

Hungary and the Copenhagen Criteria: The Dysfunctional Relationship Between Liberalisation of Democracy in the European Union and the Orbánization of Hungary

MIKAEL ANDERSSON and OSCAR PETERSSON

The Master program of Political Science, Linnaeus University, Växjö, Sweden

Since Viktor Orbán came into power in Hungary in 2010, the relationship with the European Union has become tense. The development since then have taken an illiberal turn by the weakening of institutions and markets. The power constellation of the Fidesz, the leading party of the Hungarian government, have been ever growing since then. The quest of Liberal intergovernmentalism from the EU is challenged. This article is investigating the development of Hungary during the rule of Orbán and is questioning the partnership between the EU and Hungary by examining the rules of accession, also known as the Copenhagen criteria. Our assessment shows that the Orbánization of Hungary would not make an accession possible today.

KEYWORDS: Copenhagen criteria, Viktor Orbán, Hungary, European Union, Liberal intergovernmentalism

INTRODUCTION

The democratic revolution of 1989 teared down the Berlin wall and the Iron curtain along with it, leaving Hungary more or less alone in a deeply politically divided world. Just a few months earlier, June 1989, a young Viktor Orbán had promoted a withdrawal of Soviet troops from Hungary, and later that summer he participated in the negotiations with communist leaders that led to Hungary's first free election (Rupnik 2012:134-135). In this article we are examining the development of Hungary, mainly from 2010 to present time during the governance of Orbán's party Fidesz, a development some have called the "Orbánization of Hungary" (Kochenov & Pech, 2016:1064). Although, in Orbán's view, the post-communist western political and economic development have been conducted by a corrupt liberal elite (Buzogány, 2017:1314),

resulting in that Orbán has been promoting an “illiberal state” (Kornai, 2015:42). When Hungary joined the EU in 2004, they fulfilled the accession demands in the Copenhagen criteria, but what has happened since then? The aim of this article is to present how Hungary meets these western liberal democratic criteria, and in consequence, could Hungary be accepted by the EU as a member-state today?

EU: A PROJECT OF LIBERAL INTERGOVERNMENTALISM

To facilitate studies of regional integration in the EU, Liberal Intergovernmentalism (LI) has achieved a status of a baseline theory (Schimmelfennig, 2015:178). This creation of Andrew Moravcsik from the 1990s combines “two types of general international relations theory that is often seen as contradictory: a liberal theory of national preference formation and an intergovernmentalist analysis of interstate bargaining and institutional creation.” (Moravcsik, 1993:482). The national domestic preferences (based on liberal theory) make the configuration of the state preferences on the international arena, the supply on the international arena for meeting the national demands is set by interstate negotiating (based on intergovernmentalism). It's when combining these two different theories of explaining the different reasoning behind the demands and the supply, we understand what the politics of states interaction (as in negotiations) on the international arena will result in, i.e. as best explained in LI (Moravcsik, 1993: 482).

The LI emphasizes the need to create an understanding of domestic politics, aided by international politics and vice versa (Moravcsik, 1993:481). The concept of “liberal” in LI is in this article broadly put based on the standard of liberal democracy in EU. More specifically, this refers to the state-society relations in a nation. The international acting of the nation reflects the will from different competing domestic interest groups, lifted in various democratic institutions (Moravcsik, 1993:481; Schimmelfennig, 2015:179). Fundamentally for LI is that, preferences for integration result from critical positive or negative interdependence. It's when perceptions that interdependence means avoiding losses and winning benefits the desire for integration arises (Schimmelfennig, 2015:179-180). These reflections of opinions in the interdependence between state and society are reliant upon effective institutions and a functioning economy. The Copenhagen criteria emphasizes this promotion of state and society relations as a protection of liberal values (Pace, 2007:1045), which will be described later in the article.

THE COPENHAGEN CRITERIA

Within the EU there is no economy class, in order to become a member state, first-class standards must be met, all the EU's high requirements in a number of areas must be fulfilled. This commitment applies to all countries that wish to join as well as current EU members (European Commission, 2018a). The conditions for a country to become a member of the EU are stipulated by the Treaty of the European Union. The Treaty claims that any European country may apply for membership if it respects the liberal democratic values of the EU and must also be committed to promote them. The first "needle's eye" for a future EU country to pass are the key criteria of accession. These are referred as the "Copenhagen criteria", due to the criteria mainly were defined at the European Council in Copenhagen in 1993. The Copenhagen criteria are stipulating that countries wishing to join need to have:

- Stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities (*Political aspects*);
- A functioning market economy and the capacity to cope with competition and market forces in the EU (*Economic aspects*);
- The ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union (*Acquis aspects*).

(European Commission, 2016).

(Table 1: The Copenhagen criteria)

Copenhagen criteria	Political aspects	Economic aspects	Acquis aspects
	Stable institutions & Rule of law	Promoting market economy	New cases (from the European Court of Justice)
	Human rights		Completed cases (from the European Court of Justice)
	Protections of minorities		

Stable institutions in this article mean that the institutions should not be contested or ignored by any actor, they should perform effectively in the functions for which they were designed, to guarantee a body of democracy (Dimitrova, 2002:171-172). Rule of law refers to the idea that the member states are governed by an independent body of laws that is constituted by legal codes and processes (EUR-Lex, 2018a). The human rights comprise prohibiting of discrimination, racism and xenophobia, and also the protecting of vulnerable groups such as children, women and minorities (EUR-Lex, 2018b). A functioning market economy requires, according to the standards of EU, presence of extensive consensus around essential features of

economic policy, macroeconomic stability, free interaction of market forces, free market entry and exit, a sufficient legal system and adequately established financial sector (European Commission, 2018b). The criteria which refers to the effective implementation of the obligations of membership, comprises the states obligations to follow the *Acquis Communautaire* (the Acquis), i.e. the judiciary of EU.

The Copenhagen criteria was brought forward as a result of the Treaty of Maastricht, which according to the EU ensures the consolidation of liberal democracy, as the principal condition for starting accession negotiations (Lavenex, & Schimmelfennig, 2011:886). The Treaty of Maastricht meant a considerably closer relationship between member states through, for example, the establishment of the open single market that emphasized the necessity for national parliaments to be more closely involved in the European Community's activities, putting focus on the need for a more uniformity among the member states (European Commission, 1993:8). Throughout the accession process it is the European Commission that monitors the candidate's progress in applying EU legislation and assess them according to the Copenhagen criteria and other EU values and policies (European Commission, 2016).

By this, these criteria are a template to use, capturing the very essential values of the liberal democracy of the EU. Furthermore, these criteria are useful template for us to use when analysing the development of Hungary. The country's status in 2004 as a suitable member state (which will be motivated in the next section), are our measure, our framework, which we will use to compare with the status after the Orbánization of Hungary.

THE ACCESSION PROCESS OF HUNGARY

In preparing its opinion on Hungary's application for membership, the Commission has analyzed the country according to the Copenhagen criteria. In 1997 the Commission published their opinion on the situation in Hungary which eventually resulted in that the accession negotiations could begin. The conclusions from the Commission were that "Hungary presents the characteristics of a democracy, with stable institutions guaranteeing the rule of law, human rights and respect for and protection of minorities" and that "Hungary can be regarded as a functioning market economy and should be able to cope with competitive pressure and market forces within the Union in the medium term". (European Commission, 1997:113, 117). In the Commission's Regular Report on Hungary's progress towards accession from 2002, the Commission concludes that Hungary continues to fulfill the Copenhagen political criteria. That "the country has made considerable progress in further consolidating and deepening the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for the protection of minorities". Accordingly, the Commission considered Hungary to meet

the requirements of the Copenhagen criteria (European Commission, 2002:133). Furthermore, in January 28, 2003, the European Parliament publishes a report on Hungary's political and economic situation and its relations with the European Union. The parliament states that "Hungary has closed all 31 chapters of the negotiations for accession by December 2002[...]" (European Parliament, 2003:4). The constitution had been radically modified since the communist-era, declaring Hungary as a republic, removing its then privileged position for the ruling party and introducing several administrative and legal reforms. The political situation was described as a parliamentary democracy with a complex electoral system and combining systems of majority and proportional voting, where an absolute majority is needed to win the prime minister post (European Parliament, 2003:5). Regarding Hungary's economic status from 1995 and onwards the report describes a strong economic growth due to reforms and stabilization programs in the real and financial sectors, a falling inflation, rising investment, export growth, foreign investments, a falling unemployment rate and a stabilized inflation. Hence, the European Commission foresaw a Hungarian economic growth in 2003 and 2004. Furthermore, a co-operation between the European Commission and the Hungarian Government regarding the economic policy framework was implemented, in order to evoke a continued economic transformation to prepare Hungary for an accession (European Parliament, 2003:7, 9).

HUNGARY: THEN AND NOW

Fidesz originated from a left-liberal political ideology and attracted most of its followers from young, urban educated voters. Back then, the party's motto was "Don't trust anyone over 35", which also was the maximum age for its members until 1993. However, in the beginning of the 1990s the party line recognized the problem of being a part of the left-liberal side that already were occupied by the Alliance of Free Democrats. The right side of the political spectrum gave more opportunities to gain influence in the Hungarian politics, where the concurrent Hungarian Democratic Forum had started to lose its grip as leading party. By the late 1990s the political right position was more or less vacant and Fidesz used this opportunity to fill out the empty space. In just a few years Orbán had transformed the leftist liberal Fidesz to a right-center party.

In the 2010 free and (more or less) fair democratic election (Transparency International 2014) Fidesz won a significant victory, which provided Orbán power over the Constitutional Court. Since then, several transformations in the Hungarian policy field have been made in what is described as a "revolutionary speed" (Rupnik, 2012:132). In the latest election earlier this year (2018) Orbán won 49 percent of the votes, which once again gave the Fidesz party a two-thirds majority in the parliament (Transparency International 2018). In the

following section this development of Hungary will be described with the Copenhagen criteria as a template. Beginning with the political aspects, followed by the economic aspects and the Acquis aspects.

POLITICAL ASPECTS

Stable institutions and rule of law

There has been a concern since the fall of the Soviet Union in Hungarian politics that the two-third majority requested for being able to adjust the constitution is a too low set limit. When Fidesz won the 2010 election with 53 percent, the election-law transformed the result into a 68 percent majority in the parliament and the concern had become reality (Bánkuti, Halmai, Scheppele, 2012:138-139). In 2011, this limit was lowered even more when a new electoral law was implemented without any trials or consulting or support from the parliament, purely based on the will from Fidesz members. The new law changed the electoral rules so that 45 percent of the votes in upcoming elections would result in a two-third majority in the parliament (Bogaards, 2018:1485).

In their first two years Fidesz changed the premisses for nominating judges in the Constitutional Court (Bugarcic & Ginsburg, 2016:73), this was followed up by adopting a new constitution, drafted by Fidesz loyalists, letting no one outside the party examine it (Kornai, 2015:35). The new constitution was hasty entering into force and has in five years been modified seven times (Bogaards, 2018:1488), and also a passage of about 350 new bills have been made (Rupnik, 2012:132).

The local self-control has been reduced due to centralization and monopolizing of power by the government (Bogaards, 2018:1488). In relevant institutions several key officials have been replaced, resulting in a weakened checks and balances, where the staffs of the former semi-autonomous Prosecutor-General's Office, the Electoral Commission, the State Audit Office, the Fiscal Council, the State Media and the Constitutional Court were substituted. Most of the new staff are loyal to Fidesz, leaving for example the Constitutional Court with more or less no monitoring privileges against the government (Bugarcic & Ginsburg, 2016:70; Kerekó & Enyedi, 2018:42; Kornai 2015:39; Jenne & Mudde, 2012:148; Bánkuti, Halmai, Scheppele, 2012:140). The new constitution also resulted in a lower age of retirement for the judges in the countries courts, which problematically covered most of the country's court presidents. The Commission accused Hungary for breaking the law by age discrimination and won the case. Although, the retired judges were not reinstated and were replaced by Fidesz loyalists (Bugarcic & Ginsburg, 2016:77). Hence, Hungary is now a centralized and top-down controlled apparatus with Orbán at the very top (Transparency International 2018). With influence in most of the

important institutions Orbán has intertwined the executive and legislative branches. By this, giving the parliament control over creating new laws without any other institution or organization monitoring it. Therefore, introducing and voting of new laws in several cases have occurred (Kornai, 2015:35). The state has been "captured by a closed group of like-minded political entrepreneurs". Furthermore, Orbán has manifested a new kind of elite that in the name of "the common good and the public interest" are using the state to obtain means for its own specific preferences. Together with this ultimate power, corruption within the state has become a sort of leading principle, which before Orbán's regime used to be unusual, but now seems to be the norm (Bozóki 2015:15-16).

The government of Hungary also puts an interest in the media by economically restricting the independent media, making them costly to run and difficult to broadcast due to bad frequencies (Kornai, 2015:40). This development of the media climate has made Hungary's press freedom the worst in the EU (Bogaards, 2018:1486) and by now the Government controls approximately 90 percent of the media (Transparency International, 2018).

Human rights

There are opportunities for religious freedom according to the new constitution, although this is not entirely correct since the constitution refers to Christianity and advocates its role in preserving the nationhood (Freedom House 2018). Also, freedom of speech is constitutionally protected, but the government practices a sort of control over those opinions that are seen as not favorable for the nation. Threats are conducted if a civilian or an organization claims that the government has broken any laws in the constitution, and lawsuits on civilians are practiced for defamation against the state. Therefore, the freedom of speech is controlled by a sort of "keep a low profile and obey mentality" (Kornai, 2015:37), however courts often choose not to prosecute (Freedom House 2018; Kornai, 2015:48). There have been some organized protests during the years of Fidesz rule, where some of them were successful, although these protests are seen more as antagonistic markers but not as able to stop Fidesz's political reforms (Jenne & Mudde, 2012:152-153). Some NGOs, civil society organizations and associations without connections to the government have progressed a function of scrutiny, exposing some of the abuses of power that are being applied by the state. For example, the ostracism of civil society when new parliamentary bills are being drafted, trade unions and organizations are left out, this also includes other political parties (Kornai 2015:37). But also foreign-funded NGOs have met increasing intensified resistance from the government, including EU sanctioned NGOs (Transparency International 2018). This has resulted in a migration of these kind of

organisations (Bogaards, 2018:1486). There have been attempts to restrict the use of internet by implementing an internet tax, but were met by massive protests (Kornai 2015:40). In 2017 Hungary stands slightly below the average in internet consumption, but is according to the European Commission improving its broadband access (European Commission 2017).

The new constitution also eliminated the right for citizens to challenge the parliament in front of the Constitutional Court (Bogaards, 2018:1486). Furthermore, the violation of institutions by Fidesz have affected the accountability of institutions such as the Ombudsman-system with expertise on vetting of human rights. Instead of the former independent monitoring body, a new office has been established partially consisting of Fidesz officials (Bánkuti, Halmai, Scheppele, 2012:144). The state apparatus is now consisted by a set of unorthodox policies combining statism, economic nationalism, crony protectionism, and neoliberalism (Bozóki 2015:14).

Protection of minorities

Orbán has an ambition to occupy the central arena of power largely on the basis of ethnicity, by the politically homogenized culture of the national community (Bozóki, 2015:13). Women are being exposed by employment discrimination, and domestic violence is forbidden by constitutional law, but rape only comprise violence or coercion, not absence of consent. Furthermore, the constitution does not forbid gay marriage, however it does advocate the marriage between a man and a woman (Freedom House 2018). By allude on the crises of the EU and Western politics, the politics of Fidesz are based on paternalistic and protectionist values promoting identity politics. This has amplified hierarchy values and low social trust, which has hampered the ability to build a pluralistic society based on egalitarianism (Krekó & Enyedi 2018:41). Also, Orbán wants to build an "old-school Christian democracy, rooted in European traditions". By old-school, meaning the period emerging in the 1870s when Protestant faiths originated from the Vatican, this sought to infix religious values to the people as a moral guidance, which also should serve as shield against socialism. This preference of Christianity could interrelate with Orbán's personal orthodox core values. Although, Hungary "is one of the least religious countries in Europe", meaning it could also be seen as a tactic against the liberal, pro-EU intelligentsia in Hungary (Lloyd, 2018:32-33). This is being expressed in Orbán's attitude in the ongoing refugee-crisis, where the role of Christianity and the nationhood is claimed to be threatened by the Muslim refugees (Bogaards, 2018:1487). In conclusion, national unification is an important factor for Orbán, both in the domestic arena but also in the foreign politics (Bozóki, 2015:13).

ECONOMIC ASPECTS

Promoting of market economy

That Hungarian governments since the Soviet era have interfered in the market economy sector is nothing new under the sun (Àgh, 2018:14). But the economic standpoint for Hungary has been closer to market economy than many other former Soviet states. Hence, after the fall of the Berlin Wall and the opening of the Iron Curtain, Hungary became the eastern regions most popular place of foreign investment (Rupnik, 2012:133). Today the economic situation is different, Orbán is intertwining government interests with the market, emphasizing the importance of independent national economic capital (Rupnik, 2012:133). From this, oligarchs represented by Orbán's companions have evolved (Kornai, 2015:37; Krekó & Enyedi, 2018:48). The governmental influence in the markets has been reflected in the taxation system, where normal taxation has been replaced with a sort of "supertaxes". By this collecting profit from whole sectors such as banking, telecommunications, insurance companies and household energy. This has provoked an unpredictable tax policy, making private investors uncertain to invest. The supertaxes are in the short-term stabilizing the budget. However, it also undermines the competitive markets that are supposed to pave way for a sustainable growth and negatively affect the poorer part of the population (Kornai, 2015:38; Krekó & Enyedi, 2018:44). Due to the discourage for private investors in the market, few new jobs are created. The cure for this, according to Fidesz is public work, although public employees are dealing with low salaries and bad working conditions, which have resulted in poverty and social exclusion (Kornai, 2015:39). However, Orbán has drawn economic perks from the EU membership, where since 2017 a constant flow of capital has been pouring into the treasury. Thus, providing a steady 4 percent economic growth, a lower inflation and lowered unemployment. But the supertaxes and the discouraging of private investors, have made its marks by intimidated foreign investors. Consequently, the 4 percent of GDP economic growth is in fact smaller than the value of the 2017 EU transfer on 6 to 7 percent of GDP (Krekó & Enyedi, 2018:44; Transparency International, 2018). Also, the interfering in the market economy paved the way for the previous mentioned infiltration of political institutions as the media (Àgh, 2018:14, 19).

New laws were also established, to some extent prohibiting the rights for the Constitutional Court to comment or review the new budget and tax laws. This has left the Fidesz unmonitored to implement new economic policies, for example the nationalizing of private pensions. Instead a Budget Council was established, comprising two officials chosen by a two-thirds majority vote from the parliament, and the third member was directly chosen by Orbán. The Budget Council has the right to veto any budget presented by the parliament.

Also, if the parliament fails to present a budget before May 31 each year, the prime minister has the right to dissolve parliament (Bánkuti, Halmai & Scheppele, 2012:139-140, 144).

ACQUIS ASPECTS

This aspect comprises the states obligations to follow the *Acquis Communautaire* (In short, the Acquis), which is the judiciary of EU. Like national judiciaries the Acquis is very extensive and constantly evolving and will therefore not be analysed in detail in this article. Although, we will describe to what extent Hungary have fulfilled the Acquis by examining statistics of new and completed judicial cases from the European Court of Justice (ECJ). The statistics that are presented comes from two different time periods, 2007-2011, the period shortly after Hungary joined the EU. New states are starting to adapt to new laws before the accession, but continues adapting after the accession (Laffan, 2015:76), which is the reason why we chose this period and not from 2004. The second time period is between 2013-2017. This will provide a picture of the contemporary trends of Hungary's will to follow the Acquis.

New cases

During the first period of 2007 to 2011 Hungary had in average 1.8 new prosecutions, which puts them far down in the lower half of all the other member states. One of the founders of the Union, France, had an average during this time of 10.6 new cases per year. Bulgaria and Latvia had no prosecutions and Romania had one prosecution during these five years. The member that had most new cases was Greece with an average of 15 new cases per year (European Court of Justice, 2011:98-99).

The second period between 2013 and 2017, new prosecutions for Hungary from the ECJ were even less than the other period with an average of one case per year. Furthermore, France had an average of 1.6 new cases per year and the member with most new cases was still Greece with an average of 12 prosecutions per year. The member states with least new cases were Lithuania with no cases at all, followed by Latvia with only one case and Cyprus and Sweden with only two new cases during the five years (European Court of Justice; 2017:104).

(Table 2: New cases 2007-2011)

Country	Hungary	France	Bulgaria	Latvia	Romania	Greece
Average prosecutions /year	1,8	10,6	1	1	1	15

(Table 3: New cases 2013-2017)

Country	Hungary	France	Lithuania	Latvia	Cyprus	Sweden	Greece
Average prosecutions /year	1	1,6	0	1	2	2	12

Completed cases

During 2007-2011, Hungary had only two completed cases of prosecutions, which gives an average of 0.4 cases per year. One of these two prosecutions led to infringement. Once again Hungary is placing themselves in the very bottom of the list among the member states. France had a total of 39 completed cases during this period and an average of 7.8 cases per year. Of these 39 cases, 36 resulted in infringement. Italy was the country having most prosecutions with a total of 74 completed cases, and an average of 14.8 cases per year. The member states with least completed cases were Bulgaria, Cyprus, Latvia and Romania, which had one or no completed cases, all of them were dismissed (European Court of Justice; 2011:108-109).

In the period of 2013-2017, Hungary had a total of five completed cases approximately per year. All of these five cases led to infringement. France had during this period 14 completed cases and an average 2.8 cases per year. Of these 14 cases 11 of them led to a declaration of infringement. The member state with most completed cases was Greece with a total of 19 completed cases, in average 3.8 per year, where 18 of them led to a declared infringement. The member states with least completed cases were Estonia, Croatia, Latvia, Lithuania and Malta (European Court of Justice, 2017:113).

(Table 4: Completed cases 2007-2011)

Country	Hungary	France	Bulgaria	Cyprus	Latvia	Romania	Italy
Average prosecutions/year	0,4	7,8	0	0,2	0	0,2	14,8
Total	2	39	0	1	0	1	74
Infringement	1	36	0	0	0	0	66
Dismissed	1	3	0	1	0	1	8

(Table 5: Completed cases 2013-2017)

Country	Hungary	France	Estonia	Croatia	Latvia	Lithuania	Malta	Greece
Average prosecutions/year	5	2,8	0	0	0,2	0,2	0,2	3,8
Total	5	14	0	0	1	1	1	19
Infringement	5	11	0	0	1	1	0	18
Dismissed	0	3	0	0	0	0	1	1

SUMMARIZE OF THE THREE ASPECTS

In sum, regarding the political aspects, the new election law providing a two-third majority in the parliament complicates a governmental shift, and also enables an eased process of reconstruction of the constitution. Key positions in several institutions have been occupied by Fidesz loyals, leading to a biased auditing of the executive power. This includes one of the most important auditing institutions, the media. Hence, checks and balances has been distorted and new laws can basically be implemented unlimitedly, including constitutional laws. By this, the human rights and protection of minorities have been marginalized. Nevertheless, the civilian broadband access is well functioning, facilitating access to information. The economic aspects have been affected as well. The emergence of oligarchs as well as expansion of the public sector by direct governmental involvement has disturbed the market economy. The market is controlled by supply and demand but the domination of oligarchs and state, as well as the supertaxes have chased away other private investors narrowing down the “supply”. Not to mention the Acquis aspects would be to not recognize the elephant in the room. Here Hungary seems to fulfill their commitments, placing themselves in the very bottom of the lists among all the other member-states. Although, the last period showed a slightly increased number of completed cases leading to infringement.

CONCLUSION

So, what can be said about the recent development in Hungary based on the Copenhagen criteria? Do Hungary fulfill them and by that, could they be accepted to enter the European Union today? In sum, the last eight years of Orbánization have been devoted by Fidesz to an illiberal strengthening of the political and economic aspects, at the expense of the liberal democratic values of the Copenhagen criteria. But what do we mean with illiberal

strengthening? The lesson to be taken by the Orbánization in Hungary is that from the democracy and the liberal values established 2004, the state apparatus has been formed in shape of Fidesz. Together with his loyalists, Orbán is making the Fidesz party prosper. If the institutions are going to perform effectively in the functions they originally were designed to do according to the Copenhagen criteria, they should not be contested or ignored by any actor. However, Orbán does not seem to believe in liberal democracy, but rather that the politics of Europe is tainted by liberalism. This has resulted in institutions feeding on cronyism, elitism, and centralization, where the supposed independent institutions of the state have been infiltrated by Fidesz-loyal officials that is corrupting the system. An infected body of institutions have paralyzed not only the checks and balances, but also the rule of law, the undeniably foundation of liberal democracy. The change of the constitution and the election law has reduced the possibility for a power shift and media and NGOs have been driven away, marginalizing their influence. Since 90 percent of the media is owned by the state, ideas from other parties in upcoming election campaigns will be difficult to mediate, aggravating a governmental shift even more. The part of the civil society that opposes the regime seems to live in fear for the consequences of challenging the acting of the government, although in this argument emphasis should be placed on the people who *opposites*. There is, even though we have mentioned Fidesz-organized repression of civilians, of greatest importance to recognize that the Fidesz has won the last three national elections free and fair, proving that a majority of the people prefer Fidesz. Repression of minorities occur and homogenization are openly preferred in the spirit of Christian values by Orbán. Orbán appears to want a unitary system of values that the Fidesz can control, with a minimum of economic, cultural, and political varieties for the Hungarian people. Not only great parts of the political aspects have been infected, but also great parts of the economic aspects. The weakened checks and balances and rule of law is affecting these aspects as well. A Budgetary Council that is more or less controlled by Fidesz is in charge of the passing of new budgets. And with no checks and balances they can do this virtually unhampered, proved by the implementation of the supertaxes. By this, the state caters oligarchs with economic influence excluding any other potential investors necessary for a competitive market economy. Still, regardless these righteous called backlashes of the first two criteria, Hungary proves themselves to be a functioning member state regarding the Acquis aspects. They have remained in the very bottom of the lists of new and completed prosecutions during both of the presented time periods, even though infringements increased during the latest period. If this is a result of skilled governance of Orbán's, or if it is a result of passive acting from the EU is not a question for this article to answer, although it is worth mentioning.

All the events stated in the first two criteria are examples of steps away from the description of “liberal” in LI and so the Copenhagen criteria. Still, Hungary could be counted as a democracy, due to the people’s influence in the elections. But if they could be counted as a liberal democracy is more uncertain. Because the EU is imprinted by liberal democracy, the development in Hungary could be seen as a sign of weakened integration, due to that the EU has failed to convince one of its own member state to embrace the idea of liberal democracy. The Orbánization of the economical and political aspects are aiming toward the opposite of what the Copenhagen criteria are describing. Away from stable institutions, rule of law, human rights, protection of minorities and market economy. As in consequence, this development makes it basically impossible for the society to utter any opposing opinions for the state to lift in the international arena. The interests lifted are, rather than a reflection of a bargaining between the society and the state, a reflection of the result of a repression from the government against the people. A one-sided politics that, on the cost of the society rather than on the interest of it, are acting on the international arena for the sake of the Fidesz and Orbán. In sum, one can say that Hungary, according to the Acquis Communautaire are more or less fulfilling the third criterion. Although, one cannot say that Hungary are even close to fulfill the first two criteria. Leaving us with the conclusion that the Orbánization have made Hungary not fitted to become one of the EU’s member states if an accession process would be assessed today. A weakness of the EU system that can be distinguished is that there is no assessment how member states fulfill the Copenhagen criteria after they have become members. However, this aspect is not a question for this article to answer, but would be of value for further research.

REFERENCES

- Ágh, A., (2018). External and internal europeanization in east-central europe: The new populist parties and deconsolidation in the 2010s. *Journal of Comparative Politics*, 11(1), pp.12–32.
- Bánkuti, M., Halmai, G. & Scheppele, K.L., (2012). Disabling the Constitution. *Journal of Democracy*, 23(3), pp.138–146.
- Bogaards, M., (2018). De-democratization in Hungary: diffusely defective democracy. *Democratization*, 25(8), pp.1481–1499.
- Bugaric, B. & Ginsburg, T., (2016). The Assault on Postcommunist Courts. *Journal of Democracy*, 27(3), pp.69–82.
- Bozóki András. (2015) Broken Democracy, Predatory State, and Nationalist Populism. In Krasztev, P., & Van Til, J. (eds.). *The Hungarian Patient Social Opposition to an Illiberal Democracy*. Budapest; New York: Central European University Press. pp.3-55
- Buzogány, A. (2017). Illiberal democracy in Hungary: *Authoritarian diffusion or domestic causation?* *Democratization*, 24(7), pp.1307-1325.
- Dimitrova, A. (2002). Enlargement, Institution-Building and the EU's Administrative Capacity Requirement. *West European Politics*, 25(4), pp.171-190.
- European Court of Justice (2011). Court of Justice of the European Union: *Annual Report 2011*. [online] Available at: https://curia.europa.eu/jcms/upload/docs/application/pdf/2012-06/ra2011_version_integrale_en.pdf [Accessed 11 Oct. 2018]
- European Court of Justice (2017). Court of Justice of the European Union: *Annual Report 2017*. [online] Available at: https://curia.europa.eu/jcms/upload/docs/application/pdf/2018-04/ra_2017_en.pdf [Accessed 11 Oct. 2018]
- European Commission (1993) *Bulletin of the European Communities, No. 6, 1993*. [online] Available at: <http://aei.pitt.edu/65710/1/BUL357.pdf> [Accessed 6 Oct. 2018]

European Commission (1997). *Commission Opinion on Hungary's application for Membership of the European Union*. Brussels, 15th July 1997.[online] Available at: http://europa.eu/rapid/press-release_DOC-97-13_en.htm [Accessed 28 Sep. 2018]

European Commission (2002). *2002 Regular Report On Hungary's Progress Towards Accession*. Brussels, 10th sept. 2002 [online] Available at: [http://aei.pitt.edu/44534/1/hungary_SEC_\(2002\)_1404.pdf](http://aei.pitt.edu/44534/1/hungary_SEC_(2002)_1404.pdf) [Accessed 6 Okt. 2018]

European Commission (2016) *European Neighbourhood Policy And Enlargement Negotiations: Conditions for membership*. [online] Available at: https://ec.europa.eu/neighbourhood-enlargement/policy/conditions-membership_en [Accessed 28 Sep. 2018].

European Commission (2017) *Digital Economy and Society Index - Hungary*. European Commission: 4. European Union.

European Commission (2018a). *Enlargement Policy Applying EU Standards*. [online] Available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement_policy_applying_eu_standards.pdf [Accessed 28 Sep. 2018]

European Commission (2018b). *Economic criteria for joining the EU*. [online] Available at: https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/international-economic-relations/enlargement-and-neighbouring-countries/enlargement/economic-accession-criteria_en [Accessed 21 Oct. 2018]

EUR-Lex Access to European Union law. (2018a). *Rule of Law* [online] Available at: https://eur-lex.europa.eu/summary/glossary/rule_of_law.html [Accessed 22 Oct. 2018]

EUR-Lex Access to European Union law (2018b). *Human Rights* [online] Available at: https://eur-lex.europa.eu/summary/glossary/human_rights.html [Accessed 22 Oct. 2018]

European Parliament report WIP/2003/01/0031-32. (January 28, 2003). *Note on the Political and Economic Situation in Hungary and its Relations with the European Union in the Framework of Accession*.

Freedom House (2018). *Freedom in the World 2018, Hungary*. <https://freedomhouse.org/report/freedom-world/2018/hungary#a1-pr> [Accessed 8 Oct. 2018].

Jenne, E.K. & Mudde, C., (2012). Can Outsiders Help? *Journal of Democracy*, 23(3), pp.147–155.

Kochenov, D., & Pech, L. (2016). Better Late than Never? On the European Commission's Rule of Law Framework and its First Activation. *JCMS: Journal of Common Market Studies*, 54 (5), pp.1062-1074.

Kornai, J., (2015). Hungary's U-turn: retreating from democracy. *Journal of Democracy*, 26(3), pp.34–48.

Krekó, P. & Enyedi, Z., (2018). Orbán's Laboratory of Illiberalism. *Journal of Democracy*, 29(3), pp.39–51.

Lavenex, S, & Schimmelfennig, F. (2011). EU democracy promotion in the neighbourhood: From leverage to governance? *Democratization*, 18(4), pp.885-909.

Lloyd, John. (2018). The new Illiberal International: The dream of a united, integrated Europe is collapsing under the pressure of mass migration and the rise of a global populist movement. *New Statesman*, 147(5428), pp.30-33, 35.

Moravcsik, Andrew. (1993). Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach. *JCMS: Journal of Common Market Studies*, 31(4), pp.473-524.

Pace, M. (2007). The Construction of EU Normative Power*. *JCMS: Journal of Common Market Studies*, 45(5), pp.1041-1064.

Rupnik, J., 2012. How Things Went Wrong. *Journal of Democracy*, 23(3), pp.132–137.

Schimmelfennig, Frank (2015) Liberal intergovernmentalism and the euro area crisis, *Journal of European Public Policy*, 22(2), pp.177-195

Transparency International (2014) *Hungary's elections: Free but not Fair*. [online] Available at: https://www.transparency.org/news/feature/hungarys_elections_free_but_not_fair [Accessed 23 Oct. 2018].

Transparency International (2018) *Is Hungary's Assault on the Rule of Law Fuelling Corruption?*. [online] Available at: https://www.transparency.org/news/feature/is_hungarys_assault_on_the_rule_of_law_fuelling_corruption [Accessed 9 Oct. 2018].