

László Kákai*, Viktor Glied**

Civil Society in the Crosshairs

STUDIA I ANALIZY

Keywords: crisis, democracy decline, NGOs, civil society

Abstract: *As a result of permanent crises, changing political circumstances, rise of populism and overwhelming socio-cultural conflicts, recently liberal democracy is on the decline. This process strongly affects the civil sector, which in the 21st century is still considered one of the main defenders of democracy and human rights. Civil sector also performs a couple of functions that help them try to monitor the state (watchdog function), protect citizens, minorities, human rights, environment, animals etc. and provide a normative behavioural attitude. Nowadays in many countries the activities of civil organizations are restricted, displaced or terminated. Focusing on those countries where democratic backsliding process can be clearly observed, this study examines the background and forms of the process by which civils turned from partners to “enemies” in the last decade.*

* ORCID ID: <https://orcid.org/0000-0002-0380-4309>, Professor, Faculty of Humanities and Social Sciences, Department of Political Science and International Studies. University of Pécs (Hungary). E-mail: kakai.laszlo@pte.hu

** ORCID ID: <https://orcid.org/0000-0003-2467-5435>, Associate Professor, Faculty of Humanities and Social Sciences, Department of Political Science and International Studies. University of Pécs (Hungary). E-mail: glied.viktor@pte.hu

Introduction

Changing spaces, changing roles

Since the first half of the 2010s, the UN has been constantly warning in its reports about the government's intentionally shrinking of the civil sector's opportunities. At first, these warnings were put on the agenda in connection with traditionally authoritarian regimes, such as Belarus, Iran, Eritrea, China, or Myanmar, but afterwards anomalies have been also mentioned in relation to Turkey, Russia, most of the former Soviet republics, Israel, Hungary, Poland, North Macedonia and Serbia¹. Apparently causes of this process were the crises (financial-economic in 2007–2008, permanent social – growing inequalities since 1990s, later migration crisis between 2014 and 2016, COVID-19 pandemic since 2020, etc.) that liberal democracy was either unable to handle effectively, or the electorate believed that steps towards solutions were not sufficient enough. These intertwined phenomena further eroded the structure of the post-Cold War, unipolar, US-led world order, the dominance of the economic and social system of neoliberal capitalism, and liberal democracy in general². As a result of all of these processes, political "innovations" appeared that, sometimes in a radical, sometimes in a more moderate form, and ideologically even from the left, right and/or green/globalization critical side, questioned the political/geopolitical, economic and financial power structure. There are many possible components to this question, but the process can basically be divided into two major parts:

1. The gradual but consistent destruction of democracy and democratic frameworks; the systematic dismantling of the system of checks and balances; the degradation of the rule of law structure on the part of the political elite who come to power as a result of crises.
2. The political-technical considerations of the political regimes, which have literally appropriated the state by transforming the political/legal/power frameworks, and are trying to retain their power by all means. As part of the process, they reinterpret the concept of populism, reduce the possibilities of effective control of the state, and exploit the characteristics of the post-

¹ It is not an exact method in the academic sense, as the depth of change within each country is not equal. Thus, the examples presented are not based on the same criteria. The aim was primarily to draw attention to the phenomenon itself, to the countries in which restrictive measures have appeared.

² I. Krastev, S. Holmes, *The Light That Failed: Why the West Is Losing the Fight for Democracy*, Pegasus Books, 2020; S. Kubas, *The Process of Deterioration of Liberal Democracy in the Visegrad Group Countries: Institutional Perspective*, «Politologija» 2021, vol. 103, issue 3, pp. 41–74.

truth phenomenon to consciously destabilize societies by creating parallel realities.

Since the 2000s, so-called “colourful revolutions” took place worldwide. The diverse movements demanding profound political and social changes were organized along many themes, however they had a common feature that they took a stand against the increasingly obvious crisis phenomena. Demands were connected by the sharply appearing anti-establishment attitude and the need to replace corrupt, authoritarian/semi-authoritarian or “hybrid” power, as well as the need for transparency of political decisions. The movements opposing authoritarian aspirations in post-socialist countries (Serbia, Georgia, Belarus, Ukraine, Azerbaijan), as well as the events of the Arab Spring (2011), which eventually resulted armed conflicts, civil wars and complicated geopolitical/domestic political transformations, radically changed the relationship between the Western bloc led by the USA, and Russia, China and developing countries³. This collaboration, which so far had been fraught with problems but showed basically constructive features, came to an end, and international actors from both side began to accuse each other in an increasingly harsh tone. From the Western side, the narrative could be summarized that Putin and the governments following the Russian pathway have consciously curtailed democratic values, do not respect human rights and freedom rights, restrict and “stifle” civil organizations, furthermore introduce increasingly strict state control. On the other side, however, Russia, Turkey, China, Bolivia, Venezuela, Iran, and in many cases other countries which watched the American hegemony with suspicion have claimed that Washington is deliberately and consistently inciting tension in order to remove the leaders of regimes considered undemocratic. This debate has changed cyclically, it consisted of acceleration and deceleration phases, sometimes parties were more open to collaborate in specific issues, other times they were waiting for other actors’ steps, or in some cases entirely ignored each other’s interests⁴. In our study we are focusing on those countries where the shrinking democratic space associated with the disappearing civil capital can be clearly detected.

³ H. Kissinger, *World Order*, Penguin Press, New York 2014; E. Todd, *After the Empire: The Breakdown of American Order*, Columbia University Press, New York 2003.

⁴ T. Kuosa, *Towards the Dynamic Paradigm of Futures Research: How to Grasp a Complex Futures Problem with Multiple Phases and Multiple methods*, Sarja/Seria A-8:2009, Turku School of Economics 2009.

Disappearing civil capital

The widespread challenges of recent time confirm the belief that in the 21st century, civil society is still the immune system of society, the moral compass of the state, and the defender of the democratic framework. Nonetheless civil society has always been characterized by duality. On the one hand, it represents the field of social self-organization, where social organizations operate, create networks, provide services, contribute to social and cultural innovations, or even articulate and represent interests. On the other hand, they follow up various processes, express opinions, participate in public affairs, speak up in relation to anomalies or harm to certain sectors and, above all, provide publicity⁵. Civil networks erect a protective wall against globalization risks, environmental destruction, or the degradation of religious, racial, ethnic, and sexual minorities and try to defend citizens by ensuring a normative behavioural and thinking attitude⁶. On the one hand this can be called the watchdog (control) function of civilians, in the framework of which they unveil and make public the incorrect, careless, irresponsible actions of the state and/or market players.

The process that began in the early 1990s – called the third wave of democratization by the American political scientist Samuel Huntington – slowed down completely in the 2000s and essentially came to a halt after the Arab Spring⁷. Several countries' political leaderships that once followed the path of liberal democracy chose a different direction, primarily taking into account ideological and power dynamics considerations⁸. Some governments started referring to themselves as illiberal democracies and created hybrid systems (Hungary, Turkey, Serbia, Bolivia, Venezuela, etc.). Other countries built an authoritarian system (Russia, Belarus) with the complete elimination of democratic frameworks. Still others have taken steps to dismantle democracy, primarily in connection with ensuring the transparency and control of the judiciary, the civil sector, or the state, as well as the protection of the rule of law (Israel, North Macedonia, Poland, Georgia).

⁵ R. Glózer, *Diskurzusok a civil társadalomról. Egy fogalom transzformációi a rendszerváltó évek értelmiségi közbeszédében* [Discourses on civil society. Transformations of a concept in the intellectual public discourse of the regime change years], L'Harmattan Kiadó, Budapest 2008; D. Brown, *The Effectiveness of Non-Governmental Organizations (NGOs) within Civil Society*, International Studies Masters 2009, Paper 75. St. John Fisher University.

⁶ S. Brechenmacher, T. Carothers, *Defending Civic Space: Is the International Community Stuck?*, Carnegie Endowment for International Peace Publications Department, Washington 2019.

⁷ S.P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press, Norman 1991.

⁸ F. Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, W.W. Norton, New York 2003.

If we look at why offensives are launched everywhere against the civic sector, we basically have to consider two aspects. According to one of them, the state's accountability, control, and monitoring can be partially realized through the civil sector. The civic sector is the protector of the democratic framework, the healthy immune system of the society, the space between the state and the society in which the interactions of different sectors take place⁹. According to the other approach, the civil sphere plays an important role in mediating information, in providing information, and at the same time in shaping citizens' perception of reality. Since in a healthy and well-functioning democracy, the civil sector appears as a partner of the state in the processes, the flow of information also serves cooperation. In the 1990s, as a result of the gradual dismantling of welfare states, governments of the global North began to withdraw from the organization of social subsystems and large welfare systems. Governments increasingly began to provide the possibility and task of organizing (public) services to non-state actors¹⁰. As a result of state outsourcing, the importance of the non-profit sector increased to a great extent, as they appeared in the most diverse areas of life, such as the social and health sphere, environmental protection, sports, or the protection of human and civil rights. As a result of the crises, many governments believed that they were launching drastic reforms, the aim of which was to transform the role of the state and to narrow the liberal democratic framework that they considered ineffective¹¹. They also believed that non-governmental organizations that hold the state to account or want to hold the state accountable on certain issues do not help, but actually hinder it. Several governments' narrative stated that specific organisations were not basically considered fully civil, because they served foreign/alien interests in order to enforce non-elected powers' efforts and spread their "democratic" views¹². Governments were able to do these restrictions almost without serious resistance, due to the fact that in Central and Eastern Europe, as well as in developing regions, the social embeddedness of civil organizations is very low, and their power and economic potential are pretty small. The vast majority of their income is obtained from the state through projects/funds, which is why their vulnerability is significant. If we examine the issue from this perspective, governments' reforms

⁹ J. Keane, *Civil society: Old images, new visions*, Stanford University Press, Stanford 1998.

¹⁰ B. Duffy, A. Pierce, *Socio-political Influencers*, IPSOS Mori 2007, https://www.ipsos.com/sites/default/files/publication/1970-01/sri_socio-political_influencers_062007.pdf (3.02.2023).

¹¹ A. Baker et. al., *Maintaining Civic Space in Backsliding Regimes – Research and Innovation Grants*, Working Papers Series, USAID, University of Colorado 2017.

¹² L. Benková, *Hungary-Orbán's project towards "illiberal democracy"*, FOKUS, 2019/2. AIES, 2019, <https://www.aies.at/download/2019/AIES-Fokus-2019-02.pdf> (11.03.2023).

markedly affected the sector that does not have a real opportunity to protect interests and exert pressure, and therefore is not capable of strong defence either¹³. Political science calls the process that has taken place in the last one and half decade in increasingly authoritarian regimes, but also in democratic countries, the shrinking space of the civil sector, during which civilians have turned from partners to “enemies”¹⁴.

While the independence of the civil sector was essentially abolished in the authoritarian regimes and their public activities were eliminated, in the so-called hybrid regimes non-profit organizations were brought under complete control through various legal and power mechanisms¹⁵. The state extruded organizations it disliked or considered harmful, subjected them to procedures, restricted their financial opportunities, attacked them through the media, or offered them a partnership that would achieve quasi-total control over them. Governments paid special attention towards those NGOs that address their activities feminism, human rights, gender equality, women’s rights, LGBTQ issues, pacifism, minorities etc.¹⁶ In every case, the objection appeared in the arguments that the civilians dealing with the aforementioned topics do not represent national interests, but they are “foreign agents”, “foreign mercenaries”.

Hybrid regimes mostly maintain the appearance of respecting democratic frameworks: there are opposition parties, elections, opposition media, etc. However beneath the surface every element of the political system is controlled by the government, thus it also tries to repress critical voices. However, in order to maintain the appearance, the state itself creates and maintains mechanisms that articulate social debates. This makes it seem as there is a dialogue between civilians and the state. In the reality, all this is just a quasi-activity, the “civil organizations” participating in it do not or do not fully meet the attributes of civility¹⁷, thus the dialogue cannot be considered fully constructive cooperation.

¹³ P. Vador, N. Traxler, R. Millner, M. Meyer, *Civil Society in Central and Eastern Europe: Challenges and Opportunities*, ERSTE Stiftung, Vienna 2017.

¹⁴ T. Carothers, *Closing space for international democracy and human rights support*, «Journal of Human Rights Practice» 2016, vol. 8, no. 3, pp. 358–377, <https://doi.org/10.1093/jhuman/huw012>; N. Bolleyer, *Civil society, crisis exposure, and resistance strategies*, [in:] A. Sajó, R. Uitz, S. Holmes (eds.), *The Routledge handbook of illiberalism 2021*, Routledge, Taylor and Frances, pp. 939–956.

¹⁵ M. Gerő, A. Fejős, Sz. Kerényi, D. Szikra, *From Exclusion to Co-Optation: Political Opportunity Structures and Civil Society Responses in De-Democratising Hungary*, «Politics and Governance» 2023, vol. 11, no. 1, pp. 16–27.

¹⁶ D. Szikra, A. Fejős, M. Neményi, R. Vajda, *Civil society activism related to women and families since 2010 in Hungary*, Friedrich Ebert Stiftung, Budapest 2020.

¹⁷ D. della Porta, *Political opportunity/political opportunity structure*, [in:] D.A. Snow, D. della Porta, B. Klandermans, D. McAdam (eds.), *The Wiley-Blackwell Encyclopaedia of social and political movements*, Blackwell Publishing, Wiley Online Library 2013.

Democratic systems are facing challenges all over the world, not only in terms of the effectiveness of the political system, but also in relation to citizens' trust in the democratic institutional system. Looking at the database set by the Varieties of Democracy Project (V-Dem), it can be seen that democracy is declining almost everywhere and that a third of our democratic countries in the world are already looking for alternative political solutions. Patterns of which are provided by effective but non-democratic regimes: Russia and China. Western liberal states are increasingly worried about what is happening in Central and Eastern European countries and are attempting to use traditional recipes to halt the process: strengthen the political opposition, put civil society in a position, maintain independent media, and help the entrepreneurial sector. In authoritarian political the opposite of these behaviours is realized, which means:

1. abolishing democratic rules,
2. questioning the legitimacy of opposition parties,
3. using violence,
4. the suspension of the civil sector and the liquidation of the independent media.

In their book *How Democracies Die*¹⁸, Levitsky and Ziblatt acknowledge that democracy around the world is on the defensive, and that this process is accompanied by the erosion of norms that have been considered universal until now, such as tolerance and the rule of law. In democracies without protective barriers, polarization can create such deep fault lines between political forces that can later be irremediable and permanently divide given societies, encouraging politicians to maintain this unfavourable structure. The civil sector can play an important role in the reorganization and consolidation of a society, which would be able to form a link between the state and society in a way that transcends political debates.

Typology

Several scholars have tried to identify common patterns across countries and have grouped them accordingly. The best-known typology of civil society stems from Salamon and Anheier¹⁹, who clustered countries into four "non-profit regimes". Such typologies have proven meaningful for explaining cross-country differences in, for instance, volunteering, philanthropic donations or

¹⁸ S. Levitsky, D. Ziblatt, *How Democracies Die*, Crown, New York 2018.

¹⁹ L.M. Salamon, H. Anheier, *Social Origins of Civil Society*, «International Journal of Voluntary and Nonprofit Organizations» 1998, vol. 9, no. 3, pp. 213–248.

the size of the civil society sector²⁰. In such studies, Western countries are unanimously assigned to the liberal, the socio-democratic or the corporatist nonprofit regime, while non-Western countries, including CEE countries, have often been treated as a residual category. They have been lumped together in meagrely defined groups which are labelled "Statist" or "Eastern European" or simply "Poor/Statist" and they include a wide range of diverse countries²¹.

Social origin theory argues that the development of a civil society sector cannot be easily understood as the product of a linear extension of a single factor, such as the diversity of the population, government welfare spending or trust in society²². Rather, more complex relations among social classes and social institutions are involved and dominated by power distributions²³. This idea also draws on the work of Moore²⁴ and Esping-Andersen²⁵, who elaborated on the social origins of fascism and democracy and on the origins of the modern welfare state, both referring to power-resource theory²⁶. They argue that the evolution of different forms of the welfare state is determined by past political and economic struggles between social classes (e.g. the landed elite, rural peasantry and urban middle class) and the state²⁷. For instance, a strong urban middle class and low aristocratic power favour the development of low government power, and consequently, a rather liberal and market-dominated

²⁰ C.J. Einolf, *The Social Origins of the Nonprofit Sector and Charitable Giving*, [in:] P. Wiepkling, F. Handy (eds.), *The Palgrave Handbook of Global Philanthropy*, vol. 1, Palgrave MacMillan, Basingstoke and New York 2015, pp. 509–529; Ch. Kanga, F. Handy, L. Hustinx, R.A. Cnaan, J.L. Brudney, D. Haski-Leventhal, S. Zrinščakl, *What gives? Cross-national differences in students' giving behavior*, «Social Science Journal» 2011, vol. 48, no. 2, pp. 283–294; W.S. Sokolowski, *Effects of Government Support of Nonprofit Institutions on Aggregate Private Philanthropy: Evidence from 40 Countries*, «International Journal of Voluntary and Nonprofit Organizations» 2013, vol. 24, no. 2, pp. 359–381.

²¹ A. Pennerstorfer, M. Neumayr, *Examining the Association of Welfare State Expenditure, Non-profit Regimes and Charitable Giving*, «International Journal of Voluntary and Nonprofit Organizations» 2017, vol. 28, pp. 532–555; L.M. Salamon, W.S. Sokolowski, H. Anheier, *Social Origins of Civil Society: An Overview*, Center for Civil Society Studies, Baltimore 2000.

²² L.M. Salamon, H. Anheier, *Social Origins of Civil Society...*, pp. 213–248.

²³ D. Rueschemeyer, E.H. Stephens, J.D. Stephens, *Capitalist Development and democracy*, Chicago University Press, Chicago 1992.

²⁴ B.J. Moore, *Social Origins of dictatorship and Democracy: Lords and Peasant in the Making of the Modern World*, Beacon Press, Boston 1966.

²⁵ G. Esping-Andersen, *The Three Worlds of Welfare Capitalism*, Polity Press, Cambridge 1990.

²⁶ W. Korpi, *Conflict, Power and Relative Deprivation*, «American Political Science Review» 1974, vol. 68, no. 4, pp. 1569–1578.

²⁷ S.R. Smith, K.A. Gronbjerg, *Scope and Theory of Government-Nonprofit Relations*, [in:] W.W. Powell, R. Steinberg (eds.), *The Nonprofit Sector. A Research Handbook*, vol. 2, Yale University Press, New Haven 2006, pp. 221–242.

regime²⁸. Esping-Andersen defined three central institutions within the structure of the welfare system: the state, the market and the family. Depending on the dominance of these institutions in a country, he identified three different regime types, with the central institution being the state in the social democratic regime, the family in the corporatist regime, and the market in the liberal regime.

Though this typology is well established in research, it also has evoked much critique²⁹. First, the typology does not reflect on the role of civil society when describing the central institutions of the welfare state, though civil society organizations are important providers of welfare services. Some scholars have dealt with this shortcoming by discussing the provider mix within the care system³⁰. Both Ranci, Salamon and Anheier focus on the role of the civil society sector in the provision of social care and the degree of state funding³¹. In their work, Salamon and Anheier³² describe four different non-profit regimes to explain the size, functions and funding structure of CSOs across countries.

Civil organizations in political squeeze

During the COVID-19 pandemic (2020–2023) state of the non-profit sector got less attention, however, it is no doubt that there is something happening in the European civil sector, which will have great impacts on the short as well as the long-term conditions of the sector. The question is what these changes are and what effects they exert on the organizations; do they narrow or widen the extension, operation and development possibilities of the non-profit sector?

The non-profit sector of the Central and Eastern European (CEE) countries has been strongly influenced by the disintegrating and obstructive impact

²⁸ G. Esping-Andersen, *The Three Worlds...*

²⁹ W. Arts, J. Gelissen, *Three worlds of welfare capitalism or more? A state-of-the-art report*, «Journal of European Social Policy» 2002, vol. 12, no. 2, pp. 137–158; I. Gough, *Social policy regimes in the developing world*, [in:] P. Kennett (ed.), *A Handbook of Comparative Social Policy*, (Second Edition, 205–224), Edward Elgar, Cheltenham, Northampton, MA 2013, pp. 205–224.

³⁰ J. Alber, *A framework for the comparative study of social services*, «Journal of European Social Policy» 1995, vol. 5, no. 2, pp. 131–149; A. Anttonen, J. Sipilä, *European social care services: is it possible to identify models?*, «Journal of European Social Policy» 1996, vol. 6, no. 2, pp. 87–100; C. Ranci, *The Mixed Economy of Social Care in Europe*, [in:] U. Ascoli, C. Ranci (eds.), *Dilemmas of the Welfare Mix*, Kluwer Academic/Plenum Publishers, New York 2002, pp. 25–45.

³¹ A. Pennerstorfer, M. Neumayr, *Examining the Association...*, pp. 532–555.

³² L.M. Salamon, H.K. Anheier, *Social Origins of Civil Society...*, pp. 213–248.

of the Soviet-like regimes. The most apparent fact was that the size of the civil sector was extremely small in these countries (see Romania or Bulgaria). According to the statistics, it was able to employ only a fragment of the active population (0.8 percent), which was one tenth of the Western European average³³. During the state socialism, the rudimentary civil sector was allowed to conduct leisure time activities; the time having passed since then has brought about considerable breakthroughs in several fields (education, social care, health care etc.), however, this is connected to the reduction of state contribution. A relatively big part of the incomes of the nonprofit sector comes from private donations, while state contribution amounts to only one third of the Western European average³⁴. The CEE countries have considerably developed since then (Table 1).

Table 1. Overview of economic data of civil society in CEE³⁵

	Population in millions	GDP growth (annual %)	GDP per capita in PPS (Index EU28 = 100)	Value added as % of GDP	Number of employees	Number of employees in CSOs	% of employment in CSOs	Active CSOs	Active CSOs/1.000 citizens	% volunteer engagement
Austria	8.50	0.86	127	2.20	3,600,000	234,000	6.50	60,000	7.06	27.1
Czech Republic	10.50	4.20	85	1.77	5,023,923	105,000	2.09	127,300	12.13	34.5
Hungary	9.87	2.94	68	1.55	4,550,000	168,350	3.70	64,000	6.47	34.3
Poland	38.50	3.65	69	1.40	16,800,000	151,200	0.90	80,000	2.08	37.0
Slovakia	5.40	3.60	77	0.98	2,200,000	31,900	1.45	13,400	9.70	27.5
Croatia	4.30	1.64	58	n/a	2,200,000	34,320	1.56	57,900	13.70	8.8
Slovenia	2.06	2.88	83	2.06	820,000	8,364	1.02	28,600	13.90	18.0
Bulgaria	7.60	2.97	46	n/a	2,220,000	13,320	0.60	9,500	1.25	10.0
Romania	20.00	3.74	57	0.60	4,700,000	56,400	1.20	26,000	1.30	12.8

³³ Ibidem, pp. 213–248.

³⁴ L.M. Salamon, W.S. Sokolowski, H.K. Anheier, *Social Origins of Civil Society...*

³⁵ The data in this table is based on the results of an online survey of civil society experts in 16 countries, conducted in February–March 2016. In total, 422 experts with an average of 14 years of professional and academic experience in civil society contributed to the survey. Their answers included qualitative and quantitative assessments of key areas of this survey as defined above: the institutional environment for civil society, key actors in civil society in the fields of advocacy, social services, culture and social entrepreneurship, and the respondents' expectations for the next 10 to 15 years.

	Population in millions	GDP growth (annual %)	GDP per capita in PPS (Index EU28 = 100)	Value added as % of GDP	Number of employees	Number of employees in CSOs	% of employment in CSOs	Active CSOs	Active CSOs//1.000 citizens	% volunteer engagement
Albania	2.80	2.56	30	0.28	1,040,000	7,488	0.72	2,400	0.87	20.3
Bosnia & Herzegovina	3.80	3.16	29	0.60	685,000	2,603	0.38	6,600	1.71	7.9
Kosovo	1.80	3.62	n/a	n/a	250,000	6,450	2.58	8,000	4.44	8.0
Macedonia	2.07	3.67	37	0.96	500,000	1,900	0.38	4,200	2.00	28.6
Moldova	3.60	-0.50	n/a	n/a	n/a	n/a	n/a	2,000	0.54	18.2
Montenegro	0.62	3.37	41	0.58	211,000	781	0.37	1,100	1.69	7.3
Serbia	7.20	0.73	36	1.34	2,000,000	6,800	0.34	37,700	5.20	11.0

Source: P. Vandro, N. Traxler, R. Millner, M. Meyer, *Civil Society in Central and Eastern Europe: Challenges and Opportunities*, ERSTE Stiftung, Vienna 2017, p. 41.

One of the shifts appears in the changes in the economic environment of the organizations. According to the table above, NGOs employ 2 percent of the total number of employees in average (0.9 in Poland and 3.7 percent in Hungary), and the GDP contribution of the sector is between 0.98 percent (Slovakia) and 1.8 percent (Czech Republic). Data are rather diverse in terms of organization density: while Poland has 2 operating non-profit organizations by one thousand people, Czechia has 12. The rate of budget financing has also considerably changed since the transition. The state support of the organizations has significantly increased: in Poland, 55 percent of NGO's incomes origin from the state budget, while this rate is 65 percent in the Czech Republic, and foreign sources have almost totally disappeared. It is only Hungary where this tendency shows and interesting "wavy" movement: until 2010, the rate of state support had exceeded 40 percent, then it fell back dramatically (from the 43 percent in 2010 to 29 percent by 2014), and it has been growing since 2017 again, to 44 percent. During this process the distribution of the amounts received from the EU structural funds, too, has been drawn under strict state control³⁶.

³⁶ M. Meyer, C.M. Moder, M. Neumayr, N. Traxler, P. Vandro, *Civil társadalmi mintázatok Közép-és Kelet-Európában: Történelmi fejlődési utak és jelenlegi kihívások. [Civil society patterns in Central and Eastern Europe: Historical development paths and current challenges]*, «Civil Szemle» 2017, vol. 14, no. 1, pp. 35–65.

The other important change is of political nature. The political power was gained practically in turns by the parties of the middle left and the middle right. Owing to the permanent “pendular movement”, the governmental attitude towards the civil society has also been constantly changing. Some governments wished to enhance the role played by the state and were distrustful with civil organizations, while others wanted to open space for them and strived to build participation mechanisms in shaping their policies.

Besides analysing the developments in the legal and financial environment, another aspect must also be considered: the changes in the political sphere³⁷. During the decades after World War II, the role of NGOs increased in the developed market economies, and it did so in the post-Soviet countries emerging in the late 80s, as well. The growth in their importance in the OECD countries is clearly indicated by the fact that they produce 5–10 percent of the GDP. This “ideal” situation remained practically until the economic crisis in 2008. Although a kind of “pendular politics” between the middle right and middle left parties reflecting the politicized relation of these parties to the civil society³⁸ had been present earlier, as well, no sharp confrontation had appeared. The economic world crisis, however, had a considerable impact on the positions of the European non-profit sector. The government’s supportive attitude changed, the deteriorating conditions of the central budgets ended in serious economic and then social crises. The shifts in cultural diversity and the social structure had slowly destroyed liberal values by the time the crisis exploded. The rapidly changing environment and the citizens’ feeling of defencelessness appearing again brought the desire for an “attentive power” back, which was continuously nurtured by the fear from increasing existential insecurity and being ousted to the margins³⁹. Thus the content of politics implemented was significantly modified. New types of (so called hybrid) systems appeared. This way, in several countries the control and “colonization” of the civil society, the disablement of the independent organizations being critical with the government, the decrease in the financing of civil/non-profit organizations and their centralization grew stronger and stronger⁴⁰. This symptom appeared not only

³⁷ Examining this issue, we can, however, word much more uncertain statements than we could in terms of the legal and financial data.

³⁸ H.K. Anheier, M. Lang, S. Toepler, *Civil society in times of change: shrinking, changing and expanding spaces and the need for new regulatory approaches*, «Economics: The Open-Access, Open-Assessment E-Journal» 2019, vol. 13, no. 8, pp. 1–27, <http://dx.doi.org/10.5018/economics-ejournal.ja.2019-8>.

³⁹ É. Kuti, M. Marschall, *Will the “empire” strike back? The global “third sector” is on the defensive*, «Civil Szemle» 2020, vol. 17, no. 1, pp. 37–47.

⁴⁰ The beginning of Vladimir Putin’s presidential era (2000) is often mentioned as a precursor of this; the Russian authorities then permanently attacked and limited

in non-liberal countries (but in several states said to be liberal, too). Fight against “Western-type” NGOs strengthened: governments tried to push these organizations into the background and discredit them by stigmatization, taxation and harassment and with the help of government-established civil organizations (GONGO – *government organized non-governmental organization*)⁴¹.

In the crisis situation arising from the economic crisis, in most of the CEE countries rightist governments were elected (in 2010 in Hungary, in 2015 in Poland and in 2016 in Slovakia), which resulted in a sharp change in governmental politics⁴². This shift to the right was in each of the Visegrad countries (V4), except for the Czech Republic, attended by the hindering of the operation of the civil organizations as well as trials to discredit⁴³ the associations and foundations with an international background⁴⁴. This process⁴⁵ has become apparent in several countries by today. “Cherry-picking” from the certain regions and countries with a high hand, we may find several alarming examples. One pole is made of the elite leading the post-Soviet countries built upon the ruins of the ex-Soviet member republics (Georgia, Azerbaijan, Tajikistan, Kazakhstan and Armenia) and belonging traditionally under Moscow’s influence.

The Russian-Ukrainian war caused crucial changes in Georgia as well. The armed conflict between Russia and Georgia that took place in 2008, also known as the Five-Day War, is still deeply remembered by the people living in the Caucasus country, so it is no coincidence that the majority of Georgians

the operational authority of the civil and human rights organizations, put pressure on the opposition movements and the media and reporters independent of the government.

⁴¹ V. Glied, *On the civil sector and its political activity in Hungary after 2010*, [in:] B. Paják-Patkowska, M. Rachwał (eds.), *Hungary and Poland in Times of Political Transition: Selected Issues*, Adam Mickiewicz University, Faculty of Political Science and Journalism, Poznań 2016, pp. 85–103.

⁴² M. Meyer, C.M. Moder, M. Neumayr, N. Traxler, P. Vandor, *Civil társadalmi mintázatok Közép- és Kelet-Európában...*, pp. 35–65.

⁴³ In Europe we can see the spread of this symptom called “new authoritarianism”. The violations of the law in Hungary or the attacks made against the NGOs would have elicited considerable international indignation some years before, but the similar cases have mainly fallen under the stimulus threshold by today.

⁴⁴ To present the process, I relied on three sources: the data from the 2018 Civil Society Organization Sustainability Index made by the USAID (<https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf>) (downloaded: 10.09.2020); Botond Bötös’s paper titled *Is the global civil society collapsing?* (<https://vilagterkep.atlatszo.hu/2017/04/19/osszeomlik-a-globalis-civil-tarsadalom-itt-az-atlatszo-nagy-illiberalis-korkepe/>) (3.10.2020) and the work published by Michael Meyer et al in 2017 (http://www.erstestiftung.org/wp-content/uploads/2020/02/civil_society_studie_issuu_e1-1.pdf) (10.02.2021).

⁴⁵ Called the “Russian model” by many.

watched the events of the devastating conflict with concern. All of this happened at the same time as the beginning of government attacks on major NGOs operating in Georgia. The government and the authorities began to harass and intimidate civilians, completely following the Russian model, claiming that they were serving foreign interests and that their goal was to destabilize Georgia and prepare for a political takeover.

We cannot state this type of narrative would be new, as a narrative typical of Cold War rhetoric has been revived in the Kremlin since the mid-2000s. This means that the western part of the international community would like to see Russia as free, strong, and a proud state which respects human rights, however Putin and his advisors consider this to be two-faced behaviour. According to them, what is going on behind the nice words is that instead of respecting their interests, the United States wants to impose its political will on other countries. The continuous expansion of NATO (1999, 2004, 2009) frustrated the Russian leadership, and from 2006–2007, Putin increasingly demanded that the issue of European security be renegotiated, demanding more respect and a deeper partnership for Moscow. Basically the anti-Western rhetoric gradually hardened. The Russian president has been convinced that the wave of Arab Spring protests that began in 2011 was also a trick of the West⁴⁶. In 2012, when Vladimir Putin returned to the presidency after four years, major opposition demonstrations broke out in Moscow and other major Russian cities (Bolotnaya Square case). As a result, the Russian legislature, the Duma, passed a package of laws that severely restricts the operation of civil organizations. The term “foreign agent” was included in the law, primarily in the case of civil organizations dealing with human rights issues, claiming that these organizations are foreign-funded groups whose aim is to destabilize domestic politics and eventually remove Putin⁴⁷. After Memorial and the Helsinki group, another well-known human rights NGO is also shutting its Moscow office. On 2nd of May 2023, the Sakharov Centre had to leave its Moscow headquarters because the local government labelled it a foreign agent and ordered eviction. At the beginning of 2023, the Sakharov Museum and the archive were closed, furthermore the Ministry of Justice blacklists another civil organization each Friday. Allegedly President Vladimir Putin himself ordered the security service of the FSB to *“identify and stop the illegal activities of those who are trying to divide*

⁴⁶ M. Zygar, *All the Kremlin's Men: Inside the Court of Vladimir Putin*, Public Affairs 2016.

⁴⁷ G. Toal, J. O'Loughlin, K.M. Bakke, *Are some NGOs really “foreign agents”? Here's what people in Georgia and Ukraine say*, openDemocracy 2020, <https://www.opendemocracy.net/en/odr/are-some-ngos-really-foreign-agents-heres-what-people-georgia-and-ukraine-say/> (20.04.2023).

and weaken our society”⁴⁸. According to the directors of the aforementioned organization, the Russian state is deliberately planning to reshape historical thinking and memory by creating an alternative version based on their own narrative.

Essentially copying the NGO-related Russian act, the Georgian Dream party in Georgia proposed several laws in the spring of 2022 that eroded the system of checks and balances, such as the way the ombudsman is nominated or the possibilities of state control. The situation of independent and opposition media also deteriorated sharply, the authorities started legal procedures against the owners of non-governmental television channels. Since the beginning of the war, anti-Western propaganda has been greatly strengthened, in accordance with the narrative spread by Russia, the West would have dragged Georgia into the war as a deal for European Union candidate status. According to the bill supported by the Georgian Dream party, all organizations that receive more than 20 percent of their costs from abroad must be registered, otherwise they will be subject to a heavy fine (app. 10,000 EUR).

During his visit to Berlin, Prime Minister Irakli Garibasvili stated that *“the future of our country cannot and will not depend on foreign agents and servants of foreign countries”*. According to the second option, all legal and non-legal persons who engage in political activity in Georgia based on foreign interests can be portrayed as agents of foreign forces. Such activities may include PR consulting, advertising, information agency or political consulting. In this version, failure to comply with the law can result in a fine or up to five years in prison. A fight erupted in the Georgian parliament over the proposal, and then the opposition also became active and organized tens of thousands of demonstrations, which culminated in serious street clashes in Tbilisi, Batumi and Kutaisi. As a result of the demonstrations, the Georgian parliament rejected the law on “foreign agents” on March 10, and the Ministry of Internal Affairs released people detained during the riots. It is interesting that while foreign reactions unanimously assured the protesters of their support, including the president of Georgia, Russian Foreign Minister Sergey Lavrov compared the riots to the events happened in Kyiv in 2014⁴⁹.

In 2013, the NGO act was amended in Azerbaijan. This regulation ordered that any support exceeding the amount equal to €111 must be approved by the Ministry of Justice, and the organizations were obliged to open their bank

⁴⁸ A. Osborn, *Moscow human rights centre packs up as state tightens monopoly on ‘memory’*, 26.04.2023, <https://www.reuters.com/world/moscow-human-rights-centre-packs-up-state-tightens-monopoly-memory-2023-04-25/> (26.04.2023).

⁴⁹ S. Seremet, *Tömeges tüntetések Grúziában [Mass Demonstrations in Georgia]*, 17.03.2023, <https://eurasiacenter.hu/2023/03/17/tomeges-tuntetesek-gruziaban/> (20.04.2023).

accounts in a state-owned bank. From the autumn of 2013, in accordance with the Russian example, those attending a non-registered demonstration have been facing the danger of being burdened with high financial penalties. During the period before the elections in 2014, dozens of well-known NGO leaders, reporters and opposition representatives were arrested, mainly those who had some connection to local human rights groups.

In the Kyrgyz state media, fight against Soros's "*fifth column*" ("*traitors who have been drawn under foreign influence*") was announced in the early 2010s. Then in May 2014 the civil organizations were put under intense observation in Kyrgyzstan, as well: a legal regulation similar to the Russian "foreign agent" act was concluded, which conditioned the operation of Kyrgyz NGOs to governmental registration, insight into their financial background and regular reports made on this background⁵⁰.

The act on NGOs was amended in June 2015 in Tajikistan. According to the new regulation, a local civil organization is obliged to inform the Ministry of Justice in each case it is given foreign financial support.

In Kazakhstan, the work of the Soros Foundation had been retrained in 2015, then the act on NGOs was restricted as a consequence of which the state could look into the lives of each civil organization allowing by this the observation of their operation, controlling their financial support and possibly rejecting the establishment of a new organization⁵¹. In May 2014, Ivan Volinkin, the Russian ambassador in Armenia, said that each civil organization obstructing the development of the Russian-Armenian relationship "*must be neutralized*".

We can also find several examples in the Balkans (e.g. Bosnia-Herzegovina or North Macedonia) as well. Speaking of greater financial transparency, in Bosnia-Herzegovina the government drafted a bill that, with reference to "*political activity*", would have allowed a stricter state control, punishment or even suppression of the local NGOs. The Bosnian government also initiated restrictions in the law on gathering, and in February 2015 they concluded regulations allowing punishing "*subversive activity*" appearing in the social media⁵². The Bosnian state television was speaking of protests organized by

⁵⁰ R. Lopoukhine, *Kyrgyzstan: New bill targeting NGOs could undermine the freedom of association*, OMCT, 8.11.2022, <https://www.omct.org/en/resources/statements/kyrgyzstan-new-bill-targeting-ngos-could-undermine-the-freedom-of-association> (12.02.2023).

⁵¹ *Validation of Kazakhstan*. Report on initial data collection and stakeholder consultation. EITI International Secretariat, September 2017, https://eiti.org/sites/default/files/attachments/eng_kazakhstan_draft_report_on_initial_data_collection_and_stakeholder_consultations_final.pdf (2.04.2023).

⁵² K. Lee-Jones, *Bosnia and Herzegovina: Overview of corruption and anti-corruption*, Anti-Corruption Resource Centre, CMI, 2018:2.

“foreign agents supported by foreign countries” that “undermine the credibility of the Bosnian government”. Later the government *“listed”* the organizations that – according to them – *“were working to disrupt the Bosnian constitutional order”.*

In January 2017, North Macedonian Nikola Gruevski, prime minister for the governing VMRO-DPMNE party accused the Open Society Foundation and the opposition Socio-Democratic Union of Macedonia that they were *“undermining Macedonian democracy”* with their activities and said that the people related to these organizations were *“Soros’s pawns”, “mercenary revolutionists”* and the *“enemies of free journalism”* who were *“sources of shame and catastrophe for Macedonia”.* Gruevski declared already during his campaign before the elections in 2016 that if put to power, he would fight to *“unsorosize”* North Macedonia, referring to the organizations who were supposedly or effectively supported by the foundations established by George Soros⁵³.

This symptom appeared in some African countries, as well (e.g. Egypt, Ethiopia or Uganda). In Egypt, for example, NGOs have been operating according to the regulation no. 84 of the Ministry of Home Affairs since 2014. According to this rule, the government is authorized to prohibit an organization if it implements, according to the government’s opinion, political activities and by this activity *“undermines national unity”.* In Ethiopia, the first regulation delimiting the operation of civil organizations was passed in 2009. In case more than 10 percent of the income of an NGO comes from foreign support, this organization will be prohibited to conduct human rights activity in Ethiopia; nonetheless, the act basically prohibits Ethiopian civil organizations to act for human and democratic rights. By the end of 2014, authorities suppressed 133 civil organizations in Ethiopia.

We can also see restrictive measures in some South-American countries (Venezuela, Ecuador). In Venezuela, the act titled Protection of National Autonomy and Political Sovereignty criminalized the local civil organizations and also prevented these NGOs to get any support from foreign-owned funds; in case they did, they might face governmental sanctions. The anti-civil law passed in 2012 allowed the permanent control of the civil organizations and restricted their foreign support further.

In Ecuador, civil organizations are obliged to report on the supports gained from abroad as well as the information gained from abroad – this latter must be submitted in a file via an electronic system used to observe some social groups.

⁵³ V. Neofotistos, *The Rhetoric of War and the Reshaping of Civil Society in North Macedonia*, «Slavic Review» 2019, vol. 78, no. 2, pp. 357–364.

Restrictive measures were introduced in the Middle East as well. In Israel, NGOs have been obliged to report on their foreign support to the state since 2017 (they have to inform the National Audit Office about supports exceeding app. €25 000). When justifying the restrictions, the terminology and reasoning of the original Russian regulation (civil organizations “*undermine the sovereignty and identity of the Israeli state*”) was used in the text of the Israeli legislation, as well. The so-called NGO Transparency Law, which has been passed by the Israeli government in 2016, requires non-profit organizations that receive more than half of their funding from foreign sources to disclose this information in all of their public communications, including in official reports, websites, and social media. The law has been highly controversial and has had significant consequences for civil society organizations in Israel. Critics of the law argue that it is politically motivated and intended to target and block organizations critical of the Israeli government’s policies, particularly those involved in human rights and advocacy work. They argue that the law stigmatizes and delegitimizes these organizations by portraying them as “foreign agents” and harming their ability to fundraise and work effectively. Since this law was passed, many civil society organizations have reported increased scrutiny and harassment from authorities, including increased audits, questioning of staff, and delays in receiving government permits and funding. Several organizations have also reported a decrease in funding and donations, as some donors have been discouraged from supporting organizations that are required to disclose foreign government funding.

The civil law has also faced legal challenges, and in 2017, the Israeli High Court of Justice partially struck down the law, ruling that the provision requiring organizations to disclose their foreign government funding in all public communications was unconstitutional. However, the court allowed the government to require organizations to disclose this information in funding applications and in meetings with government officials. Overall, the NGO Transparency Law had a serious impact on civil organizations in Israel, and many critics argue that it undermines the country’s democratic values and institutions⁵⁴.

The phenomenon has recently been spreading in India also and is about to reach a breakthrough in the European Union, as well (in Hungary or Poland⁵⁵).

⁵⁴ W.T. Cofman, Y. Mizrahi-Arnaud, *Is Israel in democratic decline?*, Foreign Policy at Brookings 2019/3.

⁵⁵ In November 2016, Beata Szydło declared that the NGO world must be put in order. According to the plans filtered out, a central state office would be established, which would manage the financing of the civil organizations on its own. But other examples could be mentioned, as well: the department dealing with the protection of human rights was merged within the Ministry of Home Affairs, the council examining racist attacks was abolished, the support for the legal centre investigating domestic violence

The tendency can be clearly observed in both countries. The index⁵⁶ showing the sustainability of civil organizations has constantly been deteriorating since 2010 both in Hungary and Poland⁵⁷. Thus the difference between the sustainability levels in the Baltic States and the Visegrad countries keeps growing. While in Estonia, Latvia and Lithuania the sustainability of NGOs has improved or remained on the former level, in Slovakia, Hungary and Poland the sustainability index declined further by 2018⁵⁸. The reason for the differences lies primarily in the change of the governmental attitudes towards civil organizations. According to the report, while the Baltic states make endeavours to involve NGOs in the decision making processes, the Hungarian, Polish and Slovakian governments have attacked and discredited the critical organizations and made steps to narrow the citizen scope.

NGOs in the cross-hairs in Hungary

The political polarization of Poland has had a considerable impact on the work of the civil organizations. The NGOs focusing on topics confronting the agenda of the conservative government, like human rights, anti-discrimination, women's rights or environmental protection, have had access only to limited state support, and the government-controlled media has presented more and more negative picture of their activities⁵⁹.

against women was terminated and restrictions in the abortion act were also planned from which the new Polish government resigned only because of the enormous mass demonstrations.

⁵⁶ The Index presents the situation of the civil organizations in 24 countries of the region from the Northern Baltics to the Southern Caucasus, from the Western Visegrad countries to Russia. In terms of the seven key components or "dimensions" of the sustainability of the civil society, both the improvements and the disadvantages were examined: legal environment, organizational capacity, financial viability, representation, service provision, sectoral infrastructure and public picture. The score of the certain dimensions goes from 1 (highest level of sustainability) to 7 (most obstructed). To get the global sustainability index of a given country, the scores of the certain dimensions are averaged.

United States Agency for International Development (USAID), <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf> (10.09.2020).

⁵⁷ While in Hungary it decreased from 2.6 to 2.8 between 2001 and 2009, this tendency deteriorated further in 2012 and 2013, from 3.0 to 3.2 and then to 3.9 by 2018. In Poland, the process has been slower: it decreased from 2.2 to 2.6 by 2018, declining 0.4 points in just one year from 2017.

⁵⁸ United States Agency for International Development (USAID)...

⁵⁹ Ibidem.

This process is clearly visible in Hungary⁶⁰, too: the government with a 2/3 majority amended unilaterally the legal regulations that had a strong influence on the civil organizations (a new civil law was passed in 2011, in 2013 the Civil Code was amended and the act on gathering was “integrated” into the new Civil Code, the National Civil Fund⁶¹ providing support for NGOs was transformed etc.)⁶². Owing to the new delimiting rules and the governmental harassments, the level of social acknowledgement decreased. Growing political bias, the lack of the transparency of state financing and the growing carefulness of donators and NGOs in terms of foreign support led to a slight decrease in financial vigour⁶³.

Visible centralization finally was followed by concrete political action. The hostile governmental behaviour against civil organizations started in 2013. The target of the attack was the Norwegian Fund and the Ökotárs Foundation who managed the Fund⁶⁴. The government accused the Ökotárs Foundation that during the process of distributing the sources they conducted party political activities. Referring to this charge, the government wanted to relocate the authorization to distribute the Norwegian sources to an organization maintained by the government. During the investigation going on for almost one year and a half, the denunciation of the Government Control Office was rejected by the prosecution, and at the end of 2015 the National Tax and Customs Administration (after suspending the tax number in an unconstitutional way and the perquisition and arrest of documents and computers) terminated the procedure (not only against the manager of the Fund but the supported NGOs, as well), in lack of criminal act. However, this problem has still not been solved since as Hungary is the only one of the 15 beneficiary countries that has still not made a final agreement about the second round of the Norwegian funding. After a long and hard debate, one year after the investigation had been terminated and almost in the very last moment, Norway and Hungary made an agreement on the utilization of the EEA and Norway Grants. Norway set a condition that the supports offered for civil organizations must be managed by an independent organization, and agreement on this organi-

⁶⁰ A. Schmidt, *Illiberal Turn in Hungary*, [in:] R. Zięba (ed.), *Politics and Security of Central and Eastern Europe: Contemporary Challenges*, Springer-Verlag, Cham 2023, pp. 57–82.

⁶¹ Most of the members of the council and the boards were delegated by ministries – instead of NGOs, which had been the former practice.

⁶² E. Bíró, *Az egyesülési jog ötven árnyalata. [Fifty shades of Unification Law]*, «Civil Szemle» 2019, vol. 16, no 1, pp. 93–117.

⁶³ United States Agency for International Development (USAID)...

⁶⁴ L. Kákai, V. Glied, *Sketch of the Hungarian nonprofit sector after the regime change*, «Civil Szemle» 2017, vol. 14, no. 3, pp. 13–33.

zation was a core condition of paying the money. The debate on the person of the manager of the Norwegian civil fund is still going on.

A similar attack was made against the Central European University (CEU) founded by George Soros. The government amended the regulations on higher education (Law no. CCIV of 2011 on National higher education) in the Law no. XXV of 2017. By passing this bill, the government made fundamental changes in terms of the operational conditions of the CEU, and even its existence became threatened. The regulation was finally terminated by the European Court of Justice on October 6th 2020. The judgement⁶⁵ declared that

“the Hungarian law violates the General Agreement on Trade in Services (GATS) and the measures set in the Charter of Fundamental Rights of the European Union regarding academic freedom, the freedom of founding higher educational establishments and the freedom to conduct a business”⁶⁶.

The measure of the Court has not been implemented by the Hungarian government until this day.

Almost simultaneously with the Lex CEU (three days later, on April 7th), MPs of the FIDESZ submitted the bill on the civil organizations “supported from abroad” (Lex NGO).

The Law. no. LXXVI of 2017 qualifies the associations and foundations gaining more than HUF 7 200 000⁶⁷ from abroad in a certain taxation year as “organizations supported from abroad”. Pursuant to the law, as soon as an organization reaches this amount, the responsible court will register this NGO as an “organization supported from abroad” and sends these data to the minister responsible for the Civil Information Portal who will immediately publish them. Then the organization will be obliged to publicize this “qualification” on its web page, events and any press products. In addition, by virtue of the act the organization is compelled to provide detailed reports on each of the support gained from abroad and exceeding HUF 500 000 (including the name of the support person or organization)⁶⁸. In its decision made on 18th June

⁶⁵ Judgement in the Case no. C-66/18, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125hu.pdf> (18.10.2020).

⁶⁶ Ibidem.

⁶⁷ App. € 24 000 at current (2017) exchange rate.

⁶⁸ The regulation is in many respects similar to the Russian law, although the latter one orders to report on foreign support independent of its amount, based on which the authorities qualify the concerned organization as “agent”. Also, the law passed in Israel in 2016 can be mentioned as an equivalent of the Hungarian regulation, pointing to the difference that the Israeli regulation does not determine a concrete amount but the “qualification” is declared according to the budget of the organization (above 50 percent). L. Kákai, *Development or reflections of the non-profit sector in Central*

2020, the European Court of Justice declared⁶⁹ that the regulation passed by the Hungarian government violated the Union's legal regulations at several points. On May 18th 2021 the Hungarian Parliament finally repealed the law passed in 2017 and obstructing the operation of NGOs. At the same time, the Parliament passed a new act on "*the transparency of the civil organizations conducting activities apt to influence public life*". Pursuant to this regulation, each of the associations and foundations (except for religious, ethnic and sport associations, which are exempt from the investigation) whose annual total balance reaches HUF 20 million⁷⁰ in a given year will be inspected by the State Audit Office.

The examples above clearly indicate the fact that the formerly permissive and reserved governmental behaviour turned into offensive. Independent of the question whether governmental measures subsequently proved to be legitimate or not, it had been suitable to shake the trust in the sector and to enforce the readiness of the NGOs to "adjust themselves".

In parallel with the governmental attack, the state will to create an "alternative" nonprofit sector appeared, as well, which manifested in the preference for certain fields (primarily important for the government), the establishment of pro-governmental organizations and the integration of a new organizational form (public property holding foundations) into the legal system.

Conclusion

The end of the Cold War, the collapse of many authoritarian regimes, the ideological, political and often physical control of non-state actors, including civil society organisations, by the logic and rules of a bipolar world, were magically replaced by an unprecedented freedom of action. Mainstream (Western – the authors) literature takes as its starting point the 'ideal' civil society, i.e. the self-conscious, rational, economically independent citizen, always ready to participate and defend his or her interests and rights, and the assumption that democratisation, whether initiated from above or from outside, will sooner or later take root from below and within, thanks to the natural dynamics of civil society. In fact, the conditionality of civil society needs to be explored separately. The study reveals that the initial situation and development of civil

and Eastern Europe and Hungary, «Politics in Central Europe» 2020, vol. 16, no. 15, pp. 135–158.

⁶⁹ Judgement in the case no. C-78/18, <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200125hu.pdf> (18.10.2020).

⁷⁰ App. € 55 000 at current (2021) exchange rate.

society in the post-socialist countries (despite the imitation of Western models) differed drastically from the ideal model of Western civil society, and even from the level of infrastructural development and resource endowment. The period following the 2008 economic crisis, however, has brought about rapid and radical changes not only in global economic and social processes, but also in the relationship between government and civil society.

Global NGOs are coming under increasing attack around the world. The change in social attitudes towards civil society organisations has been caused not only by the steady rise in the number of government-oriented organisations (GONGOs), but also by the apparent tax-avoiding, tax-optimising behaviour of recently publicised ‘charities’ (Bill and Melinda Gates, George Soros, Wellcome Trust, Li Ka Shing or Robert Bosch, etc.). There is a growing number of countries that hinder or even prevent the free functioning of civil society. The methods range from financial restrictions to legal and regulatory restrictions to harassment or physical threats against NGOs. The use of these means is not only observed in dictatorial and semi-authoritarian developing countries or in the post-Soviet region⁷¹, as the examples presented show; civil society’s room for manoeuvre is also shrinking in the fragile democracies of the developed world⁷². In our analysis, we have therefore tried to highlight these ‘external’ (mainly governmental) assault.

However, attacks against NGOs have a negative impact not only on their actual target group, organisations involved in human rights, advocacy and international aid, but also on the third sector as a whole. The persecution of autonomous NGOs leads directly to the ‘nationalisation’ of the civil sector⁷³, which – in addition to the extension of government control and the politically motivated discrimination of NGOs – may include the creation of pseudo-civil society organisations, the centralisation of subsidies and the reduction of public benefit, defined as a criterion for state support of nonprofit service providers, to ‘public service’, the provision of public services⁷⁴. This risk must be taken

⁷¹ P. Krasztev, J. Van Til (eds.), *The Hungarian patient. Social opposition to an illiberal democracy*, Central European University Press, Budapest–New York 2015; M. Gerő, Sz. Kerényi, *Anti-Soros rallies and blazing EU-flags. Civil society and social movements between populism and democracy in Central Eastern Europe*, socio.hu, «Social Science Review, E-Journal» 2017, vol. 7, no. 5, special issue, pp. 1–6, <https://socio.hu/en/civil-societies-and-social-movements>.

⁷² H. Anheier, M. Lang, S. Toepler, *Civil society in times of change...*, pp. 1–27.

⁷³ A. Ágh, *Vitairat a „civiliek hatalmáról” – A védekező társadalom...* [Dispute about the power of the civils – Defending society...], [in:] A. Antal (ed.), *A civilek hatalma. A politikai tér visszafoglalása* [Power of the civils. Reoccupying the political space] Noran Libro, Budapest 2016.

⁷⁴ I. Sebestény, *Ki a köz, és mi a haszon? – És ki szerint? A közhasznúság fogalmi és tartalmi dilemmái*. [What is public and what is profit – And why?], «Civil Szemle» 2003, vol. 10, no. 3, pp. 5–30.

into account even if recent research shows that existential threats are still more likely to be faced by third sector organisations outside the welfare sphere⁷⁵, and that central government anti-civil society measures at the local level do not always and not everywhere prevent local governments from cooperating with NPOs to address social problems⁷⁶. However, the results of another international comparative study warn that “the growing cultural, ideological and political opposition will in future affect not only NGOs working in the field of advocacy and human rights, but also other areas of the civil sector”. Many changes point in the same direction. It is not only the government that is trying to control the civil sector and regulate in detail the conditions under which it operates. Global NGOs themselves and their networks have come to realise that they can only protect themselves from political attacks and strengthen their positions if they become more transparent. In response to attempts to curb them, they are inclined to voluntarily adopt and even participate in the development of new accountability and control mechanisms. As, to use the metaphorical analogy of scholars we are witnessing ‘the beautiful, natural, freely and spontaneously evolving English garden of global civil society being transformed into a tightly trimmed, regulated and controlled French garden’⁷⁷.

References

- Ágh A., *Vitairat a „civiliek hatalmáról” – A védekező társadalom... [Dispute about the power of the civils – Defending society...]*, [in:] A. Antal (ed.), *A civiliek hatalma. A politikai tér visszafoglalása [Power of the civils. Reoccupying the political space]*, Noran Libro, Budapest 2016.
- Alber J., *A framework for the comparative study of social services*, «Journal of European Social Policy» 1995, vol. 5, no. 2, <https://doi.org/10.1177/095892879500500204>.
- Anheier H.K., Lang M., Toepler S., *Civil society in times of change: shrinking, changing and expanding spaces and the need for new regulatory approaches*, «Economics: The Open-

⁷⁵ U. Pape, T. Brandsen, J.B. Pahl, B. Pielniński, D. Baturina, N. Brookes, R. Chaves-Ávila, J. Kendall, J. Matančević, F. Petrella, Ch. Rentzsch, N. Richez-Battesti, T. Savall Morera, R. Simsa, A. Zimmer, *Changing Policy Environments in Europe and the Resilience of the Third Sector*, «International Journal of Voluntary and Nonprofit Organizations» 2019, vol. 31, pp. 238–249.

⁷⁶ L. Kákai, *Visszarendeződés? Civil szervezetek a közszolgáltatásokban a közigazgatási reform után [Rearrangement? Civil organizations in public services after the public administration reform]*, «Civil Szemle» 2018, vol. 15, no. 2, pp. 51–71; S. Toepler, U. Pape, V. Benevolenski, *Subnational variations in government-nonprofit relations: A comparative analysis of regional differences within Russia*, «Journal of Comparative Policy Analysis: Research and Practice» 2019, vol. 22, no. 1, pp. 47–65, <https://doi.org/10.1080/13876988.2019.1584446>.

⁷⁷ É. Kuti, M. Marschall, *Will the “empire” strike back?...*, pp. 37–47.

- Access, OpenAssessment E-Journal» 2019, vol. 13, no. 8, <http://dx.doi.org/10.5018/economics-ejournal.ja.2019-8>.
- Anttonen A., Sipilä J., *European social care services: is it possible to identify models?*, «Journal of European Social Policy» 1996, vol. 6, no. 2, <https://doi.org/10.1177/095892879600600201>.
- Arts W., Gelissen J., *Three worlds of welfare capitalism or more? A state-of-the-art report*, «Journal of European Social Policy» 2002, vol. 12, no. 2, <https://doi.org/10.1177/0952872002012002114>.
- Baker A. et. al., *Maintaining Civic Space in Backsliding Regimes – Research and Innovation Grants*. Working Papers Series, USAID, University of Colorado, 2017.
- Benková L., *Hungary-Orbán's project towards "illiberal democracy"*, «FOKUS» 2019, no. 2, AIES, 2019, <https://www.aies.at/download/2019/AIES-Fokus-2019-02.pdf> (11.03.2023).
- Bíró E., *Az egyesülési jog ötven árnyalata. [Fifty shades of Unification Law]*, «Civil Szemle» 2019, vol. 16, no. 1.
- Bolleyer N., *Civil society, crisis exposure, and resistance strategies*, [in:] A. Sajó, R. Uitz, S. Holmes (eds.), *The Routledge handbook of illiberalism*, Routledge 2021, <https://doi.org/10.4324/9780367260569>.
- Brechenmacher S., Carothers T., *Defending Civic Space: Is the International Community Stuck?*, Carnegie Endowment for International Peace Publications Department, Washington 2019.
- Brown D., *The Effectiveness of Non-Governmental Organizations (NGOs) within Civil Society*, «International Studies Masters» 2009, Paper 75, St. John Fisher University.
- Carothers T., *Closing space for international democracy and human rights support*, «Journal of Human Rights Practice» 2016, vol. 8, no. 3, <https://doi.org/doi.org/10.1093/jhuman/huw012>.
- Cofman W.T., Mizrahi-Arnaud Y., *Is Israel in democratic decline?*, «Foreign Policy at Brookings» 2019, no. 3.
- della Porta D., *Political opportunity/political opportunity structure*, [in:] D.A. Snow, D. della Porta, B. Klandermans, D. McAdam (eds.), *The Wiley-Blackwell Encyclopaedia of social and political movements*, Blackwell Publishing 2013, <https://doi.org/10.1002/9780470674871.wbepm159>.
- Duffy B., Pierce A., *Socio-political Influencers*, IPSOS Mori 2007, https://www.ipsos.com/sites/default/files/publication/1970-01/sri_socio-political_influencers_062007.pdf (3.02.2020).
- Einolf C.J., *The Social Origins of the Nonprofit Sector and Charitable Giving*, [in:] P. Wiepking, F. Handy (eds.), *The Palgrave Handbook of Global Philanthropy*, vol. 1, Palgrave MacMillan, Basingstoke and New York 2015.
- Esping-Andersen G., *The Three Worlds of Welfare Capitalism*, Polity Press, Cambridge 1990.
- Gerő M., Fejős A., Kerényi Sz., Szikra D., *From Exclusion to Co-Optation: Political Opportunity Structures and Civil Society Responses in De-Democratising Hungary*, «Politics and Governance» 2023, vol. 11, no. 1, <https://doi.org/10.17645/pag.v11i1.5883>.
- Gerő M., Kerényi Sz., *Anti-Soros rallies and blazing EU-flags. Civil society and social movements between populism and democracy in Central Eastern Europe*, «socio.hu, Social Science Review, E-Journal» 2017, vol. 7, no. 5, special issue, <https://socio.hu/en/civil-societies-and-social-movements>.
- Glied V., *On the civil sector and it's political activity in Hungary after 2010*, [in:] B. Pająk-Patkowska, M. Rachwał (eds.), *Hungary and Poland in Times of Political Transition: Selected Issues*, 2016, Poznań 2016.
- Glózer R., *Diskurzusok a civil társadalomról. Egy fogalom transzformációi a rendszerváltó évek értelmiségi közbeszédében [Discourses on civil society. Transformations of a concept in the*

- intellectual public discourse of the regime change years], L'Harmattan Kiadó, Budapest 2008.
- Gough I., *Social policy regimes in the developing world*, [in:] P. Kennett (ed.), *A Handbook of Comparative Social Policy*, Edward Elgar, Cheltenham, Northampton, MA 2013, <https://doi.org/10.4337/9781782546535.00020>.
- Huntington S.P., *The Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press, Norman 1991.
- Kákai L., *Development or reflections of the nonprofit sector in Central and Eastern Europe and Hungary*, «Politics in Central Europe. The Journal of the Central European Political Science Association» 2020, vol. 16, no. 15, <https://doi.org/10.2478/pce-2020-0007>.
- Kákai L., *Visszarendezés? Civil szervezetek a közszolgáltatásokban a közigazgatási reform után [Rearrangement? Civil organizations in public services after the public administration reform]*, «Civil Szemle» 2018, vol. 15, no. 2.
- Kákai L., Glied V., *Sketch of the Hungarian nonprofit sector after the regime change*, «Civil Szemle» 2017, vol. 14, no. 3.
- Kanga Ch., Handy F., Hustinx L., Cnaan R.A., Brudney J.L., Haski-Leventhal D., Zrinščakl S., *What gives? Cross-national differences in students' giving behaviour*, «Social Science Journal» 2011, vol. 48, no. 2, <https://doi.org/10.1016/j.soscij.2010.12.006>.
- Keane J., *Civil society: Old images, new visions*, Stanford University Press, Stanford, CA 1998.
- Kissinger H., *World Order*, Penguin Press, New York 2014.
- Korpi W., *Conflict, Power and Relative Deprivation*, «American Political Science Review» 1974, vol. 68, no. 4.
- Krastev I., Holmes S., *The Light That Failed: Why the West Is Losing the Fight for Democracy*, Pegasus Books 2020.
- Krasztev P., Van Til J. (eds.), *The Hungarian patient. Social opposition to an illiberal democracy*, Central European University Press, Budapest–New York 2015.
- Kubas S., *The Process of Deterioration of Liberal Democracy in the Visegrad Group Countries: Institutional Perspective*, «Politologija» 2021, no. 3, vol. 103, DOI: <https://doi.org/10.15388/Polit.2021.103.2>.
- Kuosa T., *Towards the Dynamic Paradigm of Futures Research: How to Grasp a Complex Futures Problem with Multiple Phases and Multiple methods. Towards the Dynamic Paradigm of Futures Research: How to Grasp a Complex Futures Problem with Multiple Phases and Multiple methods*. Sarja / SeriaA-8:2009. Turku School of Economics 2009.
- Kuti É., Marschall M., *Will the "empire" strike back? The global "third sector" is on the defensive*, «Civil Szemle» 2020, vol. 17, no. 1.
- Lee-Jones K., *Bosnia and Herzegovina: Overview of corruption and anti-corruption*. Anti-Corruption Resource Centre. CMI, 2018:2.
- Levitsky S., Ziblatt D., *How Democracies Die*, Crown, New York 2018.
- Lopoukhine R., *Kyrgyzstan: New bill targeting NGOs could undermine the freedom of association*, OMCT, 8.11.2022, <https://www.omct.org/en/resources/statements/kyrgyzstan-new-bill-targeting-ngos-could-undermine-the-freedom-of-association> (12.02.2023).
- Meyer M., Moder C.M., Neumayr M., Traxler N., Vandor P., *Civil társadalmi mintázatok Közép-és Kelet-Európában: Történelmi fejlődési utak és jelenlegi kihívások [Civil society patterns in Central and Eastern Europe: Historical development paths and current challenges]*, «Civil Szemle» 2017, vol. 14, no. 1.
- Moore B.J., *Social Origins of dictatorship and Democracy: Lords and Peasant in the Making of the Modern World*, Beacon Press, Boston 1966.
- Neofotistos V., *The Rhetoric of War and the Reshaping of Civil Society in North Macedonia*, «Slavic Review» 2019, vol. 78, no. 2.

- Osborn A., *Moscow human rights centre packs up as state tightens monopoly on 'memory'*. 26.04.2023, <https://www.reuters.com/world/moscow-human-rights-centre-packs-up-state-tightens-monopoly-memory-2023-04-25/> (26.04.2023).
- Pape U., Brandsen T., Pahl J.B., Pielieński B., Baturina D., Brookes N., Chaves-Ávila R., Kendall J., Matančević J., Petrella F., Rentzsch Ch., Richez-Battesti N., Savall Morera T., Simsa R., Zimmer A., *Changing Policy Environments in Europe and the Resilience of the Third Sector*, «International Journal of Voluntary and Nonprofit Organizations» 2019, vol. 31, <https://doi.org/10.1007/s11266-018-00087-z>.
- Pennerstorfer A., Neumayr M., *Examining the Association of Welfare State Expenditure, Non-profit Regimes and Charitable Giving*, «International Journal of Voluntary and Nonprofit Organizations» 2017, vol. 28, <https://doi.org/10.1007/s11266-016-9739-7>.
- Ranci C., *The Mixed Economy of Social Care in Europe*, [in:] U. Ascoli, C. Ranci (eds.), *Dilemmas of the Welfare Mix*, Kluwer Academic/Plenum Publishers, New York 2002, https://doi.org/10.1007/978-1-4757-4992-2_2.
- Rueschemeyer D., Stephens E.H., Stephens J.D., *Capitalist Development and democracy*, Chicago University Press, Chicago 1992.
- Salamon L.M., Anheier H., *Social Origins of Civil Society*, «International Journal of Voluntary and Nonprofit Organizations» 1998, vol. 9, no. 3.
- Salamon L.M., Sokolowski W.S., Anheier H., *Social Origins of Civil Society: An Overview*, Center for Civil Society Studies, Baltimore 2000.
- Schmidt A., *Illiberal Turn in Hungary*, [in:] R. Zięba (ed.), *Politics and Security of Central and Eastern Europe: Contemporary Challenges*, Springer-Verlag, Cham 2023.
- Sebestény I., *Ki a köz, és mi a haszon? – És ki szerint? A közhasznúság fogalmi és tartalmi dilemmái [Who is involved and what is the benefit? "And who do you think?" Conceptual and substantive dilemmas of public utility]*, «Civil Szemle» 2013, vol. 10, no. 3.
- Seremet S., *Tömeges tüntetések Grúziában [Mass Demonstrations in Georgia]*, 17.03.2023, <https://eurasiacenter.hu/2023/03/17/tomeges-tuntetesek-gruziaban/> (20.04.2023).
- Smith S.R., Gronbjerg K.A., *Scope and Theory of Government-Nonprofit Relations*, [in:] W.W. Powell, R. Steinberg (eds.), *The Nonprofit Sector. A Research Handbook*, vol. 2, Yale University Press, New Haven 2006.
- Sokolowski W.S., *Effects of Government Support of Nonprofit Institutions on Aggregate Private Philanthropy: Evidence from 40 Countries*, «International Journal of Voluntary and Nonprofit Organizations» 2013, vol. 24, no. 2, <https://doi.org/10.1007/s11266-011-9258-5>.
- Szikra D., Fejős A., Neményi M., Vajda R., *Civil society activism related to women and families since 2010 in Hungary*, Friedrich Ebert Stiftung, Budapest 2020.
- Toal G., O'Loughlin J., Bakke K.M., *Are some NGOs really "foreign agents"? Here's what people in Georgia and Ukraine say*, openDemocracy, 2020, <https://www.opendemocracy.net/en/odr/are-some-ngos-really-foreign-agents-heres-what-people-georgia-and-ukraine-say/> (20.04.2023).
- Todd E., *After the Empire: The Breakdown of American Order*, Columbia University Press, New York 2003.
- Toepler S., Pape U., Benevolenski V., *Subnational variations in government-nonprofit relations: A comparative analysis of regional differences within Russia*, «Journal of Comparative Policy Analysis: Research and Practice» 2019, vol. 22, no. 1, <https://doi.org/10.1080/13876988.2019.1584446>.
- Validation of Kazakhstan. Report on initial data collection and stakeholder consultation*. EITI International Secretariat, September 2017, <https://eiti.org/sites/default/files/>

attachments/eng_kazakhstan_draft_report_on_initial_data_collection_and_stakeholder_consultations_final.pdf (2.04.2023).

Vandor P., Traxler N., Millner R., Meyer M., *Civil Society in Central and Eastern Europe: Challenges and Opportunities*, ERSTE Stiftung, Vienna 2017.

Zakaria F., *The Future of Freedom: Illiberal Democracy at Home and Abroad*, W.W. Norton, New York 2003.

Zygar M., *All the Kremlin's Men: Inside the Court of Vladimir Putin*, Public affairs 2016.