rationalist and sociological institutionalism, these two institutionalism have a standard model. This is called a lesson-drawing model. The lesson-drawing model is a model that operates voluntarily as opposed to the conditionality principle (Dolowitz & Marsh, 1996, p. 350). If policymakers in a country are not satisfied with the status quo, this situation is examined with this model. The lesson drawing model can be analyzed in terms of both rational and sociological institutionalism. However, the main point here is to avoid discomfort from the status quo and look for the solution for this discomfort. The general assumption of this model is to adapt to EU rules to the extent that the country's government believes that it will effectively solve domestic policy problems (Schimmelfennig & Sedelmeier, 2005, p. 22). This model has four variables. These are policy dissatisfaction, EU based epistemic communities, the transmissibility of the rules, and veto players' scarcity.

If there is a problem in politics and the implementation of the rules in a country, this reveals dissatisfaction with the policy. In this case, the remedy for changing this structure of the country is considered an external actor. The EU, the external actor, is quite remarkable. As a result, this initiates compliance with EU rules (Balkır & Soyaltın, 2018, p. 84).

EU-based epistemic communities can influence governments to implement new rules and policies (Magen & Morlino, 2009, p. 38). That is to say; these communities can provide country governments to implement new policies by providing advice based on expertise and scientific data. In this process, while the resistance against these policies decreases, new policies' acceptance rate increases. In other words, there is a strong relationship between countries' level of compliance and EU based epistemic communities.

Sometimes EU policies and national policies can be compared. It is the governments of the country's attention that EU policies react more accurately to an event and resolve their policy problems more accurately. At this point, policymakers' belief that EU policies will be more successful leads to rules and policies that can be transferred.

Finally, under this title, there is a scarcity of veto players. In the process of compliance with the rules and norms, the situation of scarcity of veto players reduce the resistance to these rules and norms. In the case of more veto players, resistance will increase, and policy transfer will not take place. This situation can be seen as an obstacle in the way of Europeanisation.

2.6. CONCLUSION

This part of the thesis has shown that Europeanisation is of great importance for European studies. This concept, which emerged primarily in the 1990s, was used frequently when explaining the EU accession processes of CEECs. Analyzing the concept of Europeanisation in the context of these target states has meant the implementation of the EU politics, policies, economic system, values and law by these countries at the national level. The theories under the concept of Europeanisation have contributed to the further elaboration of this concept. In this way, the conditions under which the Europeanisation processes of countries occur and countries' situations and behaviors in this process can be quickly revealed. Sociological and rational institutionalism, which are the most important of these theories, constitute this study's main point.

Rational institutionalism, based on benefit and cost analysis, states that states approach the EU in terms of benefit and cost. That is to say, if states can utilize the EU, they can effort to join the EU. In contrast, sociological institutionalism is all about norms and values. At this point, the internalization of norms and values is essential for states. If a state wants to join the EU, it will do so not because it will benefit, but because it finds the values correct. At this point, the logic of appropriateness and the logic of consequences emerge. All these concepts identified with the new institutionalism theory are essential for Europeanisation. The fact that EU values and rules have not been applied, especially in some countries recently, has brought this issue back to the agenda. As a result, all the concepts and theories described above will try to explain the divergence of countries from the EU in recent times, and in this case, will compare the role of the EU and the role of countries. In light of this information, this thesis will try to explain the Czech Republic's hypothesis did not experience a de-Europeanisation process due to logic

of appropriateness while Hungary experienced de-Europeanisation due to logic of consequences.

CHAPTER 3: RULE OF LAW IN THE EU

3.1. INTRODUCTION

The notion of rule of law is a concept that is considered important by societies and systems. Although it is an important concept, it is also difficult to understand, and the rule of law has been the main topic of many studies. Especially in order to understand the concept of the rule of law, which is the main subject of this thesis, it is necessary to look at the historical background of this concept. The issues that need to be examined while explaining the historical background are the definition of this concept and its importance.

It can be said that there is not certain definition in regarding the rule of law. However, the rule of law concept emphasizes a liberal political morality (Stanford, 2016). From the point of liberal political values, the rule of law can be associated with the notion of human rights and democracy.. However, another general definition is made within the framework that the law is equal for everyone and everyone who wants has the right to access law and judiciary. In fact, looking at these concepts, it can be said that the concept of rule of law is related to the concept of freedom. There are many philosophers who especially put this emphasis on. For example, Cicero's saying *legum servi sumus ut liberi esse possimus* (we are stewards of the law for freedom) could be a very good proof of this. The rule of law is generally concerned with judicial independence, absence of corruption and freedom (Kelly, 2016, pp. 1-4).

In order to better understand the notion of the rule of law, the historical background of this concept should be examined well. According to Aristotle, the quality of law is very important in a society. It is also important for the state's stance against the law. This stance originated from the rule of law. The concept of corruption emerges in societies where there is no rule of law (Stein, 2009, p. 250). That is to say, the rule of law mechanism is a system that prevents states from corruption.

Another person who forms the historical basis of the rule of law is Immanuel Kant. Immanuel Kant's Rechtsstaat doctrine is a major step in the creation of the concept of the

rule of law (Sellers, 2014, p. 7). At this point, the concept that Kant wants to explain is again related to human freedom. In other words, the legitimate foundation of a state is bore freedom of people. That is to say, the aim here is to protect the citizens of a state in the best way possible. The most important tool for providing this protection is law. With the rule of law in a country, the state can ensure the freedom of its citizens.

Apart from Cicero and Kant, who associate the rule of law with freedom, some names deal with this concept in light of the separation of powers. The most important of these names is John Locke. Locke's view argues that government should be divided in terms of legislature, executive and judiciary. Only in this way can a government ensure its legitimacy. The legislative power here is about how the power of the state will be managed. Executive power is related to the implementation of laws and making decisions (Duvan, 2019, pp. 39-40).

Another person who defines the concept of rule of law through the principle of separation of powers is Montesquieu. This definition of Montesquieu is different from that of Locke. While Locke defines the principle of separation of powers in terms of the legitimacy of the state, Montesquieu defended that the principle of separation of powers was to prevent the despotism of the state. Thus, the legislative, executive and judicial systems that are separated from each other will be able to maintain the balance of power (Duvan, 2019, pp. 47-48).

The concept of rule of law is not limited to these definitions. Especially in the 20th and 21st century, studies on this concept continued and definitions were expanded. When these definitions are examined in general, it can be said that it is an argument against those who analyze the concept of rule of law in terms of concepts such as democracy, human rights and justice.

Especially the most important people who explain the rule of law differently from the concepts mentioned above are Joseph Raz and Lon Fuller. According to Joseph Raz, the rule of law is not based on concepts such as democracy, human rights and equality. The rule of law concept is based on eight rules. The first of these concerns the clarity and being prospective of all laws. That is to say, according to the first rule, laws should not be retroactive. Being retroactive creates confusion in terms of laws. Constituting understandable and clear laws is the most important factor in terms of rule of law (Raz, 1979, p. 214). According to Raz, second rule is that all laws must be stable. This means

that, laws should not be changed too often (Raz, 1979, p. 214). If laws change continually, people can have a problem to follow these laws. This situation can create confusion for people. The third rule is about making laws. Raz thinks that the establishment of laws should be based on certain rules. The first one of these rules is that laws should be open. The first one of these rules is that laws should be open. Thus, citizens can understand the laws easily. The second one of these rules is that laws should be stable. If laws change frequently, citizens can have difficulty in terms of following these laws (Raz, 1979, p. 216). Thus the process that is related to following the laws by people can be easier (Raz, 1979, p. 215). The fourth rule is that an independent justice system should be supported. The fifth rule refers to the importance of natural justice principles, while the sixth refers to the need to give important powers to the courts. Finally, the seventh and eighth rules refer to easy access to the courts and to taking all necessary measures to prevent crime. These rules completely constitute the concept of the rule of law (Raz, 1979, pp. 214-218).

Another place where the rule of law concept is frequently used is the EU. The EU has even used this concept in its own agreements and even put it among its core values. Contrary to the above definitions, the rule of law, which is defined as a different system within the EU, is an important issue for many states. Especially the EU's recent crises in terms of the rule of law have made this issue suitable for investigation. For this reason, in this part of the thesis, a general rule of law definition is given first. However, unlike the general definition, it is very important to examine this concept in terms of the EU. For this reason, the rest of this chapter will try to explain the rule of law concept from the EU perspective.

3.2. THE CONCEPT OF THE RULE OF LAW AND THE EU

The end of the Cold War in 1990 was a turning point for European integration because Central and Eastern European Countries (CEECs) sought accession to the European Communities (EC)/EU. From this point on, the idea of integrating these countries into the EU has gained importance. The EU has by then transformed from an economic to a political entity created from the framework of human dignity, democracy, equality, freedom, the rule of law and respect for human rights, including the rights of persons belonging to minorities. With these values, the EU tries to provide respect at the

state and public level in terms of pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men (Foreign and Commonwealth Office London, 2008, p. 5).

These principles became the crucial conditions for accession to the EU, and less democratic countries that do not meet these conditions can only accede to the EU when they undertake the required reforms in their domestic structures. The domestic change that the CEECs have gone through gave rise to a new and rapidly rising debate on Europeanisation shaped around the principle of conditionality, which refers to the adoption of the EU's rules and principles by the CEECs and other third countries in order to be accepted as official candidates or full members. The conditionality is a process that bases on rewards by the EU. According to this strategy, if countries follow the rules which are initiated by the EU, they can get rewards. However, if they do not follow the rules, they cannot get rewards from the EU (Schimmelfennig & Sedelmeier, 2004, p. 674). At this point, the concept of democratic conditionality is essential. Democratic conditionality is a concept used to integrate the EU's fundamental policies like human rights, liberal democracy, and norms, which impacts domestic change in target countries during the pre-accession phase (Szymanski, 2017, p. 188). Nevertheless, we observe some regression from Europeanisation in some countries that acceded to the EU in 2004. This requires us to engage in an in-depth analysis of the conditions leading to their accession and the period after their accession in order to understand the conditions under which the EU triggers the domestic change in target states.

The rule of law is a fundamental value of the EU, and its importance increased in recent years. When the literature is examined in terms of the rule of law in the EU, it is possible to see some articles about the rule of law crisis and the EU's perspective about the law. The EU sees the rule of law as a concept incorporated in its treaties and should be primarily adopted by countries aspiring to enter the Union. (Hillion, 2016, p. 1). The EU perceives the rule of law as a concept associated with modern, democratic and liberal constitutional regimes (Pech, 2015, p. 8). The EU defines it as a concept that should be particularly protected and encouraged and promoting it beyond its borders is expected to strengthen the EU's global position (Pech, 2012). Apart from such definitions, there are those who call the rule of law mechanism of the EU as the priority

of law. In terms of this definition, the priority or the rule of law of the EU is more important than the priority of the law of the member state. In other words, the first system to be followed as a rule is the EU law system. Thus, it has been called as rule of law (Taşdemir & Karadağ, 2008, p. 21).

Literature generally linked the rule of law with concepts such as democracy, human rights, equality and justice. They also emphasize that the EU attaches great importance to the rule of law and that this principle should be protected and promoted. This situation reminds some of the definitions we have seen in the historical process of the rule of law concept mentioned at the beginning of this chapter.

The second issue argued in the literature is how the EU provides respect for the rule of law and protects the rule of law mechanism. As it is known, the rule of law principle is significant for the EU. For this reason, some mechanisms like cooperation and verification mechanism, infringement procedure and the commission rule of law framework have been developed to protect this principle. While examining these mechanisms, mostly the official sources of the EU were used.

It is a fact that the rule of law principle is significant for constitutional democracy and pluralistic societies (Soyaltın-Colella, 2020, p.70). According to the European Commission's rule of law mechanism, it tries to protect fundamental rights and values identified by the EU and create an available environment for EU law implementation. This concept is a fundamental value of the EU (European Commission, n.d.). The EU's framing of the rule of law defines it as a system composed of independent courts that supervise all state and society organs under identical conditions (European Commission, 2020e, p. 2). The rule of law principle was a building block in the process of the EU's self-building historically. Especially 1986 was an important date in terms of the concept of rule of law in the framework the European integration because in 1986, the Court of Justice referred, for the first time, to the European Community as a Community which is based on the rule of law (European Court, 1986).

For all that rule of law is a founding principle of the EU, there is no absolute definition for the concept of the rule of law. Instead of creating a basic definition of the rule of law, this term was used as given in the fundamental documents (Müller, 2015, p. 151). The absence of a clear definition of the rule of law caused interpretation of this

concept differently. In light of this situation, the rule of law is related to article 2 of TEU, which involves other fundamental values mentioned in Article 2 of TEU (Soyaltm-Colella, 2020, p. 71). Thus, democratic rule violations in EU member states were generally evaluated as the rule of law crisis, and it aimed to underline that all democratic principles were threatened with this expression. The EU offers four different conceptualizations of the rule of law: i) a value that the EU is built on and a common denominator of all member states, ii) a prerequisite for the confidence required for the functioning of the Internal Market and Freedom, Security and Justice Area, iii) a suitability criteria for EU membership and iv) an understanding yourself as a central element in the Union's external relations and a global actor committed to the deepening of a liberal international order (Magen & Mcfaul, 2009). In this sense rule of law crisis contains all democratic crises in the member states of the EU. Due to these democratic crises which lead to rule of law crises caused creating some mechanism and procedures by EU. Preserving the principle of the rule of law, which the EU has faced with an important crisis recently, is also crucial for the EU and its identity as a democracy promoter inside and beyond its borders.

At this point, the EU first seeks to resolve the rule of law crisis. If a solution cannot be found here in terms of the rule of law, article 7, which is an important article of the TEU, can be used. Article 7 is the last resort to be used by EU member states to adhere to the core values (European Commission, n.d.). This comprehensive item comes to the agenda and is applied especially to countries which do not comply with the basic values of the EU, which are mentioned in article 2 of TEU. In case the core values stated in article 2 of the TEU are not clearly observed in a country, the EU operates as follows. With the reasoned proposal from one-third of the member states, the European Parliament and the European Commission, the Council can take decision with a majority of four-fifths of the members after taking the consent of the European Parliament (European Commission, n.d.), (European Commission, 2020e, p. 4). However, before such a situation, the Council listens to the member state concerned and makes recommendations to it.

The violation of the certain values and rules mentioned in Article 2 of the TEU by member states is a reason for the implementation of Article 7 of the TEU for the EU. The main aim of Article 7 is to restrain or solve serious violation in terms of the rule of

law in the EU member states (European Commission, 2020e, p. 2). The problems currently in the EU lead to the creation of the protection of the rule of law procedure. This procedure improves a definition for the concept of rule of law (Müller, 2015, p. 151). This definition is mentioned like, the rule of law makes all state organs equal to the law under independent courts. Hence, rule of law is associated with the protection of fundamental rights and democracy as well as a transparent and accountable system within which the separation of powers between legislative, executive, and judiciary is ensured. Thus, a more effective system emerges (European Parliament, 2019).

It is possible to say that there are some similarities between this definition and the 'rule of law checklist' which was constituted by the Venice Commission (Kochenov & Bard, 2018, p. 11). In order to understand the importance of the concept of rule of law in the EU, its mechanisms to protect the rule of law in the EU should be well studied. As mentioned above, the violation of the whole of the EU rules is understood as the rule of law crisis. For the member states that do not comply with the EU rules and violate them, the European Court of Justice has the power to apply material sanctions. In this sense, the infringement procedure becomes a focal point for protecting the rule of law. In article 258 of TFEU, the infringement procedure is explained as if the commission sees that a member state has committed a violation of EU rules and norms, it first asks the relevant state for its views on this issue and listens to its defense. It then gives the relevant state time to change this situation. If the relevant state does not make any changes within this period, this issue can be sent to the EU Court of Justice (Foreign and Commonwealth Office London, 2008, p. 156).

That is to say that the Commission may initiate an official violation process if the relevant EU country did not fix the situation in the country and did not follow the amendments which the Commission gives. The procedure follows a series of steps, set out in EU treaties, each ending with an official decision. The implementation of the infringement procedure is realized in five steps. Firstly, the Commission sends a letter of the official notice to the relevant country asking for more information, which should send a detailed response within a specified period, usually two months and if the Commission decides that the country has failed to meet its liabilities in terms of law, it can send a reasoned view: a formal request to comply with EU law. The Commission explains why the country thinks it violates EU laws. It also requests the country to

notify the Commission about the measures taken, usually within two months. After that, if the country does not implement, the Commission can decide to consult the Court of Justice situation. Most cases are settled before being sent to court then if an EU country fails to transmit the measures implementing the provisions of a directive in time, the Commission may ask the court to impose fines. Lastly, if the court finds that a country has violated the EU law, national authorities must take action to comply with the Court's decision (European Commission, n.d.a). In this situation, if the country continues violations and does not want to implement the Commission's decision, the Commission can refer the country back to the court. After this situation financial penalties become a part of the process. These punishments are calculated taking into account:

1. The significance of rules which were violated by countries and the influence of the violation in terms of general and private interests.
2. The situation while lacking the application of the EU law
3. The country's ability to pay, ensuring that fines have a deterrent effect

The Court can change the number of financial penalties proposed by the Commission in its decision. Another important mechanism related to rule of law and democratic principles of the EU is Cooperation and Verification Mechanism (CVM). The systematic violation of the founding principles in some CEECs that are new to the EU has been a factor that set the Union in motion. Especially in 2007 with the Bulgaria and Romania's accession to the EU, European Commission enhanced the Cooperation and Verification Mechanism to control the situation of these countries (Soyaltın-Colella, 2020, p. 74). The implementation of CVM by Bulgaria and Romania is crucial because the criteria that the Commission has determined tries to help for improvement of Bulgaria and Romania in terms of rule of law. CVM also takes some advantage of communication with other EU countries, civil society, international organizations, independent experts and various other sources. The first report about CVM was established on June 27, 2007. This report included the Commission's assessments and recommendations to the Bulgarian and Romanian authorities and was completed by a staff working document that makes a detailed analysis of the Commission about each CVM criteria (European Commission , n.d.b). In other words, for every member state which the European Community observes, different policy recommendations are constructed, and the European Commission controls the level of adaptation and different indicators try to

measure this adaptation (Sedelmeier & Lacatus, 2016, p. 20). Thanks to this procedure, the European Commission can follow compliance of the countries and give some advice to improve the consistence of the country in terms of the rule of law.

Table 5: Practices applied to protect the rule of law² (European Parliament, 2019).

Name of mechanism	Legal Basis	Initiator	Decision-Maker	Effects
Cooperation and Verification Mechanism (CVM)	Acts of Accession RO, BG	Commission	Commission	Non-binding recommendations
Commission Rule of Law Framework	n/a	Commission	Commission	Non-binding recommendations
Council's Rule of Law Dialogues	n/a	Council	Council	n/a
Infringement Proceedings	Article 258 TFEU	Commission	Court of Justice	Legally binding determination of breach of EU law, possibly interim measures and financial penalties
Preliminary References	Article 267 TFEU	National courts	Court of Justice	Legally binding interpretation of EU law, empowering national courts to set aside non-compliant national legislation
Breach of values procedure – preventive mechanism	Article 7(1) TEU	Commission, Parliament or 1/3 of Member States	Council (majority of 4/5) after obtaining the consent of the EP (2/3 of votes cast, representing the majority of MEPs)	Declaration that there is a clear risk of breach of EU values by the Member State concerned and possible recommendations addressed by the Council to that Member State
Breach of values procedure – sanctions mechanism	Article 7(2)- (3) TEU	Commission or 1/3 of Member States	Step 1: European Council (unanimity), Parliament (consent by 2/3 of votes cast, representing the majority of MEPs);	Suspension of certain rights deriving from the application of the Treaties, including voting rights of the Member State

² Source: European Parliament 2019 Protecting The Rule of Law in The Eu Existing Mechanisms and Possible Improvements

			Step 2: Council by qualified majority	concerned in the Council
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Table one shows that the precautions and applications which are practiced by the EU for protecting of the rule of law framework. According to this table, there are seven precautions determined by the EU to protect rule of law. First one is CVM which is initiated by the European Commission. The decisions which are taken by the European Commission in CVM are not obligatory. In other words, the Commission gives non-binding recommendations to countries in the framework of CVM. Second one is Commission rule of law framework which is initiated by Commission. In this concept the decision-maker is the European Commission. The third one is the Council's rule of law dialogue. Establishing dialogue was proposed by the Council in December 2014. This dialogue aimed to take together the states under the framework of objectivity, non-discrimination, and equal treatment of all member states (European Parliament, 2019, p. 6). Fourth one is the infringement procedure which is critical for rule of law. It based on article 258 of the TFEU. Infringement proceedings are initiated by the Commission but the main decision-maker is European Court of Justice. The countries can be exposed to financial penalties and sanctions in the situation of violation of the EU law. It is totally binding for the countries. For this reason, it is the most significant framework in the EU in terms of rule of law.

Fifth is the preliminary references. In this procedure, national courts of the member states and European Court of Justice work together. While national courts serve as initiators, European Court of Justice functions as the main decision-maker as it is determined in the article 267 of the TFEU. This dialogue is based on three principle. These are: i) providing help to national courts regarding the interpretation of EU law, ii) contributing to the uniform implementation of EU law across the Union, iii) establishing an additional mechanism on the action on the annulment of an EU law for ex-post verification of the compliance of EU institutions' acts with primary EU laws (European Parliament Think Tank, 2017).

Sixth procedure listed in table one is breach of values procedure-preventive mechanism. It is based on article 7(1) of TEU in terms of legal basis. It is initiated by Commission, European Parliament or one-third of member states. Council and the European Parliament are important in the decision-making process for this mechanism.

The Council can decide with assent of the European Parliament. It generally uses for giving recommendations to countries. If there are certain violations in terms of rule of law, it can be resorted.

Last but not least one is the breach of values procedure- sanction mechanism which is used to implement sanctions to member states due to rule of law violations. It bases on article 7 (2)(3) of TEU legally. This mechanism is observed by the European Commission. In the decision-making process, there are two steps which include European Council with unanimity voting, European Parliament (consent by 2/3 votes cast, representing the majority of MEP's) and Council by qualified majority voting.

The concept of the rule of law, which has been described above and explained in all EU processes, is also an important concept for Europeanisation. In fact, to discuss Europeanisation through the concept of the rule of law, it is necessary to examine how the EU affects the development of the rule of law in member and candidate countries. At this point, some scholars say that the EU has a positive effect especially in terms of democracy and transformative power (Zindović, 2017, p. 6). It is a fact that Europeanisation creates transformative power on the countries which wanted to be member to the EU. Especially this concept emerged with 2004 enlargement as the EU is positioned as a promoter of democracy and rule of law for new member states that joined the EU in 2004. Especially when examined within the basic values and norms of the EU, countries that want to become a member of the EU must fully comply with these norms and values for membership (Ekiert, Kubik, & Vachudova, 2007, p. 22). In other words, Europeanization has positively affected the rule of law concept with the help of transformative power. Since the concept of the rule of law is one of the conditions that must be fulfilled and complied with by countries wishing to join the EU as a member, a positive effect can be mentioned at this point.

The rule of law can be explained as a multi-dimensional governance concept that can be divided into four interrelated dimensions. These are formal legality, substantive legality, judicial capacity and judicial impartiality. According to these first two concept, rules which are implemented in the law should be quality. However, other two concepts represent quality of the judicial system (Mendelski, 2016, p. 350). In this point, The European Commission Progress Reports measure the rule of law criteria by judicial independence, judicial capacity, the right to a fair trial and the effectiveness of the court

system. In other words, these items listed in the reports are in the form of items to be completed for the Europeanisation of a candidate country. The acceptance and application of these articles within the framework of EU standards puts a country that wants to become a member of the EU into the Europeanisation phase.

In the EU law, member states are under the obligation to apply EU law rules correctly, timely, and effectively in their own countries. Member states may face a violation case by the Commission or other member states before the European Court of Justice if their actions or inaction are violating Union law. However, recently, problems related to the rule of law have started to occur especially in the CEECs and this situation has caused great crises for the EU (Kochenov & Bard, 2018, p. 4) (Müller, 2015, p. 141). In fact, this situation revealed the main points of this study. As a deficiency in the literature, the study of the rule of law, especially in Hungary, under the umbrella of Europeanisation, and whether this situation is related to the deficiency in the EU's sanction mechanism will be examined in this study. The principle of the rule of law for the EU has been addressed in many studies. The feature that will distinguish this study from other studies in the literature is that this study will be compared in terms of Europeanisation under the concept of the rule of law of the two countries that acceded to the in the EU in the same year.

Rule of law is associated and interlinked with the concepts such as freedom, state legitimacy, power, democracy, justice and priority. Literature reviewed above noted that the EU evaluates the rule of law within the framework of its fundamental rights and that the rule of law relates to democracy, equality, freedom and justice with liberal rights. The fact that the EU finds this principle so important depends on its being one of the fundamental rights. Particularly, the importance of this principle can be understood by the mechanisms the EU has set up to promote and protect the rule of law. At this point, the fact that the EU has a sanction mechanism for violations of the rule of law is very important. Apart from this, the EU, trying to protect the rule of law with many more articles, has experienced one of the biggest problems in this issue.

Especially in Hungary and Poland, which were included in the EU in 2004, crises regarding the rule of law affected the EU and caused this mechanism to come to the fore (Halmai, 2019, pp. 171-172). The biggest problems faced by the EU lately are realized in terms of the rule of law. Especially in Hungary, problems in the media and the judiciary,

university closures and increasing corruption have revealed this crisis. It was not enough for the EU to work for fixing (Soyaltın-Colella, 2020).

In the light of this information given above, the concepts of Europeanisation and de-Europeanisation emerge in the academic literature. The fact that Hungary can be examined academically in terms of Europeanisation and de-Europeanisation made this situation even more important, especially in terms of the crisis of the rule of law.

3.3. MOST SIMILAR SYSTEM DESIGN

Comparison is a behaviour that we have made from the beginning of life to define, make sense and evaluate our place within the institutions, especially the environment and family that we live in. In order to understand and interrogate, humankind compare every situation which he/she is exposed. The examining the differences and similarities of the conditions help to determine pros and cons of the situations, contexts and events which are compared by people. For this reason, it is possible to say that comparison is the natural event for the human behaviour. It is related to all types of human decision and personal choices.

The importance of comparison contributed to disciple of political science and international relations which led comparative methods becoming focal points for many studies. It can be claimed that, in this discipline, the purpose of using this method can be explained as the classification of observations about events and establishing a chain of cause and effect (Kalaycıoğlu, 2012, p. 4). In the literature, many scholars try to explain meaning of the comparative method. First of all, according to Lijphart, comparative method is a fundamental research design. For this reason, it constitutes experimental propositions (Lijphart, 1971, p. 682). The general empirical propositions in this sense consist of the outcomes which are originated from the cause and effect relationship. Apart from this situation, it should not be forgotten that the similarities and differences of the cases also crucial for the comparative analysis. From the sense of Shmuel N. Eisenstadt, the comparative methods can be explained as the comparative method is a method which examines social analysis between cross-societal, institutional, or macro societal aspects (Eisenstadt, 1968, p. 161). In addition to this, the comparative method is not seen as a measurement method but as a method of exploring empirical relationships between variables. However, in response to this explanation Kalleberg defines comparative

methods as system of measurement. From the perspective of this explanation, comparison refers to "nonmetric sorting" or in other words, ordered measurement (Kalleberg, 1966, pp. 72-73).

The comparative research method is a relational research method that examines the subject under study by comparing at least two groups that differ in this subject. That is to say these are studies in which comparisons are made between situations consisting of at least two variables. Its general purpose is to establish a systematic structure. The analyses are mostly for generalisation purposes. Examples of such studies are international achievement tests in different disciplines, which examines the relationship between success and socio-economic level.

The aim of the comparative method in terms of scientific explanation consists of two basic elements. The first one is the establishment of general empirical relationships among two or more variables. The second one is holding or controlling other variables constantly (Meehan, 1965, pp. 37-43). That is to say, when the comparative methods are examined as a method, it is possible to say that, the relations between dependent and independent variables can be shown as focal point of the study (Kalaycıoğlu, 2012, p. 4). In this thesis, the most similar system design constitutes main part of the methodology section. For this reason in the next title, this study will try to illuminate the conceptual meaning of the most similar system design and its application in studies of international relations.

As is known, the comparative research and analysis method focuses on comparing the two or more case with each other. In fact, at this point, the main indicator is the comparison of the similarities or differences of the characteristics of the cases with each other while the comparison is made. The fact that the results obtained as a result of this comparison are the same or different has taken a place in the literature. According to Przeworski and Tenue differences are the most important source of output for comparative studies. Scientific observations can be made with these comparisons (Przeworski & Teune, 1970, p. 31). In light of this framework, two important concepts which are included to comparative research method emerge. These are Most Similar System Design and Most Different System Design. Due to the nature of this study, Most Similar System Design will be the focus of the study.

In fact, the Most Similar System Design emerges as a comparison method that examines the common features among the concepts (Anckar, 2008, p. 389). More lighting is provided by Przeworski and Teune, who claim that “currently dominant view among social scientists”, a derivative of Mill’s methods, is represented by the most similar system design. According to this known procedure, some features are described for the explanation, and "systems" are selected for comparative analysis that is as similar as possible in other features. According to Przeworski and Teune, there are two important point to explain the most similar system design. These are (Przeworski & Teune, 1970, p. 34);

1. The common features of the countries don’t help to determine the behaviors of the countries because different behaviors can be observed in countries that share common features.
2. Variables in these systems can affect changes in behavior. In this case, differences can be observed.

In fact, this concept is similar to the Method of Difference which was introduced by John Stuart Mill. Here the method of difference is a way to describe the similarities and/or differences between cases to explain the different results.

Table 6: Method of Difference (Brancati, 2018, p. 202)

Case	Variable A	Variable B	Variable C	Result
Case 1	Existing	Existing	Existing	+
Case 2	Not Available	Existing	Existing	-

According to this table both cases have the same status for all factors, except one that could potentially explain the results. The different factor between the two reveals the one responsible for the different results.

In the light of these explanation, for this thesis, the most efficient system design can be clarified as Most Similar System design. In this thesis, Hungary and the Czech Republic will be compared with each other in terms of Most Similar System Design. When these countries are examined, it is possible to say that, the political structure, accession date of these countries and the date of becoming member to the EU of these countries are same. However, the main approach of these countries to the EU are different in terms of logic of appropriateness and consequences. For this reason, the expected result

in terms of countries is that the Europeanisation level of the countries are different. That is to say, there are same features of the countries but the results in terms of Europeanisation can be different. In the light of these framework, using of the most similar system design for this comparison can be effective to understand and examine the research question and hypotheses of this thesis.

CHAPTER 4: THE ACCESSION PROCESS OF HUNGARY TO THE EU

4.1. THE RELATIONS BETWEEN HUNGARY AND THE EU UNTIL ACCESSION NEGOTIATIONS

After the Second World War, Hungary lost its national independence despite protecting its territorial integrity. Hungary, occupied by Germany in March 1944, was occupied by the Soviets in September 1944. After this process, in August 1949, the country's name became the Hungarian People's Republic. The process of Hungary's transition to democracy in the aftermath of the dissolution of the Soviet Union was the last significant development in this history of Hungary (Güngörmüş, 2001, p. 147). In 1989 the old form of government was changed to Republic by a constitutional regulation, which paved the way for Hungary to approach Europe and the adaptation to parliamentary democracy was realized. Although Hungary, which gained a parliamentary republic form with the proclamation of the Republic of Hungary on October 23 1989, was a European country, it was far from European democracy for a long time. The reason for this is actually the position of Hungary as a bridge between the East and the West, Hungary was gained great importance by Eastern European countries.

Hungary pursued pro-Western policies and sustained political transformation during the 20th century. This attitude distinguished Hungary from other Eastern bloc countries as it determined its target as approaching to the West. For this reason, it can be claimed that, after the Cold War, Hungary attached importance to relations with the EU and prioritised EU membership perspective. It developed its relations with the EU in the 1990s, established its institutional structures, gained the status of candidate countries in

1997 and closed the negotiation chapters in 2002 and became a member of the EU in 2004. Thus, Hungary assumed its role in the fifth enlargement which was the largest enlargement of the EU.

In this chapter first of all, the accession process of the Hungary and the institutional reforms taken by the Hungarian government will be explained. In addition, EU-Hungary relations in the post-accession period will be explained based on reports and documents of the EU institutions which marks a clear transition of Hungary from Europeanisation to de-Europeanisation. The task to be taken in this chapter is to analyze the conditions under which and the reasons behind this transition through a method of process tracing.

While all former Soviet bloc countries wanted to join to the EU (Berend, 2009, p. 23). Hungary was the country which displayed the greatest political will among them (Agh, 2006, pp. 97-98). Being a member of the EU was a strategic objective for Hungary which emphasised its membership aspirations with democratisation and modernity.

The first contact between Europe and Hungary took place in 1968 on agriculture and animal husbandry. The European Economic Community (EEC) and Hungary signed a protocol about this issue. Hungary continued its relations with the EEC with the Trade Agreement signed in 1973 under the Customs Union agreement. With this agreement, Hungary continued its relations with the EEC. While the relations continued in a positive way, a bilateral protocol was proposed to Hungary by the EEC in 1974. However, after this proposal, the socialist countries of the Council for Mutual Economic Assistance (COMECON) established by the Soviet Union (USSR), including Hungary, rejected this offer. The pressure of the USSR was very effective in this sense. After this situation, the positive course of the relations started to change. However, by 1982, relations started to improve again. Hungary's commercial relations with Western countries can be defined as an important factor in this change. In 1986, the European Parliament adopted trade relations with Hungary. Subsequently, Hungary signed mutual Economic and Commercial Cooperation agreement with the European Community (Plankai, 2010, p. 71). The European Agreement, signed in 1991, aimed to establish a free trade zone between the parties, to develop political and economic relations, and to ensure integration with the EU (Aras, 2015, p. 160). While these relations consistently and incrementally

increased the rewards of the EU for the Hungarian government, they were not as high as full membership which was the biggest and the most credible reward for the CEECs. In fact, Hungary handled EU-related issues through diplomacy and foreign economic relations until 1996.

Hungary maintained its institutional relations with the EU, thanks to the establishment of the Association Council, the Association Committee, and the Joint Parliamentary Committee (Agh, 1999, p. 843) which helped Hungary to progress towards full EU membership. The Association Council consisted of the Ministers of Foreign Affairs of the EU member states, representatives of joint member governments and the EU Foreign Affairs Commissioner. The task of the Association Council was to take binding decisions. These decisions took place in the areas provided by the European Agreement (Lippert, Umbach, & Wessels, 2001, p. 987). The Association Committee consisted of the Council, the candidate country and the senior staff of the Commission. The Joint Parliament Commission consisted of the members of the candidate country's parliament and the members of the European Parliament.

Accession to the EU requires not only legal but also administrative reforms. Therefore, Hungarian government started to undertake reforms and established European Integration cabinet in 1996. This cabinet consisted of the ministers of Foreign Affairs, Trade, Industry, Tourism, Justice, Finance, Home Affairs and Agriculture. This cabinet was chaired by the Prime Minister. The task of this cabinet was to discuss all EU integration policies at the highest level (Agh, 1999, p. 843). In other words, policies to be implemented for EU membership were first discussed here. Hungary had undergone administrative and legal transformations within the country during the period until its candidacy. However, the real transformations and changes started with the candidate status.

4.2. HUNGARY'S CANDIDATE STATUS AND ACCESSION NEGOTIATIONS OF HUNGARY

Hungary applied for candidacy in March 1994. The Commission published its first opinion exactly 44 months after this application. This can be explained as the longest waiting period for gaining EU membership in the history (Böröcz, 2000, pp. 847-848). Thereupon, Hungary's candidacy process started at the Luxembourg Summit in 1997

which means that Hungary came closer to attaining the most sizeable full membership reward which became ever more credible throughout the entire relations between Hungary and the EU. With the start of accession negotiations, Hungary intensified its reform capacity, tried to meet the requirements of the negotiation process and adopted structural changes. This section reveals the changes undertaken by the Hungarian government in the EU accession process using the regular progress reports issued by the European Commission on Hungary. Progress reports constitute a systematic data reflecting the compliance of Hungary with the political criteria which can be taken a measure of rule of law in the country as these reports are drafted with opinions from domestic civil society organisations and epistemic communities. The first report about Hungary was published by the Commission in 1998. According to this report pattern of democratization can be seen in Hungary. These democratization patterns were provided with the functioning of institutions, the protection of the rule of law, and respect for human rights. (European Commission, 1998b, p. 7). However, in the accession process Hungary should show more efforts (European Commission, 1998b, p. 7).

Table 7: 1998 Hungary RegularReport³ (European Commission, 1998b)

1998	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The operation of the Hungarian Parliament is good. • Elections actualize in free and fair conditions. • There is a problem with draft law about representations of minorities. The draft law was not approved.
The Executive	<ul style="list-style-type: none"> • The operation of the state institutions is good. • Need a new law about the legal situation and responsibility of Government's members to provide transparency. • Need a new regulation on the public service to function ethically. • Civil servants' salaries are low.
The Judiciary	<ul style="list-style-type: none"> • Constitutional Court fulfilled its constitutional obligation to ensure that other democratic institutions function properly. • The Hungarian government has made efforts to create developments in the judiciary. • Comprehensive judicial programme was constituted. • With the establishment of a National Judicial Council, the control of the court shifted to the judiciary.
Anti Corruption Measures	<ul style="list-style-type: none"> • There are still problems with corruption in Hungary. • Strict rules were constituted for economic crimes. • Additional measures have been taken to prevent corruption. • Need an additional effort to fight against corruption which can be seen in the police forces and some states organs.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Hungary participated many major institutional human rights instruments. • European Convention on Nationality and the European Agreement relating to persons participating in proceedings of the European Court of Human Rights were signed by Hungary in 1997.

³ Source: 1998 Commission Hungary Monitoring Report

	<ul style="list-style-type: none"> The situation of the Social Charter of the Council of Europe could not be decided.
Civil and Political Rights	<ul style="list-style-type: none"> The situation in terms of basic civil and political is satisfactory. The situation of freedom of press is good. The new arrangements were provided about functioning of the NGOs in Hungary. New comprehensive legislation on asylum is accepted on 1 March 1998. This legislation tries to protect the people who are persecuted in their homeland due to political, religious, and ethnic problem.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> The situation in terms of economic, social, and cultural rights in Hungary is satisfactory. A law accepted. This law gives equal chances for handicapped people about health care, employment, and transport.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> There is problem with respect for the human rights of the Roma by the Hungarian authorities. The action plan in terms of situation of Roma is accepted. Education is an important area that should be improved when the situation of Roma and other minorities are examined.

According to table 7 which was constituted based on the 1998 Commission Regular Report, some improvements needed to be realized by Hungary, which began the accession process. Hungary continued to fulfil political Copenhagen Criteria. Functioning of institutions and the environment in which 1998 elections took place were praised. However, it was stated that Hungary should focus on providing improvements about fighting corruption and situation of minorities of Roma. According to this table it is possible to say that the patterns of the Europeanization started in 1998 as Hungary started to comply with EU's rules, values and norms. For the political elites of Hungary, these transformative changes had to be made in order to receive the full membership and the cost-benefit assessment and the logic of consequences motivated them to undertake further reforms with respect to rule of law in Hungary. Yet, it is important that the decisions made and the behaviors of the political actors were approved by society.

1999 was an important date for the Hungary. Since, Hungary became member to the North Atlantic Trade Organization. Hungary received its second report from the EU and this report mentioned Hungary's situation about political criteria in terms of accession. Especially the problems about representation of minorities in the parliament, corruption and rights of minorities of Roma continued (European Commission, 1999b, pp. 11-16).

Table 8: 1999 Hungary Regular Report (European Commission, 1999b)⁴

1999	The Regular Report-Political Criteria
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⁴ Source: 1999 Commission Hungary Monitoring Report

The Parliament	<ul style="list-style-type: none"> • Some regulations were made for the representation of minorities in Parliament. • No official legislation was accepted about minority representation
The Executive	<ul style="list-style-type: none"> • The new program was accepted for improvement of the public administration in four major areas.
The Judiciary	<ul style="list-style-type: none"> • The functioning of the judiciary continues effectively. • Technical facilities in the court have been modernized and the number of staff has been increased. • Organizations have been carried out for the training of judges.
Anti-Corruption Measures	<ul style="list-style-type: none"> • Public security was strengthened by the law that came into force in 1999. • Anti-corruption units were established. • An anti-corruption cooperation agreement was signed with Romania. • The government regulates legislation to fight corruption. • The Criminal Law Convention about corruption was accepted by Hungary in April 1999. • In terms of bribery the recommendation which was given by OECD was accepted. .
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • In 1999, the convention regarding the rights of minorities and their protection was announced. • Hungary accepted the European Social Charter of the Council of Europe in July 1999. It is important in terms of Treaty of the European Union.
Civil and Political Rights	<ul style="list-style-type: none"> • There is no problem in terms of freedom of the press. • The asylum system has developed with the asylum law. • Appropriate facilities are provided for asylum-seekers and refugees. • Practices related to illegal immigrants have been made suitable for the union. • Conditions such as accommodation for refugees need to be improved. • The situations of prisons are not good.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Regulations for people that are disabled are limited.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • There is a problem about human rights of Roma. • There is a discrimination. • The government has launched a special program to remove problems between Roma and Police. • There are also problems with Roma's access to the labor market. • There are improvements about living conditions of Roma.

According to table 8 which was constituted based on the 1999 Commission Regular Report, Hungary continued to fulfil the Copenhagen political criteria. As it is seen in the table 7, it can be said that there were two important issues which were concerned by the EU. First one was the situation of Roma minorities as the EU noted problems regarding human rights of Roma people. Considering the fact that rights of minorities were included in the Copenhagen criteria, such deficiencies reflect significant rule of law problems and violation of the non-discrimination directives of the EU adopted in the 1970s. The second important point was fight against corruption which remains an issue to be resolved even though Hungary strengthened public security by issuing a law in 1999, established anti-corruption units and signed Criminal Law Convention. It is important to note that such significant steps were taken in the post-candidacy period which means that credibility of the EU's full membership incentive for Hungary paid off and helped Hungary to strengthen rule of law in the country. Nevertheless, the level of Europeanisation was not full, and non-discrimination directives were not adopted as the

situation of the Roma people indicates which was noted as areas of deficiency in the EU's 1999 regular report.

When the other issues are examined, it is possible to say that, Hungary started to approach the EU in terms of regulations and laws. In 2000 new presidential election was held in Hungary. Thus Hungary entered a new political structure and changes and new regulations for compliance with the EU continued (European Commission, 2000b, p. 13). These changes and regulations explained in below.

Table 9: 2000 Hungary Regular Report (European Commission, 2000b)⁵

2000	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • Functioning of parliament is in line with the Law Approximation Programme for 2000. • The issue of the representation of the minority in parliament is still problematic.
The Executive	<ul style="list-style-type: none"> • The structure in terms of administration is still stable. • Regional development department was established. • Officers were taken training on the EU. • The development program in terms of public administration was accepted. • Need more efforts for provide the efficiency and effectiveness of the Hungarian public administration.
The Judiciary	<ul style="list-style-type: none"> • New procedural legislation came into effect in January 2000 which shortened the duration of civil procedures. • The new law on legal assistants entered into force in January 2000. • Court Information System was improved. • Number of judges increased. • The training of Hungarian Judges about EU law realized. • Functioning of the Judiciary is good.
Anti Corruption Measures	<ul style="list-style-type: none"> • Fight against corruption is still problematic. • The Code of Ethics paper was presented. • The Convention on Criminal Law was signed but did not ratified.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • There is a respect to human rights and freedoms.
Civil and Political Rights	<ul style="list-style-type: none"> • The fundamental institutions of the rule of law worked effectively and constitutional rights are protected. • Hungary respects the freedom of the press. • The situations of prisons are not good.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Equal opportunities were created with the Law on Labour Inspection of January 2000. • Hungary has numerous sector-based <i>trade unions</i>
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • Roma action programme adopted in April 1999. • Improvements about education, culture, housing and employment were provided for Roma minority. • Discrimination still continues. • The government appointed an Ombudsman for Educational Affairs (under the Minister of Education), who will study the issue.

Table 9 which was constituted based on the 2000 Commission Regular report shows that Hungary integrated political conditions, human rights, and economic rights

⁵ Source: 2000 Commission Hungary Monitoring Report

into the EU day by day. According to this table, it can be said that there was a progress about modernization of the public administration and judiciary was functioning effectively (European Commission, 2000b, pp. 14-15). In light of this situation, judges were trained on the EU law and the number of judges increased. Fight against corruption was improving step by step (European Commission, 2000b, p. 16). However, the EU's overall satisfaction on Hungary's performance about fight against corruption remained low. Hungary did not ratify the previously signed Convention on Criminal Law. There was a respect about human rights and freedoms in the overall assessment but when it comes to minority rights and the protection of minority issues, improvements appeared modest (European Commission, 2000b, pp. 17-19). On the positive side, action program about minorities of Roma was adopted in April 1999 with improved rights granted to Roma minorities on their rights to education, culture, housing and employment but discrimination remained an important problem. The situation of the prisons was still problem. Also, regulations about discrimination were made by government

The overall assessment of the EU on the Hungary's performance indicated good compliance with some deficiencies in the field of anti-corruption measures and the situation of Roma minorities. Hence, the Hungarian government worked to comply with the EU requirements to attain the full membership incentive. In fact, further improvements were recorded in the 2001 regular report issued by the European Commission in Hungary. The regulations which were made in this period are emphasized in the Table 10 below.

Table 10: 2001 Hungary Regular Report (European Commission, 2001b)⁶

2001	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The functioning of the parliament is good. And there is a compliance between legislative process and the acquis. • There is no progress about representation of the minorities in Parliament.
The Executive	<ul style="list-style-type: none"> • Reforms in public administration continue. • New civil servant law ensures transparency. • Education became compulsory for civil servants and they have to pass an examination about the EU. • The low financial capacity of local authorities is still a problem.
The Judiciary	<ul style="list-style-type: none"> • The number of duties of judges increased. • The overall effectiveness of court procedures has been improved. • The Court Information System was further modernized. • Technical futures of the Courts are not enough.

⁶ Source: 2001 Commission Hungary Monitoring Report

Anti-Corruption Measures	<ul style="list-style-type: none"> • The government-endorsed the strategy of fighting corruption against lobbying. • The government introduced strict regulations on the revenues of government officials. • A team was created to control Hungarian police for corruption. • Hungary has not signed the Council of Europe Civil Law Convention on Corruption.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • In November 2000, Hungary signed Protocol No.12. of the European Convention for the Protection of Human Rights and Fundamental Freedoms. • No regulation on discrimination has been made.
Civil and Political Rights	<ul style="list-style-type: none"> • Progress has been made on the situation of asylum-seekers and refugees. • Police behaviour is not good. • Human trafficking has increased. • The situations of prisons are still problematic. • The new Law on Asylum was adopted in May 2001. • There is a respect for the freedom of press. • There is no problem about freedom of religion.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Hungary ratified the Optional protocol to the Convention on the Elimination of All Forms of • The improvements about people with disabilities were provided. • The situation of Hungary in terms of trade unions and employers organisations is good.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • In June 2001, Parliament adopted the Law on Hungarians living in neighbouring countries. • The situation of Roma minorities is still problematic. • Roma are isolated. • Government continues to make regulations to provide integration in terms of Roma Minority. • House building program for the Roma • Roma culture was supported. • There are some new regulations regarding minority policies.

According to Table 10 which was constituted based on the 2001 Commission Regular Report, the functioning of the parliament was good. Also compliance between the legislative procedure of Hungary and the EU was established. However, representation of minorities in the parliament was problematic (European Commission, 2001b, p. 15). Hungary took positive steps in the issue of public administration with emerging of new legal system. New law about civil servant was established to provide transparency. However the problem about financial capacities of local authorities continued (European Commission, 2001b, p. 15). In the topic of judiciary, the situation of the courts started to change. New staff and facilities were provided for the courts. Also, the importance of the training of judges increased (European Commission, 2001b, p. 16). Corruption remained a problem for Hungary but some measure started to be taken by the government. The situation in terms of human rights and fundamental freedoms improved. Also, the problems in terms of situation of Roma minorities were started to be solved by the government with some legal acts.

2002 can be explained as one of the years when Hungary became closer to the EU membership. In this year Socialist-Liberal Coalition came to power in Hungary. The

elections were held in the free and fair environment. The accession process to the EU stayed as main priority of Hungary. Thus, the improvements continued.

Table 11: 2002 Hungary Regular Report (European Commission, 2002b)⁷

2002	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The functioning of the parliament is good. And the legislative process is in line with the acquis. • New legislative programme started in June 2002. • Modifications to the Law on Ombudsmen came into force in December 2001.
The Executive	<ul style="list-style-type: none"> • Further progress was made about the legal framework for civil servants. • There are no improvements about the issue of financing of local self-government. • Reforms about public administration still continues. • A system for evaluating the performance of civil servants was adopted. • Committees were established for the functioning of reforms • E-government service was provided. • The problem about financial resources in local level still continues.
The Judiciary	<ul style="list-style-type: none"> • There is a progress about implementation of Judicial Reforms. • Judicial affairs are progressing rapidly. • At the extent of the Supreme Court new rules for the review of ultimate judgements entered into force in • Internet is started to use in this area. (CELEX) • Training of judges still continue • There is a problem about technical facilities of courts. • There is a problem about budget. • Constitutional and legislative certifications of legal freedom are grounded in Hungary and the arrangement of legal self-administration works effectively.
Anti Corruption Measures	<ul style="list-style-type: none"> • Corruption is still problem in Hungary. • The modified Law on Public Procurement embraced in November 2001 • Penalties were extended with the Penal Code, which came into force. • Responsibility in terms of the implementation of the anti-corruption strategy was shared by Ministry of the Interior and the Ministry of Justice • Hungary is a party to the Council of Europe Convention on Money Laundering.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Respect Human Right and Freedoms • Constitution provides protection against discrimination. • Anti Discrimination Law
Civil and Political Rights	<ul style="list-style-type: none"> • There number of complaints about political rights started to decrease • The bad situation in police behavior started to improve. • The problem of trafficking still continues. • Prisons are still crowded. • New legislation on asylum and the residence of foreigners entered into force in January 2002. • Respect freedom of expression • There is no problem about freedom of expression.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Equal opportunities are provided for people. • Programs are adopted for disabled persons. • Hungary is a party to the European Social Charter.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • Hungary protects the interests of its minorities. • In June 2002 Prime Minister's Office was appointed for National and Ethnic Minorities • Special educational materials are provided for Roma. • National Health Programme provides support in terms of drug prevention and health program for Roma. • The Hungarian government strives for the situation of the Roma.

⁷ Source: 2002 Commission Hungary Monitoring Report

In light of table 11 which was constituted based on the 2002 Commission Regular Report, there was no problem about functioning of parliament. Also the new legislative program that creates harmonisation between the EU and Hungary started (European Commission, 2002b, p. 20). The reform about public administration was completed by Hungary. From the perspective of the judiciary, it can be said that judicial independence was provided and system of judicial self-administration functioned effectively. Measures were taken in terms of fighting against corruption but, corruption was still problem in Hungary (European Commission, 2002b, pp. 22-25). When the human rights and freedom are examined, there was a respect for Human Rights in Hungary and government tries to fix the problems in terms of this situation. There was a protection against discrimination. Also anti-discrimination law was adopted. Apart from this, there was no problem about minority rights and the protection of minorities. Especially the rights of Roma minorities were protected with special regulations. Additionally, there were no severe problems in terms of civil, political, economic and social rights. Hungary continued to protect stability of these rights.

The last report, which was published in 2003 by the Commission emphasized that, the accession negotiations of Hungary were completed on 13 December 2002. After this process Treaty of Accession was signed in 2003. Thus, Hungary joined the European Union. When all tables which are mentioned above are examined, it is concluded that, the first steps of Hungary in terms of Europeanization started in 1998. Thus, Hungary entered the Europeanization process by transforming its rules and laws in terms of EU. At this point, limited improvements started to expand and political criteria which were determined by the EU completed. Therefore, the Europeanization process of Hungary brought along the membership in the EU. In short, Hungary completed most important criteria which were determined by EU (rule of law, human rights, democracy).

When accession negotiations of Hungary are examined, Hungary followed three principles in the accession negotiations. First one was the responsibility of the task, which means that all ministries are responsible for preparations and the parts of the acquis related to their fields. The second was the establishment of the State Integration Secretariat under the Ministry of Foreign Affairs in 1996 to ensure strong central coordination. The third was that establishing cooperation between Hungary and Brussels

for creating consensus on the same view and different dynamics. (Gottfried & Györkös, 2007, p. 190).

Hungary tried to implement some important policies about fighting against corruption, improving competitiveness in the economy and reducing inflation in the process of accession to the EU. When the negotiation chapters of Hungary are examined in terms of the rule of law, it can be said that the most important chapter was chapter 24. In other words, chapter 24 helps countries build a society based on the rule of law (European Commission, 2020d). Chapter 24 refers to Justice and Home Affairs section which is an important indicator in terms of rule of law. At this point, when Hungary's regulations regarding chapter 24 are examined, these regulations can be divided into sections / headings. The first section in this chapter was Schengen Action Plan (European Commission, 2003b, p. 46). Preparations made by Hungary in terms of Schengen Action Plan were satisfactory (European Commission, 2003b, p. 47). However, some arrangements were still required (European Commission, 2003b, p. 46). The second important section in this chapter was data protection. According to the 2003 Commission report on Hungary, Hungary completed its legal alignment with the EU in this topic in 2003 (European Commission, 2003b, p. 47). Another important topic under Chapter 24 was visa policies. According to the report published in 2003, Hungary made progress in this regard. However, full alignment with the *acquis* had not yet been achieved in terms of asylum policies, border control and policies about fight against corruption. (European Commission, 2003b, p. 47).

When chapter 24 is examined, another crucial title was external borders. According to comprehensive monitoring report which was published in 2003 to for Hungary, the situation of Hungary in terms of external border management was satisfactory (European Commission, 2003b, p. 47). As an important development under this title, negotiations on border control with other countries continued positively. There was an improvement in terms of upgrading equipment for border surveillance. Crucial border crossing points were equipped in line with Schengen standards. Also, agreements about borders with Croatia, Serbia, Montenegro and Romania were signed (European Commission, 2003b, p. 47).

Another title which was mentioned under the chapter 24 was migration. It is a well-known fact that, the topic of migration created some problems in Hungary. Yet, the comprehensive monitoring report which was published in 2003 underlines that Hungary's compliance efforts have been successfully completed (European Commission, 2003b, p. 47). Likewise, the report indicates that harmonization efforts regarding asylum continued in Hungary (European Commission, 2003b, p. 47) while full compatibility has still not been realised successfully and further progress was necessary.

Police cooperation and fighting with organised crime is another section under the chapter 24. When this section is examined, it can be said that there were some problems in terms of police organisation. In other words, Hungary needed to constitute co-ordinated police organisation in the framework of EU standards (European Commission, 2003b, p. 47). It can also be said that there were still problems for Hungary in combating organized crime (European Commission, 2003b, p. 48). Hungary should continue its compatibility efforts. Fight against terrorism was significant title under the chapter 24. According to Hungary's comprehensive monitoring report Hungary accepted 1999 UN Convention for the Suppression of the Financing of terrorism which was effective on fight against terrorism (European Commission, 2003b, p. 48). Another key title which was mentioned in 2003 Hungary's monitoring report under the chapter 24 was fight against fraud and corruption. According to this report, the legal regulations of Hungary on this issue had been harmonized with the EU acquis (European Commission, 2003b, p. 48). On judicial cooperation in civil and criminal matters, report indicates that Hungary had to make the necessary regulations in this area. In other words, Hungary was still in a regulation process regarding this area (European Commission, 2003b, p. 48). The last significant title under chapter 24 was human rights legal instruments. According to report which was examined in this part Hungary approved the regulations required by the EU acquis (European Commission, 2003b, p. 49). In light of these information which was mentioned above, Hungary mainly fulfilled the commitments and conditions stemming from the accession negotiations and was expected to fulfill the acquis through accession. Hungary completed the process and on 12 April 2003 a referendum on EU membership was held in Hungary. In this election, 83.8% of the votes were yes while 16.2% were no. Thus Hungary joined to the EU.

Actually, in the accession process of Hungary, there were some important conditions that were not completed by Hungary. Especially, in terms of public administration, there were some problems with Hungarian civil services. As a civil service principle, equal access and competition based on merit were not provided by Hungary. That is to say, this system should be improved. Also the problem in terms of corruption in the country continued. It is a well-known fact that, functioning of the anti-corruption framework is one of the most important demand of the EU. In fact, the conclusion which can be reached from the tables that were mentioned above was that Hungary showed an effort to implement conditions of the EU. However, in some areas like corruption, asylum, external borders were insufficient. Nevertheless, Hungary became successful in the accession process.

4.3. TRANSITION FROM EUROPEANISATION TO DE-EUROPEANISATION IN HUNGARY

Hungary joined to the EU in 2004 and undertook extensive reforms regarding create compliance with the Copenhagen criteria. Thus, significant changes taken place in the country and the country had stepped in a healthy integration with the EU structurally. At this point, Hungary's changes show that Hungary entered the Europeanisation process and became a full member in 2004.

After this process, Hungary, which gained EU membership, started to experience changes since April 2010. Under the Viktor Orban's leadership, the Fidesz party was successful in the 2010 elections. The Fidesz Party succeeded by winning 263 of the 386 seats in parliament and receiving 52.7% support. With this situation, the impact of the Hungarian right started to increase. When this situation is examined, it can be claim that there were two crucial factor in terms of this increase. The first one was the economic crisis which was experienced by Hungary and the second one was the political scandal that Ferenc Gyurcsany which was a socialist Prime Minister was responsible (Rydliński, 2018, p. 96). In 2006, after the Hungarian Socialist Party and the Alliance of Free Democrats party formed a joint government, a scandal emerged. The resulting recordings included the speech of Prime Minister Gyurcsany about lying to the people of Hungary about the economic situation of Hungary. After this situation, the problems in Hungary increased even more, after which a change in government was experienced in Hungary

with the economy getting worse in 2008 and 2009. Thus, the Orban government was established and the problems that Hungary was currently experiencing began to emerge.

In light of these domestic conditions, the rise of right-wing politics in Hungary appears to be critical for the backlash in rule of law. This corresponds to the importance of the 'preferences of the governing parties' which was highlighted in the conditionality mechanism or the 'logic of consequences' as a critical factor determining the domestic impact of the EU. In other words, it can be argued that previous Europeanisation of Hungary was domestically driven and there was no internalisation of the EU's rule of law standards at the elite political and societal level as seen in the election of Orban government. In fact, looking at the post-membership period, Hungary started to have problems in terms of applying and maintaining the democratic principles of the EU. Especially at this point, the change of the government in 2010 caused Hungary's EU strategy and view to change. With this change, so to speak, Hungary entered a de-Europeanisation process. Especially, in this process, the impact of the Viktor Orban and his party became key point. The fact that one party dominated Hungary in the 2010 elections actually caused a big problem.

4.4. DE- EUROPEANISATION PROCESS OF HUNGARY IN TERMS OF RULE OF LAW

The government change in Hungary in 2010 began to affect the control of legislative, executive, and judicial powers based on western control and balance. In other words, the Orban government had begun to govern the legislative, executive, and judiciary as it wishes. This situation is examined together with the EU reports. However, in fact, in order to understand this change in Hungary, Orban's ideas and policies should be examined first.

First of all, it can be said that Orban's policies were shaped on four main frameworks. These were "*unification of the nation*", "*the concept of central political force field and change of the elites*", "*unorthodox economic policy*" and "*rebalanced foreign policy*" (Deák, 2014, p. 153). Apart from these, the foundations of the new system established by the Orban government can be explained as follows. First, the Orban government aimed to establish a strong central government to take the country out of the social, economic and political crisis in 2010. They wanted to create a government policy

aimed at strengthening national sovereignty. Creating an economically strong and active state was an important goal. At this point, it is aimed to strengthen the middle class. However, developing policies that nourish historical emotion and protect Hungarian minorities in other countries were the government's most important policy foundations (Rajcsányi, 2018, p. 130). The Orban government, which initially wanted to shape such policies, to solidify as time passed and made policies and changes that damaged the basic values in the country in terms of EU. The nationalistic perspective which was adopted by Orban create negative impact in the relations with the EU. After Fidesz came to power, Orban wanted to change Hungarian constitution. Also, he planned some changes in election laws, institutions and parliament. Apart from this, there were other changes in terms of name of the country, marriage and social status of the people.

When changes in election law is examined, it should be noted that, in 2012, the Orban government, which had a majority in the Parliament, wanted to change the relevant provisions of the constitution to change the Parliamentary election procedures. These changes included the abolition of second-round elections, the suspension of voter turnout requirements, the reduction of the number of seats in parliament, and the redrawing of the geographical boundaries between constituencies. Hungary's demands including all these changes were found unconstitutional by the Constitutional Court. Especially, these amendments were seen as unlawful arrangements, as they would give Orban an advantage to his party in the elections and create unfairness in many points.

Another important issue that Orban wanted to change was the issue of social status and marriage. At this point, the first issue discussed was LGBT rights. Especially what Orban said at this point about same-sex marriages has been related to the social status of people and has been met with concern by some people. As an example of this discourse, Orban used the following statements in an interview he made in 2016. "*We make it clear that only a man and a woman can marry and have a family*" (Sullivan, 2016). Apart from that, Hungary's end of legal recognition for transgender and intersex people in 2020 was against the concept of human dignity, which is the core values of the EU.

Other crucial topic which should be emphasized from the framework of rule of law crisis in Hungary was gender equality. According to Gender Equality Index which was established in 2019, Hungary took 51.9 points out of 100. With this situation the rank

of Hungary 27 between EU countries (European Institute for Gender Equality, 2019a). This shows that, there were critical problems in regarding gender equality in Hungary. There was an occasional inequality in the participation of women and men in business life. While 67 percent of women take an active role in business life, 82 percent of men take an active role (European Institute for Gender Equality, 2019a). Inequality among men and women continues in the area of earnings. When the salaries of women and men are examined, women earn 15 percent less than men (European Institute for Gender Equality, 2019a).

Apart from these, the first major problem in the crisis between the Hungarian Government and the EU was the media law implemented by the Orban government. With this law, the Media Council was established. The members of this Council was appointed by government, which made the media vulnerable to government control. In fact, thanks to this law, the Council had been given penalty for control over the print and visual media which is contrary to the basic values of the EU. However according to news from Deutsche Welle, Hungary's Prime Minister Viktor Orban has mightily advocated his country against blames of damage press freedom. Speaking in the European Parliament on Wednesday he said he was ready to fight (Illmer, 2011). In the light of this statement, it is understood how strict Orban is on this issue and how Hungary has moved away from the basic values of the EU. With this law, Hungary implemented more pressure on the leftist media groups while supporting the right-wing media groups more financially, and even decided to close some of them. As the most important and remarkable example of these closings, the cancellation of the frequency of the radio Klub which has an opposing view can be given as an example. Apart from that, the closure of the dissident newspaper *Népszabadság* was met with concern in the country (Euro Topics, 2020).

Additionally, Orban's government created some advertisement which were called as '*government information*' (Rydliński, 2018, p. 98). With these advertisements, government showed that its intentions on some issues come to life. That is to say, government intervened in the Hungarian media. In light of the above examples and information, it is seen that Hungary's data on press freedom (media freedom) was 89th out of 180 countries (Reporters Without Borders, n.d.). With the media law adopted in Hungary, it was left behind in terms of press freedom and could not provide a free environment. Since this situation was against the basic values of the EU and Orban

government had problems with the EU about this situation. In fact, media law is a sign that Hungary was beginning to move away from EU core values.

As a process that followed, a new constitution came into force in Hungary in January 2012. This constitution, which was claimed to be made by the government as a regime change in order to erase the effects of the communist heritage, restricted the rights and powers of the Constitutional Court while limiting the independence of the Central Bank and made decisions against the opposition parties. According to the news shared by the BBC, this constitution restricts the rights of the Constitutional Court, the retirement age of judges were reduced, and civil liberties were reduced (BBC, 2013). According to Orban, this constitution was accepted because previous socialist governments enslaved the country. Thus, Hungary stayed as stranded and capsized (Karasz, 2012). In other words, while Victor Orban moved away from EU standards with this change, he has linked this to the former socialist governments of Hungary.

By 2014, the Orban government managed to implement nearly 800 new laws. Thus, this situation caused serious concerns within the EU and the EU started to give warnings to Hungary but the biggest problems occurred in 2017. First of all, the duties of the Ombudsmen, who deal with human rights and minority rights in Hungary, had been symbolized and the activities of higher education institutions awarding foreign diplomas had been made difficult in the country. In light of this situation, Central European University, one of the most prestigious universities in the country, financed by Hungarian American businessman George Soros, was forced to move from Budapest to Vienna because one of the founders of the university was George Soros (Euractiv, 2018). The reason behind this situation is explained by Guardian's report as follows Fidesz Party which is run by Victor Orban organized many campaigns towards the threat to Hungary and Europe created by Soros, blame him of funding a "Soros Plan" to remove national identities and accelerate migration flows to Europe (Walker, 2018). These changes, which was criticised seriously by many political parties in the European Parliament for violating democratic principles, can be explained as necessary changes for Orban. Because these changes were made with the justification of protecting the national interests of the country according to Orban and steps were taken at this point.

As it is known, since the rule of law crisis had just emerged in Europe, the reports published by the EU on this crisis are very few. At this point, the EU published a rule of law report in 2020 that all countries are analyzed one by one. Apart from the news which were mentioned above, as a systematic information, the rule of law report which was established by EU is examined in this part to show situation of Hungary in terms of rule of law.

Especially when the importance of the rule of law concept is examined from the perspective of the EU, the following statement of the President of the European Commission, Ursula von der Leyen which was mentioned in the Rule of Law report in 2020 is important. According to Ursula von der Leyen, the rule of law is a powerful system that helps people, protects people's rights and freedoms, and enables us to think freely (European Commission, 2020c, p. 1). Within the framework of this statement, the EU published a report examining the situation of countries in terms of the rule of law in 2020. This report focused on three important points in terms of judicial system, regulations against corruption, freedom and pluralism in the media. As it known, to protect the rule of law, constituting an effective justice system is compulsory. In this point independence, quality, and efficiency constitute the basic building blocks of an influential justice system (European Commission, 2020c, p. 8). For this reason, in the justice part of this report, the situation in terms of independence, quality and efficiency will be analyzed. Another important point for this part is the anti-corruption framework. Corruption is crucial problem in the EU. In light of this situation, providing of anti-corruption framework by member states of the EU is essential to protect rule of law (European Commission, 2020c, p. 12). The main problems which is constituted by corruption is that weakening of the state authorities and public functioning. At the same time corruption can be examined as organized crime. Media pluralism and media freedom is a point which should be analyzed in terms of rule of law yet another. For the EU, it is important that providing news from a neutral media and that this media is transparent and pluralistic. This situation is among the fundamental values of the EU. For this reason, it stands out as another issue examined in the rule of law report. (European Commission, 2020c, p. 20).

In recent years, the state of Hungarian judicial independence had worried the EU and the TEU article 7 (1) procedure has been brought to the agenda by the European

Parliament. At this point, problems arose in terms of the capacity of the National Judicial Office's President and this situation worried the EU a lot. Apart from this, the concerns about Supreme Court (Kuria) continued. In particular, this concern arose due to Kuria's unlawful reporting of some of its decisions to the European Court of Justice (European Commission, 2020a, p. 1). At the same time, new regulations allowed members of the Constitutional Court to be appointed to the Supreme Court. The problem and the unlawful situation that arose here are emphasized as the improper election of the Supreme Court. For this reason, it is seen as an illegal act.

First of all, the justice system of Hungary in terms of rule of law is crucial. The court system in Hungary was affected from the constitutional changes which were made since 2011 in Hungary. These changes created problems in terms of the rule of law. The first problem here was examined about the judiciary system and its independence. There can be seen a problem regarding distribution of power between the National Judicial Council and the President of National Judicial Office (NOJ). The President of NOJ was subject to the oversight of the NOJ. However, the national judicial council was limited in this control with the latest changes. Especially, the limitation of the consultation to the Council about the justice system, created great concern in terms of judiciary independence. At this point, the lack of effective control over the President of the NOJ made the management of the judicial system was weak. This was discussed in the Council of Europe and the European Commission (European Commission, 2020a, pp. 1-2). Apart from this, the perceptions of people and companies in Hungary about judicial independence were not positive. The latest data shows that 48% of the people of Hungary think that the judges and courts are independent. However, but this rate was not same for companies. Only 26% of companies in Hungary said judges and courts are independent (European Commission, 2020g). At the same time, under the title of independence, report shows that there were negative narratives in the media about judges and lawyers. In light of this situation, concerns of judges, lawyers and stakeholders about negative narratives increased. Also the negative news about judges, lawyers and stakeholders created negative image in the public level. For this reason the independence was affected according to 2020 rule of law report (European Commission, 2020a, p. 5). The most striking examination under the title of Independence was about the new regulations and rules for judicial appointments to be made to the Supreme Court of Hungary (Kuria).

Normally, the number of judicial staff working in Kuria was not determined by law. This determination was made by the president of the NOJ. During this process, the judges were appointed by the president of the Kuria. The process that takes place before this assignment was made as follows. First, an application call was created. After that, applications were reviewed according to the opinion of Kuria's competent department and Kuria's judicial council's assessment of the candidates. As a result of this evaluation, judges were appointed by the president of Kuria. This situation started to change with the legislation that entered into force in December 2019. According to this legislation, members of the Constitutional Court elected by the Parliament can request to be appointed as a judge without an application procedure (European Commission, 2020a, p. 5). That is to say, increasing role of Parliament in the process of appointment of judges created negative impact about rule of law. For this reason the judicial independence was affected. Consequently, these were the practices of Hungary that worries the EU under the concept of independence, which was a subheading of the justice chapter in the 2020 rule of law report. The last subheadings under the concept of independence in this report were quality and efficiency. When the situation of Hungary in terms of these titles is examined, report shows that, Hungary performed very well. It applied all necessities which are determined by the EU.

Secondly anti-corruption framework was an important title in the rule of law report. When the situation of Hungary is examined in the framework of corruption, Hungary ranks was 19th in the EU and 70th in the world (Transparency International, 2019a). In this point, it can be said that %87 of Hungarian people thought that corruption was a prevalent in Hungary. Also %32 of Hungarian people believed that, corruption had a negative impact in their daily life (European Commission, 2020f). At this point, the most important information was that only 39% of people thought that the state was fighting corruption well. This rate was below the EU average (European Commission, 2020a, p. 5). Apart from these rates, other problems that increased the concerns about corruption were mentioned in the report. As an example, there was a very limited work on prevention of high-level corruption. According to researches, there had been an increase in crimes related to corruption in Hungary from 2016 to 2018. These figures were reflected in research as 984 in 2016, 1123 in 2017 and 2046 in 2018 (The Prosecution Service of Hungary, 2019, p. 5). According to rule of law report, these crimes

were often seen among public employees, and Hungary did not show enough dedication to resolve and punish such high levels of corruption. This situation damaged the rule of law principle (European Commission, 2020a, p. 10). Consequently, the corruption section of the rule of law report illustrates the following conclusion. Hungary is still a country where corruption continued effectively. Although Hungary tried to make arrangements to solve this situation, these could not be brought to a sufficient level. For this reason, the concept of the rule of law had been damaged.

Thirdly, the situation of media in terms of pluralism and freedom were crucial in the rule of law report. The first issue emphasized by the EU in the rule of law report was that the independence and efficiency of the Media Council was at risk. According to this report this risk was examined from the framework of Media Council. The functioning of the media council depended on four members and one president. These four members were elected by parliament. In the appointment process of the candidates as a member political consensus was significant. The governing party had been intrusive in these appointments and acted towards the appointment of members who support their ideas. For this reason, the independence of the Media Council was at risk (European Commission, 2020a, p. 13). In light of this risk, this reports emphasizes that, the impact of the governing party in the media was very high. While pro-government media outlets can get huge support, media outlets that criticize the government were in danger of being shut down. In this point according to Media Pluralism report, media independence in Hungary was at %97 risk (Brogi, Nenadic, Cunha, & Parcu, 2019, p. 8).

The information which was mentioned above shows that Hungary has experienced de-Europeanisation. In other words, Hungary violated many EU rules, norms, and values. In fact, it can be said that there are two reasons behind this violation. The first one was that Hungary did not complete all the pre-membership conditions of the EU before becoming a member of the EU. According to all tables which were examined above, it is possible to say that, there were some areas that were not completed by Hungary like anti-corruption framework, external borders and asylum. The second one was about EU sanction mechanism. Especially with the rule of law crisis in Hungary and Poland, the EU's sanction mechanism and its power became crucial. In this point, the functioning of the infringement procedure of the EU was discussed. This discussion was actualized in the framework of failure of the EU in the sanction mechanism. The result of this

discussion was that the power struggle between supranational and intergovernmental structure of the EU caused failure of the EU's sanction mechanism (Soyaltin-Colella, 2020a, p. 2). Especially, in terms of this failure the role of the veto power of the countries are significant. In the infringement procedure of the EU, unanimity is an inevitable condition for implementing the decisions (Soyaltin-Colella, 2020a, p. 7). However, in the case of Hungary, Poland used its veto power to prevent sanction against Hungary. Thus sanction mechanism of the EU was not implemented (Soyaltin-Colella, 2020a, p. 10).

4.5. CONCLUSION

After a long journey, Hungary achieved the desired result in 2004 and gained EU membership. In this process, Hungary implemented the prescriptions given to it well and succeeded in integrating its own system and the system of the EU. At this point, all kinds of work and great efforts have been made to harmonize the Hungarian *acquis* with the EU *acquis*. The examination of this compliance was made with the reports given by the EU and with the last report given in 2003, it was announced that Hungary now meets the EU standards and is a country in line with the EU fundamental values. Thus Hungary joined this club.

As it is known, Hungary can be named as a problematic member of the EU in recent years as it completely moved away from the core values of the EU and for this reason, there is a crisis of rule of law. Considering all these situations, a question arises. Why Hungary has moved away from EU core values and order after making so much effort and joining the EU? In other words, why de-Europeanisation process started in Hungary?

The questions highlighted above can be explained by two ideas that have an important place in European studies and explain the EU accession process of countries. The first of these is the concept of logic of consequences under the title of rationalist institutionalism. The other is the concept of logic of appropriateness under the title of sociological institutionalism. Here, one of the hypotheses claimed by this study is that Hungary has entered the de-Europeanisation process because of the logic of consequences approaches of Hungary against the EU. At this point, in order to understand this change in Hungary, it is necessary to examine some of the factors that lead to the concept of logic

of consequences. The first one of these concepts is clarity of the EU demands. Especially this concept is related to the concept of conditionality. Understanding the prescriptions and duties given to the countries by the EU is important for the countries' EU accession processes. The fact that these requests are understandable and feasible speeds up the integration of countries with the EU. However, there may be situations where countries make these requests without internalizing them, and as a result, after gaining membership to the EU, there may be a deterioration in the status of the rules that the EU wants to be followed. When Hungary is examined in terms of this situation, during the accession process, the EU has made clear the rules that it wants to be applied to Hungary and prepared reports on these rules every year until 2003. Thanks to these reports, Hungary clearly understood what level it is. In other words, one of the factors that reveal the concept of logic of consequences is definitely seen when Hungary's membership process is examined.

Another important thing that generates the concept of logic of consequences is the size and credibility of the EU's incentives. The size and reliability of the awards affect countries' entry into the EU. Countries try to fulfill all the rules and practices given by the EU with the logic of reaching the award. Here, as the size of the awards increases, the effort spent to achieve this award increases. From this point of view, the biggest award for countries is to gain EU membership. It should not be forgotten that it is important that the awards are credible. Thus, the effectiveness of conditionality will increase, thanks to the credibility of the awards. When Hungary is examined at this point, the biggest award Hungary wanted to have was EU membership. It did its best to earn this membership and won. However, since this process was a very rapid process and won this membership without internalizing the rules, values and norms put forward by the EU, a distancing against these values, rules and norms started in Hungary after the membership status. This situation can be explained as a de-Europeanization indicator.

Another important concept in terms of logic of consequences is domestic adoption costs. This concept includes both veto players and the choices of actors in the government. The fact that the preferences of the actors in the government and the actors in the society are at the same point in a country's EU accession process facilitates this process. However, the presence of veto actors in the country may put this situation in an impasse. As it is known, veto actors in countries play a very active role in influencing government

choices. In light of this information, the government's preferences and society's desire during Hungary's EU accession process were to fully become a member of the EU. It is not possible to talk about any veto player, as Hungary, which has come out of a new system, sees EU membership as a great award. For this reason, it can be said that EU values and rules are not fully discussed and internalized within the country. For this reason, a departure from the EU occurred after membership.

In other words, the EU affected Hungary's benefit accounts both directly and indirectly. Thus, the incentive has been provided for the change. However, the exchange rules here were made to gain membership rather than accept them because they are correct. The political actor that realizes this change will become powerful in local politics. As a result, in Hungary, which implements rational choice management, the whole aim has been to reach EU incentives, in other words, membership. Because the benefits of membership to the state, political actors and interest groups will be very high. Thus, Hungary, which has emerged from a new system, will become stronger economically and politically.

In this section, the progress reports which were given to Hungary by the EU are analyzed and the membership process of Hungary is examined. Hungary's implementation of the rules given by the EU as a whole and its integration with the EU is an indicator of Europeanization. The above information actually shows in what logic Hungary approaches this indicator of Europeanization. The fact that Hungary distanced itself from the basic European values and replaced it with a completely populist structure after it became a member shows that the main purpose of this country is that it applies the rules and norms not because they are correct, but for the realization of EU membership. In other words, Hungary has not internalized these rules, norms, or values, but only used them as steps to reach the EU. Thus, the Hungarian case can be explained as an example of logic of consequences. In fact, Hungary's ability to act so comfortably in the rule of law crisis is entirely related to the lack of EU's sanction mechanism. The deficiency in the implementation of the sanction mechanism is due to the veto powers of countries. In light of this information, the following argument can be made for Hungary. According to Soyaltin, partisan politics and the common ideologies may prevent the sanction mechanism to be applied against member states (Soyaltin-Colella, 2020a, p. 10). That is to say, for the situation in Hungary, it is not surprising that Poland, which has a partisan

politics, puts the EU's sanction mechanism in deadlock by using its veto power. Hungary used the same power for Poland.

CHAPTER 5: THE ACCESSION PROCESS OF THE CZECH REPUBLIC TO THE EU

5.1. THE RELATIONS BETWEEN THE CZECH REPUBLIC AND EU UNTIL ACCESSION NEGOTIATIONS

As it is known, the Czech Republic joined the Union with the fifth enlargement of the EU just like Hungary. Unlike other former Soviet Union states, democratization in the Czech Republic dates back to the pre-World War II period. Apart from this, the industrialization level, the opponent identity of the Czech Republic in the approval process of the Lisbon Treaty, and intellectual features of political elites in the Czech Republic were different from other CEESs. (Akdoğan, 2015, p. 41). Although the relations of the Czech Republic with the EU were weak at first. Nevertheless, Czech Republic managed to secure full membership in the EU. The first concrete improvement in relations with the EU was realised in 1995 with the entering into force of agreement that was accepted among the EU and the Czech Republic in 1993. Thus, the diplomatic relations between the EU and the Czech Republic started.

This part starts with a brief analysis of the political and economic history of Czech Republic and move on to offer a historical analysis of the reforms which were implemented during the accession period. Following the evaluation of the accession process, the analysis is expanded to the post membership relations of the Czech Republic through the analysis of the regular progress reports issued by the European Commission assessing the rule of law situation in the country. In light of these reports, this chapter deals with the question of whether there is any transition from Europeanisation to De-Europeanisation in the Czech Republic.

Czech Republic's predecessor, Czechoslovakia, was established in 1918 with the dissolution of Austro-Hungarian Empire with the combining of Slovakia, Bohemia, Moravia, Silesia and Ruthenia (Durulak, 2006, p. 174). After the beginning of the Second World War, Slovakia left Czechoslovakia with an agreement with Nazi Germany but reunited with Czechoslovakia on May 9, 1945 after the German Occupation. In 1948, Czechoslovakia started to be part in Eastern block (Steffens, 2005, p. 119). 1930's was a difficult period for Czechoslovakia due to possibility of occupation by another states. On 15 March 1939 Germany occupied Prague; and paved the way for the dissolution of Czechoslovakia (Schiller, 1994, p. 416). Especially the fact that Czechoslovakia came under German rule has taken the last steps of Hitler's goal "one nation one state".

After the Second World War, the economic and political structure of Czechoslovakia started to change. In 1968 power of the government shifted and the period of liberation began for Czechoslovakia. However. This period which was called Prague Spring ended with the occupation of ally of Union of Soviet Socialist Republic. For this reason, with this occupation Czechoslovakia turned to a country which was rule by communism (Armağanoğlu, 1999, p. 918). Czechoslovakia's return to capitalism took place with the Velvet Revolution in 1989. In addition to this revolution, Czechoslovakia started to change politically. In 1989 and 1990 the first free election took place with the departure of the communist party from power. Thus the necessary conditions for establishing relations with Europe were gradually being met. These elections caused dissolution of federation which was consist of Czech and Slovak on 1 January 1993 (Baršová, 2010, p. 5). Following this development, the country remained peacefully divided and continued on its way into two separate states, the Czech Republic and the Slovak Republic (Armağanoğlu, 1999, p. 919). It is possible to say that the Czech Republic focused on being integrated with the European powers. For this reason the Czech Republic joined NATO (North Atlantic Trade Organization) on 12 March 1999. Thus, the Czech Republic which established close relations with the West in 1999 started to initiate good relations with Europe with the main motivation of tackling security concerns and ensuing a solid security guarantee. Two important developments shaped this policy of the Czech Republic. One of them was that the volatile conditions seen in the Soviet Union in the early 90s that led to an aggressive Soviet policy. Second was the fear created by the expansionist desires of the Germans in history was firmly established

in the Czech Republic (Steffens, 2005, p. 45). For this reason, the idea of being a part of the EU had been high on the agenda for Czech Republic.

5.2. THE CZECH REPUBLIC'S CANDIDATE STATUS AND ACCESSION NEGOTIATIONS WITH THE EU

The chronological explanation of the interaction between the Czech Republic and the EU is crucial to understand negotiation process of the Czech Republic. In 1 January 1993, the European Agreement had to be renegotiated, and the agreement between the EU and the Czech Republic was signed on 4 October 1993, and entered into force on February 1, 1995 (Henderson, 1999, p. xvi).

On 23 January 1995, the Czech Republic applied to become a full member of the EU with the memorandum which gave the message that there is no other alternative from becoming a member of the EU for the Czech Republic. In this process, the European Commission prepared some questions and the Czech Republic responded them in 1996. It is wise to say that the Czech Republic was the country that showed greatest aspirations to join the EU among other CEECs (Pavlík, 2002, p. 9). This claim can be demonstrated with the actions of the many political parties in Czech Republic and their political agendas on the EU membership. In 1998, the new government in the Czech Republic started to implement a more open policy towards EU membership and accession to the EU became a priority issue which was presented as a domestic politics issue rather than a foreign policy issue. There was a domestic consensus and unity on the issue of EU membership. These insights illustrate that preferences of the governing parties were the main critical factor for driving Europeanisation of Czech Republic as highlighted in the logic of consequences.

In the process of accession, the EU established Agenda 2000 which emphasised the requirement of democratic transformation of the third countries aspiring to be EU members triggering the creation of national programs to comply with the *acquis communautaire* (Akşit, 2009, p. 63). With the Agenda 2000, the Commission evaluated the progress made by candidate states according to political and economic criteria. At the Luxembourg Summit in December 1997 the decision of starting the negotiations was taken with Poland, Hungary, the Czech Republic, Estonia, and Slovenia on 31 March 1998 (Ivanica, 2003, p. 4). After this process, the regulations of the Czech Republic were

analysed by the European Commission. In its report on the progress of candidate countries, the Commission stressed that the Czech Republic should conclude the negotiations by the end of 2002 (Všelichová, 2003, pp. 232-233). The negotiations with the Czech Republic started in 1997 and ended in 2002.

In 1997, the European Council decided to start negotiations with the 6 best states which were Hungary, Poland, Slovenia, Czech Republic, Estonia and Cyprus. Thus, the Czech Republic became part of the group which was known as Group of Luxembourg.

As mentioned above, regular progress reports prepared by the European Commission for the candidate countries assess their compliance with the rule of law, under the section of ‘political criteria’. It was also previously mentioned that the concept of the rule of law is linked with the article 2 of TEU which includes values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Therefore, this section examines these values in order to assess the Czech Republic’s compliance with the political criteria. With Agenda 2000 the reports were started to be given to the Central and Eastern European States (CEECs). The regular progress reports which were published in terms of the Czech Republic started in 1998. These reports focused on the connections between the Czech Republic and the European Agreement, analyses the condition of the political criteria, examining the situation of the economic criteria in the Czech Republic and its capacity of the adoption of the EU’s *acquis communautaire* (European Commission, 1998a, pp. 4-5).

When the 1998 regular report is examined, the European Commission stated that, the Czech Republic showed the features of a democracy, in line with consistent institutions, it tried to warrant the human rights, respect for and protection of minorities and rule of law (European Commission, 1998a, p. 7). In the light of this statement the European Commission started to monitor to the Czech Republic in terms of democracy and rule of law, human rights and the protection of minorities.

Table 12: 1998 The Czech Republic Regular Report (European Commission, 1998a)⁸

1998	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The functioning of the parliament is effectively continues. • The powers of the parliament are respected. At the same time, the opposition takes an active role in parliamentary activities.

⁸ Source: 1998 Commission the Czech Republic Monitoring Report

The Executive	<ul style="list-style-type: none"> • The functioning of the main institutions within the state continues well. • There is no progress in public administration. • Due to low salaries, there are problems in recruiting qualified personnel.
The Judiciary	<ul style="list-style-type: none"> • Not enough progress in the functioning of the judiciary • There is no sufficient effort for the desired arrangements in Opinion. • The increase in the number of unsolved cases in the judiciary creates problems.
Anti Corruption Measures	<ul style="list-style-type: none"> • Corruption is a severe problematic situation in the country and the Czech Republic will do its best to solve this problem. • In October 1997, task lists were given to ministries to fight against corruption.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Important international human rights instruments have already been adopted by the Czech Republic. • State-level appointments on human rights issues were made.
Civil and Political Rights	<ul style="list-style-type: none"> • In terms of civil and political rights, there has not seen severe problems. • There is an improvement about freedom of expression. • The practice of Czech law on citizenship is still problematic.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • The condition of basic social, economic and cultural rights is great.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • Efforts on the condition of minorities are convincing. However, efforts on the status of Roma are not sufficient. • In March 1998, the government started work on extremist ideologies. He took measures so that extremist ideologies do not spread and become ineffective. • Racial discrimination and attacks continue. • Adequate arrangements for the protection of Roma could not be made by the authorities. More regulation is needed.

The Commission's report of 1998 mentioned that the functioning of the parliament continued. Also opposition took an active role in the activities in parliament. The situation of the main institution within states was good. However, there were problems salaries of the qualified personnel. Czech Republic needed some improvements on fighting corruption, judiciary and the situation of the Roma just like Hungary. There were some problems in terms of functioning of the judiciary. Apart from this, corruption was still severe problem. Patterns of the Europeanization started to be seen by the European Commission in the Czech Republic in the 1998 regular report but further improvements were requested. Such requirements were also listed in the 1998 progress report, more specifically in the areas of freedom of the press, equality in access to public services and the integration of Roma minorities into society and the system (European Commission, 1999a, p. 11). In this period, the Commission's views were listed in table 13 below:

Table 13: 1999 The Czech Republic Regular Report (European Commission, 1999a)⁹

1999	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The opposition treaty affects the policy-making process of the Chamber of Deputies. At this point, the process of adopting legislation is slow.
The Executive	<ul style="list-style-type: none"> • Failure to establish a regular and unified public administration system affects the performance of the state administration.

⁹ Source: 1999 Commission the Czech Republic Monitoring Report

	<ul style="list-style-type: none"> • Insufficient management, deficiency in training, bad situation in wages and deficiency in coordination among ministries affect the administration. • Those efforts from the framework of European Integration in the ministries are not qualified. • Progress can be seen in terms of the establishment of regional administrations.
Thu Judiciary	<ul style="list-style-type: none"> • The judges are not expert enough. They find it difficult to fulfil administrative duties. • Courts lack equipment. Technological development could not be achieved in the courts sufficiently. • Judges' salaries are too high. • The training given to judges is insufficient. • The judiciary is ineffective in combating economic and organized crime. • Positive progress has been made on legislation that delegates the responsibility of judges to judicial officers and facilitates the work of judges.
Anti-Corruption Measures	<ul style="list-style-type: none"> • The problems about corruption continues. • There is no effective policy about corruption. • Inter-Ministerial Committee was established in September 1998 regarding to develop policy that is about fighting corruption. • Government needs personnel, equipment and coordination between agencies. • The legislation about anti-money-laundering coherent with the acquis and international standards. • There are still legislative gaps.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • The major human rights conventions were accepted by the Czech Republic.
Civil and Political Rights	<ul style="list-style-type: none"> • The law on attainment to data was approved by the parliament. The law will make it easier for citizens to access information. • Parliament made regulations in the citizenship law. These regulations make it more easy for former Czechoslovak citizens to gain Czech citizenship. • The situations of prisons are not good. • Conditions in police stations are not good and unacceptable.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Despite men and women should be equal and have the same wages, there are differences. But these differences are narrowing.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • Discrimination against Roma continues. • Punishments for racism are insufficient. • Positive steps were taken after the appointment of Human Rights commissioners in 1998. • The Government action plan to develop the condition of the Roma was completed.

According to table 13 which was constituted based on the 1999 the Commission Regular Report, there was a problem about judiciary in the Czech Republic. The judges were not expert in the Czech Republic. Courts did not have enough equipment. The trainings which were given to judges were not sufficient. The European Commission suggested that the Czech Republic should improve its judiciary and implement effective policies about situation of Roma minorities. In this period the Czech Republic showed an effort about the adoption of the criteria which are determined by the EU but still needed to gain ground. Reforms undertaken by the Czech government to improve democracy and the rule of law was praised positively by the EU at the time. Yet, the regular progress report issued in 2000, further requirements were listed with respect to the compliance with the political criteria.

Table 14: 2000 The Czech Republic Regular Report (European Commission, 2000a)¹⁰

2000	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The functioning of the Parliament has been improved. • There is progress in the legislative process, including EU-related laws.
The Executive	<ul style="list-style-type: none"> • The functioning of the government is stable. But it needs improvement. • Some arrangements have been made at the ministerial level to improve EU accession negotiations. • The Czech Republic should do more improve the process of administrative reform. • Public administration standards should be improved further. • The lack of the Act on Civil Service limits the effectiveness of public administration. • Lack of legal distinction between political appointees and career officials can be seen. • An open and systemic structure is required to achieve the goals.
Thu Judiciary	<ul style="list-style-type: none"> • In 2000, the government of the Czech Republic implemented the goal-oriented and extensive program which is called as 'Concept of the Reform of the Judiciary. The aim is to manage the organization and structure of courts, the autonomy of the legal executive and preparing, just as complete re-codification of the common, criminal and business codes. • Judicial proceedings are still taking too long and this creates problems.
Anti Corruption Measures	<ul style="list-style-type: none"> • Corruption and economic crimes are still problem. • Efforts of government about fighting these crimes is not enough. • There is a lack of personnel and cooperation in the fight against corruption and economic crime.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Efforts of governments in terms of Human rights in the Czech Republic is satisfactory.
Civil and Political Rights	<ul style="list-style-type: none"> • Custody Law was organized to improve the conditions of suspect in custody. • Prisons are starting to meet international standards. But it is still very crowded. • The situation of the police centres are still same. • Laws prohibiting women and child trafficking have been improved. But important efforts still need to be received. • Aliens law in the the Czech Republic contains discriminatory regulations.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • Employment law has been amended and all forms of discrimination are prohibited thanks to this change. • The law on the 'Social and Legal Protection of Children' entered into force.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • A draft on the Concept of the Government Policy towards Members of the Roma Community has been drafted and adopted by the Czech Republic. • Education opportunities for Roma children are good. • Government helped Roma people to find shelter. • There are still discrimination from people to Roma. For this reason, further efforts are needed.

According to table 14 which was constituted based on the 2000 Commission Regular Report about the Czech Republic, fluctuates can be noted under the title of democracy and rule of law. The report praised the improved dialogue between parliament and the government in. Likewise, reforms in the area of judiciary were noted to be positive but not complete. The report also underscored deficiencies with regard to fight against corruptions but praised Czech Republic for the reforms undertaken in the field of human rights and freedoms. Hence, patterns of the Europeanization were observed in some areas but there were still needs for improvements. In terms of parliament, executive and judiciary, the situation of the Czech Republic was good. The functioning of the parliament was satisfactory. Also the functioning of government was stable. Improvements can be

¹⁰ Source: 2000 Commission the Czech Republic Monitoring Report

seen in the area of judiciary. The regulations of the Czech Republic in terms of human rights and protection of minorities were satisfactory. However, the corruption was still severe problem in the Czech Republic.

The progress report issued in 2001 indicates that, the Czech Republic was exposed to some developments in terms of political structure of the country. Czech authorities displayed greater willingness to join the EU in this period and accelerated reforms. In November 2000, an election took place in the country and a coalition government was established in this election. Thus, the relations between the EU and the Czech Republic were shaped in the framework of this government. The developments and problems which were related to the European Union accession process in 2001 are determined in the table below. Generally, these changes and developments were shaped around parliament, executive, judiciary, human rights, and corruption.

Table 15: 2001 The Czech Republic Regular Report (European Commission, 2001a)¹¹

2001	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • There is no problem in the functioning of the parliament. • Some laws determined by the Parliament delay the harmonization process.
The Executive	<ul style="list-style-type: none"> • The operation of the government and its management are generally stable. Developments in this regard have been successful. • A law about civil service was suggested by the government. • A public service department was established. • The Czech Republic should give the full political commitment to apply modernization of the administration. Thus, the application process of the Czech Republic will be fastened. • Important steps have been taken in the decentralization process.
The Judiciary	<ul style="list-style-type: none"> • There have been reforms in the Criminal Procedure Law. Thus, the distribution of tasks between investigators and prosecutors took place. • Training on human rights and criminal law has started. • Administrative support started to be provided to judges. Number of judges and prosecutors are rising. • The government has started to take steps to make new regulations in terms of the autonomy of the judiciary. At this point, judicial councils were formed. • The judicial system needs to be improved and accelerated. Trainings should be organized for this. • There are still problems in courts in terms of equipment and technology. • Particular attention should be provided to improve coping with EC law. • Consequently, further development is needed even if the government is making enough efforts.
Anti-Corruption Measures	<ul style="list-style-type: none"> • Serious measures are taken against corruption and economic crimes. • The Criminal Proceeding Code has been passed. With this law, criminal investigations become more effective. • There has been an increase in the resolution of cases, and the importance of examining economic crimes cases has increased. • The National Criminal Office was established for improving coordination among law enforcement agencies. • The Council of Europe Civil Law Convention about corruption was signed by the Czech Republic.

¹¹ Source: 2001 Commission the Czech Republic Monitoring Report

	<ul style="list-style-type: none"> • The Czech Republic continues to work with the OECD to prevent corruption in international trade.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • The Czech Republic signed revised European Social Charter. Thus the participation of the Czech Republic to main international human rights conventions completed. • Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, prohibiting all forms of discrimination was signed by the Czech Republic in 2000. • The situation of internal institutional framework in the field of human rights is stable. • A law has been passed to provide information to the European Court of Human Rights. In addition, a regulation has been issued for a commissioner to represent the Czech Republic at the European Court of Human Rights.
Civil and Political Rights	<ul style="list-style-type: none"> • National Plan Combating Commercial Sexual Abuse was adopted by government due to their concerns about trafficking in women and children. • Prison conditions are still same. Government should take some steps. • The Aliens' law was improved in 2001 in terms of proposals made by the Czech Council for Human Rights. In particular, new regulations allow children of foreigners living in the Czech with permanent residence. • There is a problem in terms of freedom of expression and the media. The Czech journalist and the International Federation of Journalist have concerns about this situation. • There is no problem of freedom of religion
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • With the amendment made in the labour law, discrimination in business life has been prevented. • Some steps have been taken to ensure that disabled citizens can participate in employment and get equal rights.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • The condition of non-Roma minorities is good. • The education level of Roma Children is insufficient. • The convention on the protection of national minorities continued to be implemented and was the subject of the Council of Europe's opinion. • For fight discriminatory attitudes some important regulations were made by government. • The Ministry of Education works for improvement of the education of Roma children. • In terms of employment and housing, the opportunities for Roma should be improved by government.

Table 15 shows that, the functioning of the parliaments continued well. Also some laws were regulated for increasing harmonisation between the EU and the Czech Republic in terms of parliament. Also, in terms of judiciary, the Czech Republic tried to improve the situation of the courts. New equipment was provided by government to the courts. Standards of the judges were improved. Also compliance between the EC law and the Czech Republic law were constituted. As a crucial problem, corruption was prevented by government in the Czech Republic. The special measures were taken about anti-corruption framework. The developments in the Czech Republic to fulfil the EU's criteria increased, especially with regard to the functioning of the central and regional administration, judiciary work in the area of civil law, organisation of the courts and self-government of the judiciary, fight against corruption and economic crime, human rights and situation of Roma minorities gained momentum. Czech Republic conducted these reforms in an environment of high credibility of the EU's incentives. Those reforms were welcomed by the EU and the 2002 Report underscored that Czech Republic was closer to

full EU membership. In this period the Social Democrat Government was ruling the country and the governing party's preferences facilitated the face of Europeanisation.

Table 16: 2002 The Czech Republic Regular Report (European Commission, 2002a)¹²

2002	The Regular Report-Political Criteria
The Parliament	<ul style="list-style-type: none"> • The procedure which was established in the 2001 report that aimed strengthen the collaboration among the Czech Republic and the EU continued • The new mechanism was constituted to improve communication between Government and Parliament • The second law amendment about the elections and its system was accepted. • The Czech Republic joined The Convention about the future of Europe about non-legislative EU-related topics.
The Executive	<ul style="list-style-type: none"> • New progress has been accomplished in terms of constituting an autonomous, professional, substantial and responsible public management. • Adoption of the Civil Service Act in May 2002 • Establishing of a General Directorate for the Civil Service • Occupational standards should be developed. • State Administration Institute arranges some education about language and specific subjects for developing the people who joined this job. • Consistent public administration based on a clear legal should be provided
The Judiciary	<ul style="list-style-type: none"> • There is progress in terms of judicial reform under the title of administrative law, the organization and self-administration of the judiciary, and the implementation of the new Code of Criminal Proceedings. • Act on Courts and Judges entered into force in April 2002. • There was an acceleration in terms of making legal decisions. • Administrative support for judges has improved. • There is progress on the re-establishment of criminal and commercial law. • Judicial training is developing • Criminal Proceeding Code
Anti Corruption Measures	<ul style="list-style-type: none"> • Progress about implementation about anti-corruption and economic crimes. • Bribery is still problem • Each Ministry try to establish its own anti-corruption program • New witness protection regulation came into force.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Joined main International Human Right Convention • The Additional Protocol to the European Social Charter, was signed on 26 February 2002. • In 2002, the Czech Republic accepted Protocol No 13 to the Convention for the Protection of Human Rights. • The Czech Republic has signed but not approved Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms prohibiting all forms of discrimination.
Civil and Political Rights	<ul style="list-style-type: none"> • Trainings are provided for police about respecting to the Human Rights and communication with public. • Trafficking in human beings still remains. • Prison conditions are not good. • Little Progress in Freedom of Expression • New arrangements about freedom of religion. There is a progress.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • The Council of Equal Opportunities started to work. • Principle of equal treatment for all employees was provided. • The amendment to the Act on Social and Legal Protection of Children came into force in January 2002 • There is a improvement about mental health care.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • Strengthening of the institutional framework for human rights. • Resources for Minority rights and protection of Minorities were provided. • Anti-Racism Campaign: Tolerance Project. • The opportunity for Education for Roma Children improved. • Widespread discrimination continues to exist.

¹² Source: 2002 Commission the Czech Republic Monitoring Report

According to table 16, the important arrangements were made about Civil Services Act which improved the functioning of the central administration thanks to the high political will and commitment to work towards EU membership. Particularly in the area of judiciary, the 2002 progress report praised the implementation of the Criminal Proceeding Code although some remaining problems were noted with regard to the length of the court proceedings. There was a pattern of progress about implementation about anti-corruption and economic crimes but bribery was still marked as problematic. The report also noted respect for human rights and improvements in asylum law in Czech Republic. In short, this table showed that, the adoption of the EU rules and values which started to be observed in 1998 continued in 2002 which represents patterns of Europeanization.

The European Commission published its final progress report in 2003. According to this report, the Czech Republic completed the accession negotiation on 13 December 2002 and the accession treaty came into force on 16 April 2003 and Czech Republic became a full member in May 2004. It can be argued that aforementioned reforms were undertaken in an environment of high credibility of the EU's full membership incentive which significantly reduces the costs of compliance due to the highly sizable and credible reward is to be attained.

When we look at the Chapter 24, which was on Justice and Home Affairs, in the first title, that was Schengen Action Plan, preparations of Czech Republic found to be satisfactory. But there is only one issue at this point that created a problem and concerned Slovakia in that matter. The Czech Republic and Slovakia needed to conclude the agreement on border crossings quickly (European Commission, 2003a, p. 46). Another title under chapter 24 was protection of data. The Czech Republic finished the legal compatibility process on data protection law (European Commission, 2003a, p. 46). Czech Republic fulfilled EU requirements on visa policies and external borders control. Thus, these headings were reflected positively in the 2003 report (European Commission, 2003a, p. 47). According to 2003 reports in terms of Chapter 24, the Czech Republic successfully harmonized with the EU *acquis* on migration and asylum issues. On immigration, the Czech Republic had taken positive steps in terms of readmission. Although positive steps had been taken regarding immigration and asylum, there were minor arrangements that must be made until full membership was achieved.

Another crucial title under chapter 24 was police-cooperation and fight against the organized crime. In terms of this title, the Czech Republic should show more efforts to establish coordinated police organization (European Commission, 2003a, p. 47). Apart from this, the situation of struggle against terrorism, corruption, drugs and fraud was significant in terms of understanding the condition of the Czech Republic. According to 2003 report, the Czech Republic needed to do more in the fight against terrorism. For this, the Czech Republic must first sign the UN Convention for the Suppression of the Financing of Terrorism. In the framework of struggle against fraud and corruption, the Czech Republic was compatible with the *acquis*. This compliance was realized in the topics of the 1995 Convention on the Protection of the Communities' Financial Interests and its Protocols and the Council Framework Decisions on the protection of the euro against counterfeiting (European Commission, 2003a, p. 47). The Czech Republic completed alignment with *acquis* regarding the fight against drugs therewithal. When the situation of the Czech Republic in terms of money laundering, customs co-operation, judicial co-operation in civil and criminal matters and human rights and legal instruments, only problem can be seen in the money laundering. The Czech Republic should change its regulations about money laundering (European Commission, 2003a, p. 48). As a conclusion of this report, it can be said that the Czech Republic fulfilled the duties assigned by the EU with a view to be in line with the *acquis*. In this way, it can obtain full membership to the EU. Also, in the 2003 report of the Commission, which was published for CEECs, Commission emphasized the Czech Republic was the most improving country among CEECs. Hence, it can be argued that the preferences of the governing parties shaped the process of integration and Europeanisation of the Czech Republic and Czech political elites were motivated by a clear logic of consequences by trying to ensure and negotiate the best conditions for their national interests whilst working towards attaining full membership.

As a conclusion, the Czech Republic's EU membership process started with the abandonment of the socialist regime. After this process, the country had passed to parliamentary democracy. With this transition, the EU accession process started. It had integrated many new systems in line with the EU into its system for the accession process. In particular, some groups had been established within the state to ensure a smooth European integration. As an example, committees such as the Interministerial Group,

Committee for the Implementation of the Europe Agreements, Government Committee on European Integration, Government Council for European Integration can be said (Akdoğan, 2015, p. 55). With these committees, the Czech Republic, which made many innovations in the economic, social, and political fields for EU accession, completed its alignment with the EU acquis and completed its final goal.

5.3. EUROPEANISATION IN THE CZECH REPUBLIC

As it is known, the EU experienced some problems in the implementation of its own democratic principles by its member states, such as ensuring the impartiality of judicial processes with EU member states, separation of powers, protection of fundamental freedoms, media independence and protection of minority rights.

With the year 2010, the Czech Republic entered a period of change like other CEECs. This change actually started with the ANO (Akce Nespokojených Občanů) 2011 political party founded by billionaire Andrej Babis in 2011. ANO participated in the elections in 2013 after its establishment. In these elections, it received 18.65% of the votes and became the second party with the most votes in the elections. In the elections in 2014, ANO formed a coalition government with social democrats. ANO became the second party in this election. The leader of ANO, Babis, was appointed as the Minister of Finance and he held this post until 2017. The year 2017 can be called a complete victory for ANO. ANO became the first party, receiving 29.6% of the vote in the elections held in 2017. ANO which gained 78 seats in the parliament had a great advantage.

In this period when the CEEC countries created crises for the EU, some thoughts emerged whether the Czech Republic was included in the countries that caused these crises. On the issue of social status, marriages, and gender equality, the first issue to be discussed was LGBT rights. In the Czech Republic there was no restriction in terms of LGTB rights. As an example of good situation of LGBT rights in the Czech Republic, the supportive speech of Babis can be showed. Babis supported this issue with the sentence *“I think that same-sex couples should have the same rights to marriage”* while the same-sex marriage debates continue in the parliament in the Czech Republic (Pirodsky, 2019). At this point, it can be said that the Czech Republic acts in accordance with the concept

of human dignity, one of the core values of the EU. Hence, contrary to the process of de-Europeanisation observed in Hungary, Czech Republic continued with the process of Europeanisation. Broader gender equality issues reinforced these findings. The Czech Republic ranked 55.7 points out of 100 in Gender Equality Index in 2019, this made Czech Republic 21 among the rank of the EU member states, with 72% of women employed as opposed to 80% for men. While the progress in gender equality was slow, it was incremental and positive with no backlash observed as opposed to the dramatic backlash in gender equality observed in Hungary (European Institute for Gender Equality, 2019b).

As mentioned above, media independence was one of the core values of the EU that it seeks to promote beyond its borders. The independence of the media can be considered as an indicator of democratisation in a country. The fact that, Agrofert Company which is owned by Andrej Babis, bought a large media outlet called Mafra in 2013 when Babis entered politics is a situation that needs to be examined. This situation caused reactions in the country and endangered the principle of media freedom. When the press freedom data which was constituted by Reporters without Borders is analysed, the Czech Republic ranks 40th among 180 countries. Journalists and media organisations in the Czech Republic faced enormous challenges. In particular, the government's campaigns to smear journalists, malfunctioning and biased control bodies restricted the freedom of the media and the press. In addition, many critical journalists and media organisations had to leave their jobs as a result of problems with the government and were subjected to severe penalties (Reporters Without Borders, n.d.). Even though no significant backlash was observed, the EU's failure to act with sanctions to member states in breach of the EU law reduced its legitimacy and diminishes its role to promote rule of law and coherence among its member states.

The Czech Republic's performance in complying with the EU laws can be traced from the rule of law report published by the EU in 2020.

The first review of the report was done through the Czech Republic's judicial system. The judicial system of the Czech Republic includes eighty-six district courts, eight regional courts, two supreme courts and a supreme administrative court. The body responsible for justice and courts is the Ministry of Justice which tries to run the courts

in accordance with the law. In this system, the appointment process of judges begins with the presidents of the regional courts. First, the presidents of the district courts elect the judges. Among these candidates, the Ministry of Justice re-elects candidates and presented to the President. After that President makes appointment, in this structure, the prosecutor's office is a part of the executive body. Prosecutors are appointed by the justice minister indefinitely. However, for their appointment, the attorney general's office must make an offer. At this point, the attorney general is selected by the government, upon the recommendation of the minister of justice. These information mean that, there is a regular structure in the judicial system of the Czech Republic. For this reason, transparency and accountability mechanism functioned properly.

The notion of independence is very important in the justice system. Crises occur in terms of the rule of law, especially in countries experiencing independence disputes in the justice system. For this reason, the first issue discussed in the 2020 Commission's Rule of Law Report in terms of the justice system was independence. When the Czech Republic is examined in terms of independence in the justice system, the first issue reflected in the report was the selection procedure of the judges. The aim of the Czech Republic was making the selection process of judges and president of the courts more transparent despite there were no problem in the election system. For this aim, this issue was discussed in the parliament. Thus accountability mechanism was strengthened. At this point, the targeted system is to include more controllers in the process to make the evaluation processes more transparent (European Commission, 2020b, p. 2). Another proposal discussed in this report to ensure transparency is that if the President refuses any appointment, the justification should be given by the President. Thus, these decisions can be subject to review by administrative courts. The other stage of the reform to be carried out involves the election of the presidents that is elected for the high and regional courts by the committee. That is to say, for this election, committee should be composed (European Commission, 2020b, p. 3). This situation, which the Czech Republic was working on to regulate, reflected positively on this report.

Another examination under the title of judicial independence was carried out in terms of the views of the companies and the society in the country about judicial independence. In this point, the independence of the courts was defined as good by 44% of companies and 56% by the public (European Commission, 2020b, p. 3). This situation

reflected the perspective of the public and companies. It can be said that there had been an increase in the perception of courts as independent establishments, especially in recent years. This growing trend satisfied the EU. The Czech Republic made regulations to make this perception more positive.

Another issue in terms of judicial independence is about the disciplinary regime. The Czech Republic wanted to increase the legality and efficiency of the courts by introducing a new disciplinary regime. This particularly concerned judges, prosecutors and bailiffs. This regulation or reform aimed to establish a two-level disciplinary system. In this system, the high court was appointed as the first authority, while the supreme court and supreme administrative court were required to be appointed as the court of appeal. In this way, judicial independence can be established in a better way. In particular, the Council of Europe supports this situation and gave recommendations (European Commission, 2020b, p. 3).

Another issue concerning the independence topic was related to the prosecution service. The Czech Republic aimed to change the appointment and dismissal procedures of prosecutors in order to improve judicial independence. Currently, according to the law of the Czech Republic on this issue, the Prosecutor General can be appointed by the government in the light of the justice minister's proposal (European Commission, 2020b, p. 3). At the same time, Prosecutor General can be dismissed by the government without any justification. As regards other prosecutors, there were deficiencies in the law covering their appointment and dismissal processes. In light of this framework, the justice minister proposed a reform. According to this proposal, prosecutors, including the Prosecutor General, can only be dismissed if they commit disciplinary offenses. Thus, the Czech Republic tried to improve its situation on judicial independence. According to this part of report the efforts of the Czech Republic was satisfactory to arrange its judicial system.

According to the EU the situation of quality is significant under the title of justice. The first topic which was mentioned in 2020 rule of law report in terms of quality is about Court Fee Act. At this point, the government wanted an increase in court fees. The reason for this was the rising living standards. At the same time, the reason for the increase was to ensure that dispute resolution such as mediation was encouraged within the country.

There was an inequality in court fees for cases in the country. In particular, civil and consumer litigation fees were low, while for commercial cases fees were very high. This new regulation raised a concern. This concern emphasizes the fact that citizens with low financial status will not be able to apply to the courts due to increased court fees. The solution will be exemption of these citizens from wages (European Commission, 2020b, p. 4). Thus, a more robust structure in terms of quality was established in the judicial system.

In terms of quality, digitalization of the justice system is important. In this context, the Czech Republic started to digitize its justice system. However, digitalization was not fully achieved yet. Especially with Covid 19, there was a great need for digitalization. For this reason, the Ministry of Justice started to work quickly (European Commission, 2020b, p. 5).

The high number of people in the "debt trap" in the Czech Republic worried the government. For this reason, a bankruptcy lawsuit reform was adopted in 2019. With this reform, authority was given to courts to declare people who have debt as free of debts (European Commission, 2020b, p. 5). According to the latest research, there were 800,000 people in the country for enforcement cases¹³. But the striking point here is that the claims made in these cases are disproportionate. At this point, such a reform could affect many people in the country. Since, in 2019, 90% of the debtors could not pay their debts. This situation affects the fundamental rights of people.

According to the 2020 Commission's Rule of Law report, another important factor for the justice system is efficiency. According to this report, the justice system in the Czech Republic did not have any efficiency problems in civil and commercial cases (European Commission, 2020b, p. 6). At this point, the resolution of the cases was very fast and there was no problem. This shows how the courts are able to deal with cases. According to the report, although the Czech Republic did not experience any problems in terms of efficiency in the judicial system, it was working to improve this situation (European Commission, 2020b, p. 7).

¹³ Regulatory Impact Assessment report to Act No. 31/2019

As a result, according to this report, three important titles under the concept of justice system, independence, quality and efficiency, were examined. In terms of these investigations, it can be said that the Czech Republic justice system does not have problems in terms of these concepts. The Czech Republic had an independent justice system and transparency was an important principle within this system. Although everything was progressing transparently, efforts were being made to increase this transparency. From a quality perspective, there was no problem that strikes the eye and disrupts the justice system. Finally, efficiency in the Czech justice system was high. The speed of courts in terms of resolving cases was satisfactory. In other words, the justice system of the Czech Republic was shaped within the standards of the EU. This situation can be interpreted as an indicator of Europeanization.

Another issue examined as a central topic in the 2020 rule of law report of the EU is the anti-corruption framework. There was a powerful legal framework in the fight against corruption in the Czech Republic. Responsibilities for increasing capacity in the area of fight against corruption were shared between government agencies (European Commission, 2020b, p. 7). At this point, the Anti-Corruption Council was established in 2014 to assist the government (Council of Europe, 2014). Apart from this, different organizations and structures carried out different investigations on corruption. For example, the National Organized Crime Agency investigated crimes related to corruption. They got help from prosecution offices in these investigations. In the Czech Republic, reforms had been made in terms of transparency and accountability in recent years. Thus, a great structure of struggle against corruption had been formed (European Commission, 2020b, pp. 6-9).

In the 2020 Commission's Rule of Law Report, the first examination under the title of Anti Corruption Framework was the position of the Czech Republic in Europe in terms of corruption. This examination was based on corruption perception index. The Czech Republic was ranked 13th in Europe with 56 points out of 100 in this index (Transparency International, 2019b). In fact, these figures show that people in the Czech Republic thought corruption is prevalent. However, the government that was informed about corruption situation in the country, started to work to fix.

The system established by the Czech Republic to fight against corruption was strong. This system had been intact since 1999. Especially in 2018, the government launched a comprehensive plan that will continue until 2022. This plan focused on four main topics. The first of these was based on the principle of an effective and independent government. With an effective and independent government in place, the fight against corruption can be implemented more effectively. The second was transparency and open access to information. It is very important that everything in the system was transparent in terms of controlling corruption. The third was based on state ownership and its effective management. Finally, the development of civil society will be utilized in the fight against corruption (European Commission, 2020b, p. 7).

Criminal proceedings related to corruption were highly effective in the Czech Republic. At this point, the punishment of bribery and similar crimes was very deterrent. However, there were areas that need to be changed or improved. For example, bribery penalties did not cover all employees in the public sector. Also, foreign bribery was not emphasized in the penal code. According to the EU report, the Czech Republic should make arrangements to change these fields (European Commission, 2020b, p. 7).

The number of people prosecuted and sentenced for corruption crimes in the Czech Republic fluctuated in recent years. The striking situation here is that the number of people investigated for corruption crimes decreased from 2018 to 2019. At this point, the court acted in a dissuasive manner while making decisions. This led to a decrease in numbers. However, according to EU officials, this number should decrease further (European Commission, 2020b, p. 7).

There was an important law about disclosure of assets to prevent corruption in the Czech Republic. This law covers individuals such as cabinet members, members of parliament, mayors, governors and their deputies, and councilors. At this point, prevention of corruption is carried out as follows. In light of this law, the persons mentioned above are obliged to declare their assets, activities, gifts received and obligations (European Commission, 2020b, p. 8). The Czech Republic planned to change the scope of these statements to include the family of the person concerned in order to make this situation even stronger. With this law, no problems were encountered at the state level in the Czech Republic.

There are some initiatives to improve the fight against corruption in the public administration in the Czech Republic. Within the state system, there is a system that specifically concerns ministries and examines and audits corruption within institutions. In fact, the aim here is to create a framework for each authority to inspect corruption and raise awareness on this issue. Thus, a set of rules is formed with these frameworks. This contributes to strengthening the fight against corruption (European Commission, 2020b, p. 8).

A bill extending the powers of the Supreme Audit Office is being discussed in the Czech Republic. This law includes situations to improve the inspection process of the office. Especially with this law, Supreme Audit Office's authority to control public expenditures at local and regional level is intended to be expanded. This law will also cover municipalities. Thus, transparency and accountability of public expenditures will be guaranteed (European Commission, 2020b, p. 9).

Another issue mentioned under the title of Anti-Corruption Framework has been lobbying activities. A lobbying regulation has been proposed in the Czech Republic. Thanks to this regulation, a public record of lobbyists can be created. With this law, transparency on this issue will increase (European Commission, 2020b, p. 9).

How to report suspected corruption is among the regulations on corruption. At this point, new regulations and incentives are discussed in order to report corruption. Especially in order to prevent the citizens from feeling threatened because of these reports, studies have been initiated on the protection of persons reporting corruption (European Commission, 2020b, p. 9).

Another important issue in terms of transparency is the registration of the contracts made by the state and its institutions. The Czech Republic started work to register these contracts. The registration of these contracts started in 2016. Establishing a registration mechanism in this way is due to the fact that the registration mechanism has an anti-corruption effect. The transparency of the numbers and conditions specified in the contracts eliminates the possibility of corruption (European Commission, 2020b, p. 9).

Another issue in terms of preventing corruption is discussed in the 2020 Commission's Rule of Law report in terms of the election of members of the legal and

management bodies of state-owned companies. The increasing transparency of this process serves the government's overall aims as regards transparency and accountability. For this reason, these elections will be supervised by a government. Thus, a political influence in the process will be prevented (European Commission, 2020b, p. 10).

As a result, the rule of law crisis, which is a severe crisis experienced by the EU recently, is also related to the corruption situation in countries. In light of this situation, the Czech Republic has been examined from the point of combating corruption in the 2020 rule of law report and no problem has been found. The laws of the Czech Republic are working to prevent corruption, to enhance transparency and accountability within the state. Especially the efforts of the Czech Republic to accommodate its laws with the EU have been seen by the EU and reflected in this report (European Commission, 2020b, pp. 6-10). For this reason, it can be said that the draft laws and regulations made by the Czech Republic at this point are an indicator of Europeanization.

The third important topic in the 2020 rule of law report is media pluralism. The Czech Republic incorporated the Charter of Fundamental Rights and Basic Freedoms into its constitution. Thus, the right to information was guaranteed in the Czech Republic and censorship was completely prohibited. At this point, some laws that guarantee media rights exist in the Czech Republic. Examples of these are the Act on Radio and Television Broadcasting and the Act on Free Access to Information (European Commission, 2020b, p. 10).

In the Czech Republic, the government made some regulations to further strengthen the independence of the media regulator. At this point, the targeted regulation has been in terms of establishing a council and auditing media organizations completely independently. Thus, the supervision system of the council will be realized by subjecting all the decisions of the council to judicial review (European Commission, 2020b, p. 10). In this case, if the Council approves a situation that is against media independence, the council can be removed completely (European Commission, 2020b, p. 10). This authority belongs to the assembly of representatives. In this way, the Czech Republic tries to increase the independence of media regulators. The powers given to the council here are well defined legally.

There was no specific law in the Czech Republic regarding the transparency of media ownership. However, there are some laws for regulation. The first of these was Act on Radio and Television Broadcasting. This law controlled interaction and merger between broadcasters. Thus, licenses between broadcasters can be controlled (European Commission, 2020b, p. 11). Another law was the Act on Conflict of Interest. With this law, it was prohibited for any government official and public official to own a media organization. By means of these laws, it was sought to improve media ownership transparency in the country.

Access to information was another important indicator of media pluralism. In the Czech Republic, access to information was guaranteed by laws. This assurance was provided by the law on access to information. In this way, access to information requested and access to information were facilitated (European Commission, 2020b, p. 12).

The last issue highlighted under the heading media pluralism was about the safety of journalists. There was no physical or verbal violence against journalists in the Czech Republic. The Council of Europe examined this situation and came to this conclusion. The Czech Republic especially cared about dealing with libel journalists. Deterrent penalties were applied against libel journalists. An example was a prison sentence of up to one year (European Commission, 2020b, p. 12).

In fact, Europeanization in terms of law in the Czech Republic started with the 'European Amendment', which was created for the Czech Republic's accession to the EU and was constituted in the constitution of the Czech Republic (Večeřa, 2012, p. 461). Actually, the membership process of the Czech Republic had been slow. This was because the Czech Republic could not set up a proper mechanism for obtaining the necessary information in the EU. However, the administrative and economic reforms carried out in the Czech Republic caused the Czech Republic to enter the Europeanization process. Especially, concerns of the Czech Republic (Camyar, 2010, p. 149). In particular, the Czech Republic's concern about being slow led to an increase in the effort of the Czech Republic, and according to the 1998 and 1999 regular reports, this concern led to reforms, especially in the area of public administration and judiciary (Camyar, 2010, p. 151).

5.4. CONCLUSION

As is known, the integration process of the Czech Republic, which is one of the CEE's, with the EU started in 1997. From 1997 to 2003, it tried to harmonize the EU acquis with its own country's acquis, and as a result, it was successful and became a member of the EU. However, after this process, the position of the CEE's was discussed within the EU, and problems emerged in some of these countries, especially in terms of the rule of law. In addition, the initiation of infringement procedures against Hungary and Poland among the countries included in the EU, especially with the 2004 enlargement, affected the Czech Republic. The question that arises at this point is whether the Czech Republic left the Europeanization process that is started in 1997 after it became a member of the EU and whether a de-Europeanization process has kicked off in the country.

The main hypothesis of this thesis is that the Czech Republic did not experience a de-Europeanisation process due to logic of appropriateness whilst Hungary experienced de-europeanisation due to logic of consequence. At this point, there are important variables to be examined under the concept of logic of appropriateness. The first of these is interactions in the EU sponsored networks. Daily communication plays an active role in the social learning process. Especially the relationships that professionals, politicians or non-governmental organizations have established with each other have the ability to influence the process. From the point of this information, the relations that the Czech Republic established with the EU before the accession process were both state and individual level, which accelerated the process of the Czech Republic's harmonization with the EU's values and rules. This situation has been named as social learning situation. Thus, these relations have led to a better understanding of norms and rules and to be built on sound dynamics.

Another important issue in terms of logic of appropriateness is legitimacy of the EU norms. The power of the EU to persuade countries is based on this. The more legitimate the rules put forward by the EU are, the higher the countries' level of compliance with these rules are. What is important here is that these rules are egalitarian and can be applied to everyone without any discrimination and are especially accepted by all countries. In other words, if there is a consensus in terms of harmonization with EU rules, the legitimacy of these rules is also certain. Thus, when examining the situation in

terms of the Czech Republic, the rules given by the EU are rules that have been accepted by many countries and are equitable. Thanks to this situation, the Czech Republic did not question the legitimacy of these rules and did its best to comply with the rules. This alignment continued after membership.

Another important concept in terms of logic of appropriateness is normative resonance. This concept shows that the rules and norms that are desired to be applied are already present in the target country. In this way, it is easier to apply these norms and rules in that country. From this point of view, it would not be possible to say that there was a normative resonance of the EU norms in the Czech Republic before the accession process kicked off. The Czech Republic, emerging from a new system, has adopted new norms and rules. The rules and norms set by the EU are completely new for the Czech Republic. That's why adaptation was difficult. However, this did not cause the collapse of the EU norms, values, and rules in the Czech Republic. There has not been a regression in these norms and rules in the Czech Republic.

Finally, identification of the domestic political elites with the EU is important in terms of Europeanization. What is meant to be emphasized here is having a common identity with the EU. The desire of the state that wants to become an EU candidate to define its own identity as European and to apply EU values, norms, and rules pave the way for Europeanization. In other words, the self-identification of the government and society with the EU raises the compatibility to higher levels. The point here is how political elites have influenced society in this regard. It can be thus said that the interactions between political elites and society in terms of EU are established well. For this reason, policy adaptation in the Czech Republic is strong.

In short, the Czech Republic started the Europeanization process with the first monitoring report it received from the EU in 1997. Here, the Czech Republic, which fulfills the conditions given by the EU and was completely successful in 2004, has harmonized the country's economy, politics, law and core values with the EU. In other words, it has Europeanized it. After joining the EU, some of the CEEs moved away from the EU and the rule of law crisis arose in some countries. Among the states that have been questioned by many people because of this crisis is the Czech Republic. But the Czech Republic is not at the center of this problem like Hungary or Poland. It can be seen from

the above-reviewed reports that there is no divergence from EU core values in the Czech Republic. In particular, the rule of law report by the EU in 2020 has made a review of these countries in the field of media, law and fundamental rights and did not find any problems for the Czech Republic. However, the main issue that needs to be answered here is that while one of the two states trying to join the EU under the same conditions and with the same structure, one moves away from Europe, while the other still acts respectfully to the basic values and norms of Europe. This question will be answered comparatively in the conclusion part of the thesis, which is the next chapter, and the factors that cause it will be explained.

CHAPTER 6: CONCLUSION: COMPARISON OF HUNGARY AND THE CZECH REPUBLIC IN TERMS OF RULE OF LAW

Since its establishment, the EU has been a sui generis organization that many countries have sought to access. This organization which started for economic purposes expanded its policy areas and evolved from an economic community to a union. The increased interest of third countries in terms of acceding to the EU. Third countries' increasing interest in the EU engendered new enlargements. Along with the new enlargements, the structure of the EU has changed and these enlargements have created positive and negative effects for the EU. The recent crises of the EU have partly arisen due to the enlargements it has experienced. The crisis that started with the violation of EU rules and norms by some of the countries included in the 2004 enlargement wave of the EU left the EU in a difficult position. Thus, this situation, which is called "the rule of law crisis" by many and which created a problematic process for the EU, started to be discussed a lot within the EU, and solutions were tried to be found.

Hungary is the first country that comes to mind when it comes to the rule of law crisis in the EU. Rising nationalism in the EU in recent years and the populist discourses and practices created by this wave of nationalism are explicitly seen in Hungary. Especially when Victor Orbán moved Hungary away from EU norms with the wave of nationalism, this situation caused a severe problem in the EU. With this crisis, the 2004 enlargement of the EU has started to be discussed more in different contexts. Particularly,

Hungary, which was included in the EU with the 2004 enlargement, has moved away from European values and norms, bringing some questions to mind. Generally, these questions compares the countries with each other in terms of accession process. In particular, it compares the Czech Republic, which entered the EU the same year, has the same political structures and has gone through the same historical processes, with Hungary. Thus, the main questions of this thesis was why Hungary moved away from EU values and norms while this divergence is not observed in the Czech Republic, and what are the factors that trigger this divergence. While answering this question, the concept of Europeanization was effective. For this reason, while comparing Hungary and the Czech Republic, how these countries approach the concept of Europeanization will be summarized in the first part of the conclusion section based on key findings of previous sections.

As mentioned in the previous chapters of the thesis, the first regular report on Hungary and Czech Republic was published by the EU in 1998. These two country reports are compared with each other in the following table.

Table 17: Comparison of Hungary’s and the Czech Republic’s 1998 Regular Reports¹⁴

Policy Areas	Hungary	Czech Republic
The Parliament	<ul style="list-style-type: none"> • There is no problem in terms of Parliament • There is a problem in terms of representations of minorities in Parliament 	<ul style="list-style-type: none"> • There is no problem in terms of Parliament • There is no specific problem in terms of representations of minorities
The Executive	<ul style="list-style-type: none"> • The situation in terms of executive body of state is good • There are some problems about civil servants’ salaries 	<ul style="list-style-type: none"> • The situation in terms of executive body of state is good • There are some problems about civil servants’ salaries
The Judiciary	<ul style="list-style-type: none"> • The situation of Hungary in terms of judiciary is satisfactory. There are no problems. 	<ul style="list-style-type: none"> • No specific effort is seen. Problems continue.
Anti-Corruption Measures	<ul style="list-style-type: none"> • Further efforts need to be taken 	<ul style="list-style-type: none"> • Further efforts need to be taken
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> • Efforts which is shown by Hungary is satisfactory 	<ul style="list-style-type: none"> • Efforts which is shown by the Czech Republic is satisfactory
Civil and Political Rights	<ul style="list-style-type: none"> • There are no problems in terms of Civil and Political Rights. Especially the situation of freedom of expression is good. 	<ul style="list-style-type: none"> • There are no problems in terms of Civil and Political Rights. Especially the situation of freedom of expression is good.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> • The situation of economic, social, and cultural rights in Hungary is good. 	<ul style="list-style-type: none"> • The situation of economic, social, and cultural rights in the Czech Republic is good.

¹⁴ Source: Own Compilation

Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> • There are still problems in terms of situation of Roma. 	<ul style="list-style-type: none"> • There are still problems in terms of situation of Roma.
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According to this report, Hungary and the Czech Republic have no problem in terms of functioning of the parliament. In addition, all benchmarks of the EU in terms of the functioning of the parliament have been completed.. When the Czech Republic and Hungary are compared in terms of the executive, it is seen that the situation is good for the executive, but they have problems due to low civil servant salaries. When these two states are analyzed in terms of judiciary, the steps taken by Hungary on this issue are sufficient for EU harmonization, while sufficient effort was not seen in the case of the Czech Republic. In other words, while Hungary showed Europeanization steps in this respect, the Czech Republic fell behind. According to the first report given by the EU, the EU standards in the fight against corruption in the two countries have not yet met. More efforts are needed to meet these standards. In terms of human rights and the protection of minorities, the efforts are sufficient in both countries. Thus, Europeanization steps are seen at this point. Another issue explored in the reports is civil and political Rights. In terms of this issue, there is no problem in either country. The situation of freedom of expression such an important concept is particularly satisfactory. Apart from this, according to the report, while the conditions of economic, social and cultural rights are good in both countries, there is still not enough effort and harmony in minority rights and the protection of minorities.

The first report submitted by the EU to Hungary and the Czech Republic has been examined above. According to this report, when the countries are compared, it is seen that both of them are in the process of Europeanization regarding some issue areas. However, there are still policy areas that are incomplete or where alignment with EU norms has not kicked off at all. At this point, the last progress report which was prepared by the EU before the accession should be examined in order to show the Europeanization process and levels of both countries just before joining the EU.

Table 18: Comparison of Hungary's and the Czech Republic's 2002 Regular Reports¹⁵

Policy Areas	Hungary	Czech Republic
The Parliament	<ul style="list-style-type: none"> The functioning of the Parliament continues smoothly. At the same time, all regulations in this regard are made within the framework of EU standards. 	<ul style="list-style-type: none"> The functioning of the Parliament continues smoothly. At the same time, all regulations in this regard are made within the framework of EU standards.
The Executive	<ul style="list-style-type: none"> The problems mentioned in previous reports have been resolved. Progress continues. There is no risk. 	<ul style="list-style-type: none"> The problems mentioned in previous reports have been resolved. Progress continues. There is no risk.
The Judiciary	<ul style="list-style-type: none"> There was progress on judicial reforms. The conditions requested by the EU were met. 	<ul style="list-style-type: none"> There was progress on judicial reforms. The conditions requested by the EU were met.
Anti-Corruption Measures	<ul style="list-style-type: none"> Corruption remains a problem. More effort is required. 	<ul style="list-style-type: none"> The fight against corruption continues. However, there are still problems.
Human rights and the Protection of Minorities	<ul style="list-style-type: none"> There is respect for human rights and freedom. All necessary agreements on human rights have been signed. 	<ul style="list-style-type: none"> There is respect for human rights and freedom. All necessary agreements on human rights have been signed.
Civil and Political Rights	<ul style="list-style-type: none"> There is generally harmonization with the EU. However, there are problems in terms of trafficking and the conditions of the prisons. 	<ul style="list-style-type: none"> There is generally harmonization with the EU. However, there are problems in terms of trafficking and the conditions of the prisons.
Economic, Social and Cultural Rights	<ul style="list-style-type: none"> Equality is provided for citizens in economic, social and cultural terms. Harmonization with the EU has been achieved. 	<ul style="list-style-type: none"> Equality is provided for citizens in economic, social and cultural terms. Harmonization with the EU has been achieved.
Minority Rights and the Protection of Minorities	<ul style="list-style-type: none"> All conditions in terms of minority rights and protection of minorities have been met. Harmonization with the EU has been achieved. 	<ul style="list-style-type: none"> All conditions in terms of minority rights and protection of minorities have been met. Harmonization with the EU has been achieved.

In the regular report that Hungary and the Czech Republic received from the EU in 1998, Europeanization steps began to be seen. Especially when examined in terms of the rule of law, both countries had begun to harmonize the articles stated in the reports with the EU. At this point, the full alignment of the functioning of the parliament, the executive, judiciary, human rights, economic and political rights and minorities can be observed in the last report of 2002 submitted before membership of these two countries. In other words, Hungary and the Czech Republic, which have completed their pre-accession Europeanization process, are thus entitled to join the EU. As can be seen in the

¹⁵ Own Compilation

table above, many policies are regulated in terms of EU rules and conditions and many agreements have been signed.

At this point, the question of what has changed in these countries, which have completed the Europeanization process and later joined the EU and how these have moved away from the EU becomes important.

The main hypothesis of this thesis is that the Czech Republic did not experience a de-Europeanisation process due to logic of appropriateness whilst Hungary experienced de-europeanisation due to logic of consequence was examined mutually with its reasons at this point and the following finding was obtained. The first subject that is compared in this thesis is about the social status of people in terms of human dignity. Recently, one of the biggest problems seen in Hungary has been in terms of LGBT rights. In particular, Victor Orban's thoughts about same-sex marriage caused concerns by the EU. At the same time, legal recognition of transgender and intersex people has come to an end. This situation is completely against the core values of the EU and thus creates a crisis for the Union. However, the situation is different in the Czech Republic. There are no restrictions on LGBT rights in the Czech Republic. In fact, unlike Victor Orban, Andrej Babis made statements in support of same-sex marriage. Thus, there is compatibility with the concept of human dignity, which is one of the basic values of the EU. Another important issue in terms of social status has been gender equality. Hungary's rank is the last among EU countries in terms of gender equality. At this point, the role of women in business life and the wages they earn are of great concern.

When Hungary and the Czech Republic are compared in terms of the judicial system, the following conclusion can be reached. The independence of Hungary's judicial system is at stake. Especially, it is very difficult to establish a balance of power in the judiciary in Hungary. For this reason, an effective control mechanism could not be established in the judiciary. At the same time, Hungary has problems with the quality and efficiency of the judicial system. When this situation is analyzed in terms of the Czech Republic, a different picture emerges. The judicial system in the Czech Republic is completely independent and its most important principle is transparency. Every progressive process continues transparently. At the same time, efforts are made to

increase this transparency. In this way, a high-quality and efficient judicial system has been provided.

When Hungary and the Czech Republic are compared in terms of fight against corruption, which is another important issue in terms of the rule of law, the following result emerges. Corruption is a big problem in Hungary. Many people think that the state is not fighting corruption. Hungary's work on corruption has been very limited. For this reason, there has been an increase in corruption-related crimes. Thus, the rule of law was damaged. The situation in the Czech Republic is the opposite of Hungary. The Czech Republic is very effective in fighting corruption. In particular, it works to prevent corruption and to increase transparency and accountability within the state. Thanks to these efforts, corruption is no longer a problem.

Finally, the following result can be found when Hungary and the Czech Republic are compared in terms of media pluralism and freedom of media. The independence of the Media Council in Hungary is at risk. At the same time, great support is provided to media organizations that support the government. This situation undermines equality in the media. Thus, the public is concerned about free and fair media. As with other matters, there is a completely different picture in the Czech Republic regarding the media. Contrary to restrictions such as in Hungary, the Czech Republic has signed many agreements and decisions for the independence and functioning of the media. Censorship is completely prohibited in the Czech Republic. Media rights are guaranteed by agreements. Decisions have been taken to strengthen media organizations. Arrangements have been made so that media organizations can easily access information. In addition, physical and verbal assault on journalists is seen as a major crime.

All the above comparisons show that Europeanization continues in the Czech Republic whilst it shows that the Europeanization in Hungary has evolved into de-Europeanization. After Hungary joined the EU, it started to move away from the core values and rules of the EU and thus became the leading actor in a major crisis such as the rule of law crisis. At this point, the reason for this change has been analyzed in this thesis by utilizing rationalist and sociological perspectives. This investigation shows us the following result. There may be two separate reasons why the countries fulfill the rules and norms given by the EU and try to harmonize with the EU acquis. The first reason is

to take advantage of the EU’s opportunities and reach the awards to be given by the EU. For the sake of achieving these awards, countries comply with all the rules given by the EU and thus become members of the EU. However, countries may begin to decline in terms of the Europeanization process due to shifts in their strategic interests and declined rewards after membership. The fact that there is no reward to be won post accession and the EU does not have a sanction mechanism are among the factors that trigger this situation. This situation is caused by countries’ behavior based on the logic of consequences. In the framework of this situation, the transformation of Hungary in terms of Europeanisation to de-Europeanisation was actualised due to logic of consequences. The second type of behavior is not based on the logic of consequences. What matters here is the conformity of the norms and rules. In other words, countries focus on the conformity of norms and values rather than thinking of the EU as a reward to be won. Thus, they want to be included in such a union because the norms are correct and must be applied. In other words, the EU is not a reward mechanism for them, but a system in which correct norms and rules are collected. This situation creates a behavior pattern based on the logic of appropriateness. The Czech Republic is an example of this. In other words, Europeanization continued in the Czech Republic after joining the EU because the Czech Republic saw the EU as a place where norms and values to be implemented and internalized rather than seeing it as an institution that provides its members only with rewards. This is why, it was able to generate a permanent Europeanization in the country.

In light of information which was mentioned above, the situations of Hungary and the Czech Republic are examined, the table that is mentioned below came up.

Table 19: Logic of Consequences and Logic of Appropriateness in terms of Hungary and the Czech Republic

Logic of Consequences	Hungary	Czech Republic
Clarity of the EU’s demands	Present	Present
Size and Credibility of the EU’s incentives	Present	Present
Preferences of the governing parties	Absent	Present

Veto Players (civil society, interest group etc.)	Absent	Present
Logic of Appropriateness	Hungary	Czech Republic
Interactions in the EU sponsored networks	Present	Present
Legitimacy of the EU norms	Present	Present
Normative Resonance	Absent	Absent
Identification of the domestic political elites with the EU	Absent	Present
Outcome	De-Europeanisation	Europeanisation

As mentioned before, it can be said that, there are some triggering factor in terms of logic of consequences and appropriateness. These factors can be explained like independent variables of hypothesis of this thesis. The first independent variable in terms of logic of consequences is clarity of the EU's demands. From the framework of first independent variable, it can be said that, the Europeanisation processes of Hungary and the Czech Republic are influenced from clarity of the EU's demands. That is to say, the clarity and comprehensibility of the terms defined by the EU for membership have been defined as a concept that affects the concept of logic of consequences. When this situation is examined for Hungary and the Czech Republic, it can be said that this situation had an effect on the membership process in these two countries. Having easy access to all requests of the EU and the availability of these requests in writing made it easy for countries to understand these demands. Especially the reports in which the EU evaluates the situations of the countries during the accession process and expresses their demands were important in this regard.

The other independent variable is related to the size and credibility of the EU's incentives. This situation can actually be defined as one of the most important factors affecting countries' approach to the EU. Because the first aim of the countries can always be explained as winning the EU membership, which is the biggest award. For this reason,

examples of this situation can be seen in the Czech Republic and Hungary. That is to say the second independent variable in terms of the logic of consequences can be seen in Hungary and the Czech Republic.

Another important independent variable in terms of the logic of consequences is the preferences of the parties in the government. The thoughts and preferences of the government parties in terms of the EU shape the countries' policies regarding the EU. When this situation is analyzed for Hungary and the Czech Republic, it can be said that Hungary's preferences for the EU changed, especially after EU membership. In other words, it can be proved by the examples given in the previous chapters that the choice of the government in Hungary is to move away from the EU harmonization process rather than maintaining the harmonization with the EU. The situation in the Czech Republic is different from Hungary. The choices or preferences of the parties in the Czech Republic and their leaders are progressing positively in terms of harmonization with the EU. For this reason, relations with the EU continue smoothly. At the same time, whether or not there is a veto player against the preferences of the governments is a factor at this point.

In this thesis, other independent variables are examined in terms of the concept of logic of appropriateness. At this point, the first independent variable is interactions in the EU sponsored networks. When this variable is analyzed in terms of the Czech Republic and Hungary, the importance of the network it has established with the EU in both countries can be emphasized. The impact of projects with the EU should be emphasized. In other words, domestic and EU-level projects and activities carried out to increase the interaction between the EU and countries affect the countries' approach to the EU. In light of this information, it can be mentioned that this situation exists for Hungary and the Czech Republic and that they use this network in their relations with the EU.

Another independent variable is legitimacy of the EU norms. When this situation is analyzed for the Czech Republic and Hungary, the following result emerges. The acceptance of the rules and norms of the EU by all countries, being clear and understandable was an effective concept for the Czech Republic and Hungary. Thus, Hungary and the Czech Republic found the EU rules and norms legitimate and accepted. However, this situation started to change for Hungary after membership.

The other independent variable is normative resonance. The concept of normative resonance represents the existence of EU rules and norms in countries that want to join the EU. In other words, the fact that the rules and norms predefined by the EU are in the countries actually creates a resonance. When this situation is examined for the Czech Republic and Hungary, it can be said that these two countries met with these norms and rules during the EU membership process, which they did not previously have EU norms and rules.

The last independent variable is the identification of the domestic political elites with the EU. At this point, it is important to have a common identity with the EU. In other words, it is an important factor that candidate countries internalize EU rules and norms thanks to domestic elites. In light of this situation, the following conclusion can be drawn for the Czech Republic and Hungary. While the Czech Republic entered the EU, internalized EU rules and norms thanks to domestic elites. However, this situation was different for Hungary. Hungary's main goal was not to internalize these norms but to reach membership as quickly as possible.

As a result, in light of all this information, while Europeanization is observed in the Czech Republic, de-Europeanization is observed in Hungary. The reasons for this are particularly related to government preferences and the domestic elite's definition of norms. In Hungary and the Czech Republic, the preferences of the actors in the government with regard to the EU were different. This difference started to be seen in Hungary especially after it entered the EU. In other words, Hungary started to move away from the EU. This happened in Hungary with the logic of consequences. But in the Czech Republic, government choices and domestic elites' definition of norms triggered the concept of logic of appropriateness. The fact that the government's preferences are in harmony with the EU and the elites' defined norms and rules together with the facilitation of the internalization of these norms revealed that the Czech Republic acts with the logic of appropriateness. In other words, this thesis examined the Europeanization and De-Europeanisation situation by focusing on the rule of law in Hungary and the Czech Republic through the concepts of the logic of consequences and logic of appropriateness. As a result of this review, the result of this study, which focuses on the data in the EU reports, has been that while Europeanization continues in the Czech Republic thanks to

the concept of logic of appropriateness, in Hungary, de-Europeanization has emerged thanks to the concept of logic of consequences.

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