NGOs and the public sphere as targets of illiberal democracy in contemporary Hungary

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Abstract

Democratic theory suggests civil society promotes democracy through instilling cooperation among citizens and generating a critical public sphere. Ironically, Hungarian civil society has itself become a target of undemocratic tendencies as Prime Minister Viktor Orbán considers NGOs as major obstacle to the construction of an 'illiberal democracy'. At the core of the conflict are several civil-rights NGOs, the beneficiaries of the Norwegian Civil Fund. Through a series of stigmatizing statements and legal proceedings, they have been attacked both in their institutional base and public legitimacy. This thesis unravels the role of NGOs and the public sphere during de-democratization by investigating the strategic choices of NGOs involved in the conflict. Building on theories of civil society-state relations and 'managed civil societies', I show how the political, legal and financial environment in Hungary effectively discourages public sphere activities. This leads to a differential treatment of NGOs according to suspected political alignment. Through a thematic analysis of expert-interviews with NGO leaders, I expose four different strategies (ignoring, shifting, embracing and exploding) which underlie NGOs' reactions and which shape their conceptions of civil society. Though NGOs vary considerably in their engagement with the conflict, most do not manage to supersede their established organizational culture. Precisely in a situation where civil society's voice is most needed, many NGOs prioritize organizational survival and civil society's self-organization function over upholding a critical public sphere. Ultimately, NGOs are not better equipped to control political actors than institutional checks as NGOs also depend on institutions for their organizational existence.

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List of abbreviations

CSO   Civil Society Organization

GCO   Governmental Control Office (see Appendix E Translations)

NCF   Norwegian Civil Fund (see Appendix E Translations)

NGO   Non-governmental organization

1 Introduction

Twenty-five years ago, Central Europe embarked towards what has been praised as a 'rapid consolidation of democracy' (Merkel 2010). However, recent years have shown a backlash against democracy and liberalism, both in the region (Freyberg-Inan and Varga 2012) and globally (Diamond 2008; Zakaria 1997). While several countries within the European Union have experienced challenges to their democratic system by illiberal contenders, these challengers have most often been voted out of office (e.g. in Poland) or stopped by institutional checks. In other cases, challenges to democracy have not faced much serious resistance: Hungary is a case in point, which "remains the most poignant reminder that democratization in post-communist Europe is neither complete nor irreversible" (Freedom House 2014, 5). The governing Fidesz party has successfully disabled many mechanisms of democratic control such as the constitutional court or the independent media (Bajomi-Lazar 2012; Bánkuti, Halmai, and Scheppele 2012). This de-democratization measures have neither triggered major anti-governmental protests nor led to significant losses of support in Fidesz' 2014 re-election. Scholars have identified the limited protest against de-democratization as a central paradox of contemporary Hungarian statehood (Pető 2014).

According to theory, civil society is predestinated to play an oppositional role in such a situation. Michael Walzer's (1992) 'civil society argument' enumerates the different lines how civil associations should promote "the stability and effectiveness of the democratic polity" (Foley and Edwards 1996, 38) through on the one hand influencing citizens' habits and on the other hand mobilizing public awareness. Even in non-democratic countries, according to democratization theory, civil society should lead to democracy and, afterwards, "help resist reversals" (Linz and Stepan 1996, 18). It is important to distinguish between two

sometimes contradictory paths:[1] Firstly, civil society generates social capital and cooperation among citizens. Beginning from Tocqueville's (1863) argument that civil organizations provide a platform for citizens to organize themselves, civil society was identified with democratic culture in Western Europe. Putnam made the concept applicable in political science for analyzing the success or failure of democratic governments, arguing that 'civic communities' make institutions work (Putnam, Leonardi, and Nanetti 1993). Private associations provide "schools of self-governance" (Young 2010, 165). By promoting *self-organization*, civil associations should give citizens the resources to act on their grievances if citizens deem it necessary. The second reason civil society is often seen as a privileged site of opposition is its '*public sphere function*' to hold governments accountable, influence policy and change society (Young 2010, 167–180). This function is of particular importance in Eastern Europe where dissidents as an underground opposition to state power were central to the revival of the concept of civil society (Mudde 2007, 213). Even in authoritarian states, small underground circles have used the limited autonomy conceded to them to generate discursive pressure. An independent civil society can thus expose unjust government actions in the public sphere. It does so both through holding governments accountable for their actions and, in the long run, generating political alternatives.

Ironically though, Hungarian civil society has itself become a target of illiberal efforts to reverse democratization. As a whole, civil society has been uprooted through a series of legal and administrative changes affecting its space and operation (USAID 2014). Specifically, the government has called out many watchdog and human rights NGOs for alleged political activities (Amnesty International 2015; Eötvös Károly Policy Institute, Hungarian Helsinki Committee, et al. 2014). Most exposed to pressure is a set of organizations that Prime

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[1] Nevertheless, Foley and Edwards have argued they are often conflated which leads to exaggerated expectations towards civil society.

Minister Viktor Orbán has referred to as "[foreign] paid political activists" (Orbán 2014): the so-called 'Norwegian NGOs' which receive funding through the Norwegian Civil Fund (NCF). In spring 2014, government representatives accused the fund operators of illegal party funding for a Hungarian green party. While this accusation was dropped in the meantime, in May 2014 the governmental control office (GCO) followed an order to audit 59 NCF grantees, reviewing their entire outlays (index.hu 2014b). Among these organizations, thirteen organizations were further labelled as 'politically problematic' on a leaked governmental 'blacklist' (444.hu 2014).[2] In September 2014, a police search (which later was declared illegal, hvg.hu 2015a) at three of the fund-operating foundations and their employees' homes further escalated the conflict.[3] The following months brought a series of discussions and legal proceedings initiated against both sides which constitute the 'NCF conflict'.

While the audit has not yet yielded legal results, the conflict has provided both sides an opportunity to advance their view on the tasks and liberties of civil society and NGOs in Hungary: When Prime Minister Viktor Orbán announced his government's intention to build an 'illiberal democracy', a system that is based on national interest and community rather than liberal tolerance, he explicitly referred to the Norwegian NGOs. He called the relation between politicians and civil society "not necessarily the most important, but certainly the most interesting" (Orbán 2014) obstacle to building an illiberal state, accusing the NCF grantees of getting involved in politics and mobilizing for Western liberal values. Though occurring in the framework of a democracy, media immediately linked state actions to neo-authoritarian states which aim to restrict the public sphere function of civil society and NGOs

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[2] The organizations and projects listed were identical with those named by the pro-government newspaper Héti Válasz in December 2013 in an article about Soros' funding of Hungarian civil society. (valasz.hu 2013)

[3] A more complete description of the events can be found in the following documentations and timelines by independent or involved NGOs. (Amnesty International 2015; Eötvös Károly Policy Institute, Transparency International, et al. 2014)

in particular. Russia is an extreme example where 'foreign agent' rhetoric has been used to stigmatize and even ban NGOs (Human Rights Watch 2015).

The targeted Hungarian NGOs have in contrast internationally become the symbol of 'real' Hungarian civil society. The organizations are presented as "under a sustained attack [...which] eroded the space for civil society in the country" (Amnesty International 2015). Thus, they can assert their prerogative to be heard as experts on Hungarian politics. In taking various action against state measures (from open letters to suing state agents for tarnishing their reputation), many have become more radical in their stance towards the government and more outspoken about political issues. Some have even openly publicized their non-cooperation with state agencies, e.g. through YouTube videos (Krétakör 2014). Despite this resistance of NGOs (which has been much more sustained than for example in Russia[4]), the government's actions have severely challenged the public sphere function of civil society. Organizations' reputations have been publicly put into question, state institutions have imposed sanctions on their operations[5] and organizations claim they have been almost banned from government-friendly media (Interview 1, 5). Given the severity of this challenge, it is surprising that the multiple actions have not yet led to the emergence of a counter-narrative.

To understand the impact of the conflict, this thesis inquires, firstly, *whether and why NGOs have accepted the restriction of civil society's 'public sphere function'*, secondly, *what trajectory this suggests for the organizations and civil society*. Organizations' justifications for their action and communication choices and the differences between organizations can explain the struggle of NGOs to build a public counter-narrative. I focus on NGOs' views of the purpose of civil society and NGOs, as state actions have a clearer agenda and receive

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[4] Studies on the impact of the so-called 'Foreign agent law' (which endangered far more organizations than the NCF investigation) have revealed "no evidence of groups engaging in any direct challenge to the law, whether through protest or through legal challenges"(Ljubownikow and Crotty 2014, 771).
[5] For example, several organizations' tax numbers were suspended by state agencies (hvg.hu 2014d), a decision which was later withdrawn by courts (hvg.hu 2015b).

better coverage in the media (due to the make-up of Hungary's media system as well as the minor importance of any individual NGO).

A review of the existing literature shows that little is known how de-democratization can affect civil society: literature on restrictions, specifically so-called 'foreign agent laws' (Carothers 2006; Puddington 2014), has emerged only recently, prompted by a global 'regulatory crackdown' on NGOs (Dupuy, Ron, and Prakash 2015, 423). On the issue of foreign funding alone (which is also frequently broached in the Hungarian discussion) 86 of 195 countries worldwide have passed more restrictive laws since 1955, 69 of them in the last 20 years. The literature's focus on authoritarian and hybrid regimes, especially Russia and other post-soviet countries, hides that the 'crackdown' occurred across all political systems: among the countries identified by Dupuy et.al. (2015, 424), 17 were ranked as full democracies by standard indicators. Furthermore, the consequences of restrictions depend on the context as scholars complain that the focus on legal regulations overlooks how these measures are implemented (Maxwell 2006) and what limitations mean in practice for the impact of NGOs (Henry 2006, 100). Research specifically on Hungary is limited. It treats specialized problems such as the lack of advocacy organizations (Arató and Nizák 2012) or negative media discourses (Gerő and Kopper 2013). Given the stable development of civil society after communism and the recentness of changes, the consequences of an emerging 'illiberal democracy' for civil society are however as of yet unclear.

Building on this body of literature, I start my inquiry by a discussion of the relation of civil society and politics, restrictions on civil society and the political environment in Hungary (Chapter 2). Though Hungary cannot be equated with non-democratic countries, research on these countries provides a theoretical framework for understanding differential treatment of NGOs. To understand the unique environment for NGOs in Hungary, I generate situated explanations through a qualitative, interview-based inquiry (Chapter 3), permitting insights

into NGOs' situation assessments and strategic choices. Turning to empirical analysis, the fourth chapter uses the framework of differential treatment to show how the Fidesz government has attempted to incorporate civil society into its illiberal democracy. In the fifth chapter, I expose four strategies that underlie NGOs' reactions and the justifications they give in the interview situation, arguing that they fail to propose a common narrative. In the sixth chapter, I develop on this analysis to show the possible development-paths for civil society. The concluding seventh chapter summarizes what has been done and outlines shortcomings and perspectives of the research.

2 Theoretical Framework

Conceptualizing Civil Society

Part of the popularity of 'civil society' as a concept is its ambiguity as term. This is evident in the difference outlined in the introduction between instilling cooperation (self-organization function) and exercising control (public sphere function). Both cooperation and control however depend ultimately on the independence of civil society from politics that most mainstream political theories have outlined. Specifically for post-communist countries, Cohen and Arato develop a model in which both civil and political society are placed between the overarching 'system' and individual life (Cohen and Arato 1992, 423). What differentiates both spheres is not their location, but their functioning and constitution: while political actors have to act strategically and follow an instrumental logic to gain power, civil society, even in its political role, influences through deliberation and not by conquest of power (Cohen and Arato 1992, IX).[6]

Deliberation within the civil sphere has also become the centerpiece of theories of democracy outlined by contemporary philosophers such as Jürgen Habermas and Iris Marion Young, who praise civil society as reason winning over power. Civil society organizations (CSOs)[7] can correct the structural injustices of democracies as they enable marginalized citizens "to develop a language in which to voice experiences and perception that cannot be spoken in prevailing terms of political discourse" (Young 2010, 155). Thus, civil society transmits citizens' problems from the private to the public and generates and upholds a democratic public sphere (Habermas 1996, 366). While self-organization (creating networks of solidarity)

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[6] Of course, this does not exclude that civil society organizations, especially trade unions, may develop into parties. Solidarnosc in Poland or the Hungarian Együtt party provide such examples.
[7] Throughout this thesis, I try to differentiate between CSOs (all kinds of civil organizations including leisure associations) and NGOs, which are focused on societal impact (whether on a big level or within a community), rather than individual benefit. NGOs are thus the more 'political' part of civil society (Chapter 2).

needs freedom from the state, public sphere activities (influencing the state) ultimately need access to the state:[8] following Cohen and Arato, Gerő and Kopper argue that democratic quality "is dependent on the relations and communications between the two spheres[political and civil, TG]" (Gerő and Kopper 2013, 366). Both spheres have to be adequately different, but be able to communicate with the other sphere.

NGOs: civil society's political voice

While NGOs (such as most organizations in this thesis) constitute only a small part of civil society, they are central for influencing society and holding the powerful accountable. What they lack in connection to citizens (Lang 2014; Srinivas 2009), they make up in expertise as many of them are specialized in advocacy, the "attempt[…] to effect social or political change concerning a particular issue" (MacIndoe 2009, 155).

In non-democratic countries, external financial support for NGOs has become a standard strategy to promote democracy and destabilize authoritarian regimes (Encarnación 2006).[9] However, this financial aid changes the incentive structure for NGOs and reinforces their focus on political projects and control of the state rather than societal self-organization. Aid inhibits cooperation between NGOs and accountability to local constituencies, in favor of a competition to best fulfill donors' agendas (Hann 2003; Lang 2014; Mandel 2003; Mendelson and Glenn 2000). Thus, NGOs are seen to perform civil society's 'external function' of control, while neglecting the 'internal function' to instill cooperation (Henderson 2002, 164). An important side-effect of this is that they are often seen as 'foreign' in their own countries. Though dressed in a language of democratic universalism, financial aid may serve particular interests that are contentious in the recipient country, such as the establishment of a free

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[8] Both terms, as used throughout this thesis, are borrowed Young (2010, 163–164) and her interpretation of the 'paradox of civil society' (Foley and Edwards 1996).
[9] Of course the donors decide what democracy means in the context of their grant, thus they often have individual agendas beyond a humanitarian-minded promotion of democracy (Ghosh 2009; Mendelson and Glenn 2000).

market. This suspicion is articulated not only in Hungary, but also for example by the Russian government which forced recipients of foreign funding to register as 'foreign agents' (Maxwell 2006) and threatens their operation through criminalization (cnn.com 2015).

In democracies, NGOs often focus on political advocacy. They participate in the political process as "proxy publics" (Lang 2014), representing the interests of their constituency or citizens more generally.[10] Different from the anti-communist opposition, their legal status allows them to provide an institutional base for social movements through their continuity, legal status and easier access to resources. During periods of low mobilization, they can help carry on movement values and goals (Zald and McCarthy 1987). Through institutional advocacy, they provide specialized expertise to politicians who, as generalists, have less knowledge about specific policy fields (Lang 2014). NGOs can independently advise policy-makers, because ultimately only policy-makers have to compete on these policies in the electoral arena. NGOs engaged in advocacy do not participate in institutional politics, but attempt to influence the substantive dimension (policy) through reasoning. In theory, NGOs thus can stay clear of partisanship and fulfill a professional role under any government.

However, while theoretically politics and advocacy can be separated, I assume that in reality they are often interrelated. Firstly, political parties use policies to mobilize their voters. NGOs endorsing policies are often ideologically closer to one party than to others and some may even cultivate a relation of consultation as experts with particular parties over time. Secondly, the modalities of government funding have a huge role in encouraging or suppressing political advocacy.[11] NGOs may have more motivation to show their expertise if politicians decide on their funding. However resource dependency may also stifle their critical voice to remain in good standing with decision-makers. In which way funding influences NGO activities

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[10] Of course, this also has the negative component of NGOs often substituting citizen involvement.
[11] Relevant literature which cannot be sufficiently discussed here is in particular Chavesc, Stephens, and Galaskiewicz 2004; Child and Gronbjerg 2007; Salamon 1995; and Schmid, Bar, and Nirel 2008.

depends on the exact arrangements. However, it is evident that in their public sphere function, NGOs operate on the border to institutional politics and naturally raise contention.

Civil Society and NGOs in post-communist Europe

Given state restrictions on associations under communism, civil society in post-communist Europe was initially organizationally weak. As a skepticism towards voluntary activism remained with many citizens well after the regime change (Howard 2003), promoting NGOs from outside has been a frequent strategy of 'building civil society'. In this context, NGOs' political voice is even more contentious as the separation between civil society and politics is less clear than in consolidated democracies. Linz and Stepan observe that without an established balance between civil and political society, one is often neglected in favor of the other or the two even play against each other: "within the democratic community, champions of either civil society or political society all too often adopt a discourse and a set of practices that are implicitly inimical to the normal development of the other" (Linz and Stepan 2012, 16). Following Rosenblum and Post's argument that the boundaries of civil society have to be different according to historical context (Rosenblum and Post 2002, 2), it is thus important to notice a difference between established democracies and democratizing societies. While outside actors try to 'promote civil society' to 'catch up' with Western Europe, they often neglect local traditions and promote donor-dependent organizations (so-called DONGOS) without roots (Mandel 2003). The problems of external donors and the internal weakness of civil society in post-communist countries (Howard 2003) have given rise to calls for the state to actively promote civil society. However, such support also holds risks, as it may reduce diversity and end up strengthening *state control of*, rather than *state support for,* civil society.[12] When the state replaces external donors as main source of funding (the so-called

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[12] For example in Russia, the idea of 'managing' a civil society has increased state control and lead to a loss of critical and emancipatory dimensions (Salmenniemi 2007, 25).

import-substitution phase, Jakobson and Sanovich 2010), it also becomes an agenda-setting 'manager' of civil society.

Managing Civil Society?

The idea of a 'managed' civil society challenges the expectations democratization theory had put in civil society for the building and consolidation of democracy. In many countries, NGOs have proven to be driven more by organizational logics of survival than genuine concern for democracy (Lang 2014; Hsu 2010). Even where they have advocated for democratic standards, their influence is so marginal that NGOs have failed even to defend their own position. Struggles surrounding restrictive 'NGO laws' in countries such as Ethiopia and Russia provide examples.[13] Despite international criticism of the regulations, virtually all NGOs decided to comply. While some might have only been 'briefcase-NGOs' interested in donor money, for many compliance meant a painful process of giving up core activities or altering their mission (Dupuy, Ron, and Prakash 2015, 443).

The role of NGOs in neo-authoritarian regimes

Discussing so-called 'neo-authoritarian' regimes that mix elements of authoritarianism with democracy, recent empirical case studies have emphasized the question of state-legitimacy. Going further than authors who suggest authoritarian regimes are 'resilient' to critique, a special issue of the *Journal of Civil Society* suggests NGOs provide the public disagreement necessary for a state's legitimacy in the international sphere. Thus, "authoritarian regimes last in part thanks to certain forms of discontent" (Froissart 2014, 219) as NGOs settle for working effectively within a government-given framework. Thus, authoritarian rule is "challenged and reproduced at the same time" (Froissart 2014, 220) through NGOs' critical activities. The expectation that associations check and resist illegitimate power (Fung 2003,

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[13] See specifically on NGO reactions (Crotty, Hall, and Ljubownikow 2014; Dupuy, Ron, and Prakash 2015; Ljubownikow, Crotty, and Rodgers 2013; Ljubownikow and Crotty 2014)

516) stands severely challenged by contemporary authoritarian states' ability to coexist with various forms of non-governmental associations (Lewis 2013, 325).

Instead of focusing on power excesses of the state and direct repression of civil society, this stand of literature analyzes the "discursive, symbolic, and performative dynamics" (Lewis 2013, 330) that constitute the state order. To maintain state order, the new authoritarianisms need societal participation as implicit approval. Civil organizations are a convenient way to organize such participation: Civil Society is thus managed rather than repressed. Civil organizations may still engage in a variety of activities, including advocacy, as long as it is done in a way that improves state-functioning by including marginalized groups without challenging rulers. Monitoring studies in Russia, the classical example of such a managed civil society, led to the conclusion that instead of pure oppression, "attempts are made both to rule the sector and to promote activities of TSOs[third-sector organizations]" (Jakobson and Sanovich 2010, 294). Managing means selective pressure but also positive encouragement for politically non-contentious groups (Robertson 2009, 540).

Unfortunately, this body of literature is difficult to use. Evidence is dispersed over case-studies which often use the specific history of civil society in a country (e.g. Ljubownikow, Crotty, and Rodgers 2013) or complicated incentive structures, rather than theory-driven accounts. Attempts to aggregate case studies (Lewis 2013) outline three types of explanations: explanations based on a shared (authoritarian) political culture, organizational imperatives (for example organizations seeing the state as a necessary resource provider) or attitudinal approaches in which 'civil society action' (Wischermann 2011) is a form of behavior that may also be found within the state. While pointing to a relevant change with the annexation of civil organizations, most such approaches have not bothered to explain the persistence of repression (Art 2012).

CSOs as organizers of social consent

The alternative Lewis proposes also draws on Young's framework: Neo-authoritarian states' need to organize social consent requires the *self-organizational function* of civil society. The emergence of a *public sphere* (even if the organizations are much too weak to initiate popular mobilization by themselves) could however facilitate the emergence of counter-discourses as civil organizations can "institutionalize private discourse into a public sphere" (Lewis 2013, 335; Habermas 1996, 366). 'Managing' civil society thus means keeping the public sphere function of CSOs uncontentious. This is achieved through demonstrating hegemony, "a systemic claim to a national-popular consensus around a given conception of the state" (March 2003, 211). Hegemony claims rule is based on popular support and gives the impression there are no alternatives to the current form of rule.

The literature has pointed out several mechanisms through which hegemony is produced. On the one hand, civil organizations are disarmed by detaching social and cultural claims from political ones (Geoffray 2014). This helps to channel protest into forms that are not dangerous to the political incumbents. With some protest movementsare tamed and included in the functioning of the state, the remaining invariably politically inconvenient organizations are marginalized. Arguably, the disarming of many Hungarian social movements could be understood through this framework, as contentious ideas such as the Occupy Wall Street movement have, upon arrival in Hungary, regularly transformed into Fidesz-conform narratives such as the Hungarian people resisting the influence of foreign banks (Pető 2014). On the other hand, governments 'annex' critical CSOs by shifting their priorities. Through selectively promoting some activities, primarily those that position CSOs as the states' "allies in solving social problems" (Ljubownikow and Crotty 2014, 771), states coopt independent organizations. The mechanics of cooptation can be seen for example in the case of the Moscow Helsinki Group. Even while the organization was under investigation for being a

'foreign agent', it received selective funding for state-building projects (Daucé 2014, 246). The organization's struggle to maintain this funding 'juridified' the organization's actions in other areas. As organizations see incentives to accept state regulations because of selective benefits rather than physical force, a new 'civility in oppression' (Daucé 2014) emerges.

Resisting social consent?

The gaps between democratic theory and the reality of NGOs in neo-authoritarian states has often been explained by features of those states, for example a political culture in which NGOs reflect authoritarian structures in their own behavior (Lewis 2013, 328). Thus, these dynamics should be different in democracies. While democratic governments may also attempt to coopt or punish politically inconvenient NGOs, democracies are premised on the existence of a public sphere. Discursive openness in an authoritarian government, according to Lewis, is NGOs' "ability to develop and express alternative views, discourses, idioms, and imagineries" (Lewis 2013, 333). In a democracy, such alternative social imagineries should already exist and NGOs represent a 'danger' to incumbents in a different way. It is not the construction of a public sphere but NGOs' ability to convince citizens in such an open space that matters. In the existence of a democratic public sphere, self-organization then also takes on a different meaning: associations enable citizens to "experiment with ways of living and doing things" (Young 2010, 178) which can be promoted through the public sphere.

Hungary hence presents an important test case as a democratic country, in which some state actions resemble dynamics of neo-authoritarian states. Given the relatively consolidated democratic political culture in Central Europe (Merkel 2010), CSOs in these countries should be able to draw on this public sphere and willing to resist the rise of illiberal politics. Particularly the NCF grantees, which are well-connected with other NGOs in the European Union and many of which are watchdog-organizations, are an integral part of this democratic political culture. Hungary may thus be a 'hoop' test for the role of NGOs in the resilience of

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democracy. While discovering a relation in Hungary is not sufficient, the lack of such a relation seriously questions the role of NGOs in a democracy.

Doing Politics in Hungary

Despite its democratic structure, the Hungarian political system and public sphere provide very particular challenges to NGOs. Throughout its governance, Fidesz has established a social and political hegemony possibly unrivalled within Europe, which influences the structure of the public sphere. As indicated in the previous section, literature has suggested that even among the issues and rhetoric of anti-establishment social movements, it is the governing Fidesz party that "has made successful use of the rhetoric [...] and which disposes of the means to do so" (Pető 2014) for other organizations. Many NGO leaders directly link their decreasing ability to influence policies to Hungary's general trajectory towards an 'illiberal democracy'.[14] The following chapter establishes principles of politics in Hungary that also determine the environment of NGOs.

Political competition in Hungary

Already before the current Fidesz government came to power in 2010, political competition in Hungary had long deviated from the ideal of a pluralistic political culture. Politicians had adopted an attitude where the other is an enemy rather than a legitimate opposition (Schöpflin 2006). In this, Hungary is not alone: Freyberg-Inan and Varga argue elite behavior turned political competition in several Central-European countries into 'selective democracies'. Democratic rules of the game apply not the whole polity "but only to specific groups within it who have entrenched themselves in power" (Freyberg-Inan and Varga 2012, 351). Often building on historical or post-communist legacies of division, governing elites "redefine the

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[14] While in interviews various terms for Hungary's political development were used, the nature of the development is essentially contested even among civil actors. Thus, the term 'illiberal democracy' is adopted here, given it signifies the direction of change that observers criticize, but is also used by political actors, such as Hungary's prime minister Victor Orbán, as a self-description.

borders of the polity in an exclusionary way, denying various groups of 'enemies' legitimate access and representation"(Freyberg-Inan and Varga 2012, 349). The idea of a 'selective democracy' can be translated into what Hansen and Sorensen (2005, 95) have analyzed as the construction of a 'discursive polity' smaller than the actual polity. The polity 'Hungary' is redefined by changing the meaning actors attach to it.

In fact, defining 'Hungary' and politics of nationhood have played an important role for voters' allegiance after the transition, building on Hungary's history (Tóka 2006, 257ff.). Political competition thus revolves around the conception of the nation, making Hungary and the Hungarian people a central positive reference for all sides.[15] This can be an effective strategy as studies indicate Hungarian voters fail to identify parties that share policy preferences with them but are much better at identifying parties whose leaders share their ideological position (Todosijević 2004, 430). In a space where all major parties use populist references to the nation to attract voters (Pappas 2014), parties define themselves not through policy proposals but against the other. As traitors against the nation or xenophobe nationalists (Palonen 2009, 325), both sides construct the other as dangers to the people and aim to exclude them from the competition. Körösényi argues this attempt to exclude each other even leads to a 'criminalization' of politics where legal measures are used against opponents (Körösényi 2013).

The role of Fidesz

For the governing Fidesz party, nationhood was a central cleavage to gain popularity with a broader constituency since the mid-1990s (Enyedi 2005; Enyedi forthcoming). Most recently, prime minister Orbán (2014) has outlined that states are "nothing more than a form of organising the community", and explicitly detaches this community from state borders. The

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[15] Literature on cleavages, for example Tóka (2006) has located socialists on the 'international' side of the nationhood cleavage. However, 'international' here merely means a different conception of the nation, not a turn 'against' the Hungarian nation.

interests of the nation and Hungarians living around the world –constructed as homogenous–

are the purpose of the state and what each government is obligated to serve, "including

through the use of its constitutional powers" (Orbán 2014, 6). The interest of the nation

require "breaking with the dogmas and ideologies that have been adopted by the West"

(Orbán 2014, 4). Thus, the Hungarian nation comes before liberalism, constitutionalism and

the division of powers. Following March's definition of political hegemony(p.13), Fidesz also

uses an acclaimed popular consensus to justify various policies and discard others. For

example, Fidesz uses so-called national consultations with often leading questionnaires

(European Commission 2015; mandiner.hu 2015) to justify political changes that go against

European majorities.[16] Public opinion is not gauged through public deliberation, but retrieved

as a political tool when convenient.

Given their conception of the state, the current Fidesz government and Orbán's concept of

'illiberal democracy' have taken 'selective democracy' a step further. There has been a near-

consensus in political science that under the current Fidesz government the quality of

democracy in Hungary is decreasing (Agh 2013; Bánkuti, Halmai, and Scheppele 2012;

Bozóki 2011; Trencsényi 2013; Pelinka 2012), which is also visible in quantitative indicators

of democracy (Bertelsmann 2014; Freedom House 2015). However, while previously "[a]ny

single step Fidesz has made can[could] be debated" (Pelinka 2012), the Fidesz government

has now, according to the renowned Hungarian economist János Kornai (2015), performed a

'U-turn' away from the post-transition trajectory towards democracy and liberalism,.

Illiberalism presents a legitimizing principle to codify exclusion and preference of 'national'

organizations. Consequentially, Fidesz has used the two-thirds majority it held for most of its

term and the ensuing lack of a parliamentary opposition to implement numerous and deep

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[16] For example, the Fidesz party explicitly announced the much-criticized consultation on immigration as a method to represent 'Hungarian interests' against the European Union. (mno.hu 2015)

legal changes including to the constitution (Bánkuti, Halmai, and Scheppele 2012; Takacs and Czigler 2012). The two-thirds requirement to change new 'cardinal laws' guarantees the resilience of policies made according to Fidesz' ideology. More than under previous governments, Fidesz has filled key posts within state funded institutions (from museum directors to judges) with ideologically loyal candidates.

Additionally to these institutional changes, public debate in Hungary is highly asymmetrical. Both within the party (which was re-organized in a hierarchical fashion during the 1990s, Enyedi 2005; Oltay 2012) and in public (for example through the mentioned national consultations), Fidesz frames and restricts discussions in a way that strengthens the party's position. Together with the attempt to take up and silence social grievances (Pető 2014), the party has established an almost unchallenged hegemony. Even individual critical voices are hardly heard: Bajomi-Lázár (2012) calls Hungary a case of 'party colonization of the media' where all mainstream media are exposed to government interference. The lack of pluralism (Media Pluralism Monitor 2014) prevents equal coverage of different parties and the 2010 media law provides the government with a firm grip on all outlets (Center for Media and Communication Studies 2012). The restriction of both institutional checks and public discussion allows Fidesz to exercise power relatively uncontrolled and promote its interpretation of the Hungarian public opinion.

The Road ahead
The Hungarian environment leaves civil society actors in a dilemma. Given its public sphere function, civil society should present an important location for societal resistance. Following the first section of this chapter, civil society could provide infrastructure and resources for counter-discourses to emerge. However, in Hungary, civil society is itself in a critical situation. Given the polarization of Hungarian society, neutral actors (for example issue-based advocacy NGOs) run the risk of being stigmatized through an association with either side. A

spill-over of partisanship into the activities of NGOs is likely, as studies have shown a political camp-mentality that is prolonged into private life where it affects even citizens' personal relationships (Angelusz and Tardos 2011). Thus, civil society's performance is also affected as the nature of political competition limits NGOs' chances to influence politics. Firstly, policy advocacy lacks resonance as party competition is based on identities and narratives of the past. Secondly, through the nature of public debate in Fidesz' 'illiberal democracy', oppositional voices in the country are simply invisible to many citizens. Thirdly, the political opposition is not suitable to take up the demands of NGOs and given their negative imagine, many NGOs are unwilling to mingle with opposition parties (Interview 1).[17] NGOs are thus in a situation where they do possess certain rights and privileges, but lack allies or a receptive public to challenge the government. In this situation, they have to re-consider both their own role and how to fulfill a public sphere function.

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[17] According to Daucé (2014, 249), in Russia it was such a weakness of the opposition that ultimately led NGOs towards cooperation with government organs to maintain a minimum of political influence.

3 Methodology

Work on this thesis started from a theoretical interest into the nature of political changes in Hungary and the role of civil society. However, given the knowledge gap regarding implementation (Maxwell 2006) and practical impact (Henry 2006, 99) of restrictions on NGOs, I decided on a case-study approach. As Hungary, with the imposition of severe restrictions within a democratic framework, is a unique environment, the NGOs' strategies represent "a class of phenomena for which we lack applicable theories" (Friedrichs and Kratochwil 2009, 714). Thus, a pragmatist-abductive strategy to generate situated explanations for the specific situation (Schwartz-Shea and Yanow 2013, 28) is most appropriate. I thus attempt to integrate theoretical considerations with empirical observations to understand the specific situation of Hungarian NGOs and in turn provide feedback for the guiding theories..

Though many qualitative studies outward reject generalization (Schofield 2002, 173), theory-driven case studies aim at the precise reconstruction of one case as "a typical or particularly instructive example of a more general problem" (Flick 2014). My case study represents such an example as it discusses "a site that sheds light on what could be" (Schofield 2002, 189). The NCF grantees (and in particular the organizations that became publicly visible) are as a group atypical of Hungarian civil organizations in general. However, due to their nature as watchdogs and advocacy groups, they are particularly exposed to political pressures that other organizations do not (yet) experience. One respondent, for example, explains the organization "has been always in the forefront of criticizing the government's actions and also in the frontline when receiving the threats or attacks on civil organizations" (Interview 5). Following Lincoln and Guba's suggestion that generalizations are not 'found' but "active creations of the mind" (Lincoln and Guba 2000, 30), I contextualized the status of my case study through background interviews with informants involved in Hungarian civil society but

not the NCF itself. Appropriately interpreted, speaking about the experiences of the NCF grantees can hopefully also give insights into illiberal democracy's effects on civil society in general.

As the main goal was to understand the strategic choices of NGOs and their implications, interviews helped in accessing the viewpoint of organizations. Thus, the research did not search for the 'truth' of the events, but rather asked "[w]hat do the informant's statements reveal about his[her] feelings and perceptions" (Dean and Foote Whyte 2006, 108). Thus, I take up a moderate form of the 'radical critique of interviews' (Hammersley 2008a) and interpret the interviews as a social situation in which NGO representatives reasoned about their choices, detached from their daily tasks. With the necessary skeptical attitude, interview accounts are neither impartial nor necessarily true insights into the respondent's perspective. However, they provide an excellent starting point as they allow us as outsiders to benefit from respondents' local knowledge and background information (Hammersley 2008a, 97). To gain more analytical distance in my perspective, I also used extensive additional data sources to seek complementary information as a way of triangulation (Hammersley 2008b, 27).

As a type of qualitative data analysis, I chose thematic analysis which helps "identifying, analyzing and reporting patterns (themes) within data" (Braun and Clarke 2006, 79). My goal with this was twofold: On the one hand, I attempted to compare different interviews and the distribution of perspectives among them (Flick 2009, 318). On the other hand, looking through a comparative lens also clarified the specifics of individual interviews. Through grouping responses of different NGOs, thematic analysis helped introducing order within the different responses. When applied to different topics, it renders the diverse reactions of organizations intelligible by making it possible to link them to each organization's perception of the conflict. On a concrete level, I looked at the justifications and rationalizations NGOs present for their actions. At a more abstract level, I tried to read these statements as strategic

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speech acts that fulfill functions such as legitimization and delegitimization of actors (Chilton and Schäffner 1997, 212–213).

Data Body

In practice, the empirical research was divided into two stages. The first, started before settling on a case, constructed the background, including the working environment of civil society. The second stage addressed only the NCF grantees and, through interaction with them, went beyond official information. Thus, my discussion is built on a diverse body of data (statistical data, legislation, published communications between state institutions and NGOs, press articles and press releases), collected from August 2014 to May 2015. Particularly the fourth chapter uses all of these sources, while for the fifth and sixth chapter, the central data was generated through informal conversations and semi-structured interviews I held with NGO representatives between December 2014 and May 2015.

A note on the research process

The biggest obstacle for the empirical research was the long-winded process to gain an understanding of and access to the topic. For a foreigner with limited knowledge of Hungarian, understanding the subtleties of Hungarian political events naturally presents a challenge. Hungarians often claim that "[y]ou have to be Hungarian to understand" (Schöpflin 2006) and most information on the civil sector is not available in English. Over time, I was helped by the increasing coverage of the events in the international press, my growing knowledge of the language and the help of multiple informants I mobilized to alert me of anything possibly relevant to my thesis.

Nevertheless, gaining access to the interviewees constituted a major problem as my first round of interview requests (written in both English and Hungarian) remained either unanswered or the respondents only knew Hungarian. To increase responsiveness, I decided to use my own involvement in an informal civil society group and asked to be delegated to

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attend meetings with other CSOs. After having participated in meetings with NGO representatives as civil activist, I could mobilize my new acquaintances as first interview partners. Using my own involvement went beyond the neutral detached position of scientific positivism "in an attempt to see social reality 'through the eyes of the subject studied'"(Corbetta 2003, 40). Naturally, this was reflected in my respondents perceiving me as an 'insider' [18] – however I believe it did not taint my data as the meetings I attended did not specifically revolve around the NCF. I did not become an 'insider' as my own engagement was grassroots-based and, I believe, very different from the NGOs involved in the Fund. Thus, I hope to have preserved the advantages of 'stranger-ness' (Schwartz-Shea and Yanow 2013, 29) as an ability to draw contrasts and find unwritten rules but gained more insight than possible as a detached foreigner.

Data Body for Chapter 4

The exposition of background conditions is built on the publications of the Hungarian Statistical Office, legal documents (such as the Law on Civic Associations) and commentaries of relevant organizations that provide legal services for the NGO sector as a whole (e.g. European Center for Non-Profit Law and Nonprofit Information and Training Center).

Questions of the actual implementation of laws and the general characteristics of civil society were discussed with professionals working in granting organizations or organizations providing help to NGOs. Some of these conversations were informal, two were recorded and analyzed as formal interviews (see Appendix A). The topics to be covered in those interviews were determined according to gaps in my understanding of documents.

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[18] An example of this is one interviewee's statement that I "came through certain channels" (Interview 4, 2) which took her worries to invite me to the organization's offices.

Data Body for Chapters 5 and 6

A very first version of the narrative of Chapter 5 and 6 produced in autumn 2014 was based on press statements and publications on organizations' webpages. They were analyzed with thematic analysis, looking for *restrictions through state agents, NGOs' capacities* and *proposed strategies of resistance.* The main source of the actual analysis is a collection of 11 'substantial' interviews with 12 NGO employees, mainly directors or strategic officers (Appendix A).

The interviews were semi-structured expert interviews, using a topic guide (Appendix C) as agenda for issues to be covered, though not all questions were asked in each interview and wording and order were flexible. Though the interviews often brought about personal narratives, as expert interviews, the respondents were of interest not as persons but as functionaries (Flick 2009, 166). The primary goal was to provide a platform for organizations to explain and justify the strategies that underlie the practical actions I had found in the first phase (e.g. initiation of law suits, campaigns etc.).

Topic guide

The first topic guide was developed from a preliminary research question ('which tools do NGOs use to defend themselves?'). I used a theoretical framework on state-civil society and particularly state-NGO relations as 'sensitizing concepts' (Hammersley 2006) that have to be enriched by first-hand observation to gain meaning. To avoid asking for theoretical concepts, I asked respondents to compare their organizational approach to others or point to changes over time, e.g. in their relation to the state. The lack of theoretical literature on the actual consequences of restriction also meant many questions focused on the everyday experiences of NGO workers and their internal decision-making procedures.

However, the resulting answers were so descriptive, that my research question changed during the process (as often happens in interpretative research which is open-ended, Schwartz-Shea

and Yanow 2013, 36–37), building on the answers of my respondents. A second more pointed topic guide covered the organizations' approach to social impact (e.g. whether and how they did advocacy), changes in the environment for such work in Hungary over time, their strategies to deal with these changes, the NCF conflict in particular and, as an outlook, the long-term consequences they expected. The emphasis on advocacy strategies followed another interim research question about the scarcity of policy debates in Hungary.

The logic of both topic guides was to let respondents speak relatively freely to identify the challenges most important to them. Most questions were thus open-ended, which makes coding more difficult but allows better inferences about the frame of reference of the respondents (Foddy 2003, 128). The comparability lost through question-framing was minimal as each interview anyway used a slightly different topic guide. Given the different characteristics and roles (e.g. granting or grantee organizations) of the NGOs, I used 'building blocks' to insert recurring questions and added organization-specific questions, depending on the public information available about the organization.

Sampling

Sensible sampling is a challenge for research on NGO restrictions that is often neglected for the sake of policy relevance (Dupuy, Ron, and Prakash 2015, 431). For the NCF, only the names of the 13 'blacklisted' (not the 59 audited) organizations were published. Selection was thus based on snowballing and personal connections. I started the interview process with two NCF operating organizations active in different fields and an independent donor organization, asking each for further recommendations after the interview. I continued following recommendations, but after 5 further interviews reached a first circle. This 'circle' happened earlier than expected since most organizations cooperated on the issue since summer 2014

through mailing lists and informal working groups.[19] Even though I specifically asked for

organizations with a different profile, most organizations suggested professionalized and

well-known organizations they had cooperated with on the issue. Thus, I additionally selected

five NGOs with different characteristics to minimize a bias towards more active and well-

connected organizations. For selection, I considered the following criteria:

- **roles** of NGOs involved in the issue (e.g. granting–grantee, blacklisted–outsider)
- **types** of civil organizations (professional–voluntary-based, advocacy–charity)
- **thematic areas** the Fund supports[20]
- **strategies** towards the issue (cooperation–withholding information)

After the first circle, I continued to ask for recommendations but did only follow up those

which I held most relevant for completing my research.

Organizations

Of the 12 interviews for this part of the thesis (Appendix A), 9 were with audited, mostly also

blacklisted organizations. Two of them were grant-managing organizations. About half were

active in human rights fields (women's rights, Roma rights, legal advocacy), the others

worked on democratic values in the widest sense (environmental protection, community

development, cultural projects, investigative journalism, democracy promotion). Though they

are all labeled as NGOs in the debate, most do not fit the classical profile of a small

professional organization. For example, one organization does not have employees or office

space, one acts rather as research institute. Three of them have never stepped into institutional

advocacy at all (in fact, for most organizations, institutional advocacy is only a small part of

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[19] On a negative note, this also meant that organizations had established an internal vocabulary and non-public information about future campaigns that was often difficult to understand for a researcher coming from the outside. Given that respondents shared information purely based on trust in my, I sometimes hesitated to ask back about terms I did not understand in order to not destroy responsivity.

[20] These are, according to the Fund, democracy and human rights; gender and equal opportunities; community and organizational development; youth and children issues; environment and sustainable development; provision of welfare and basic service to vulnerable groups; empowerment of vulnerable groups, including Roma (Norwegian Civil Fund 2015).

their work) as they work exclusively for grassroots change through cultural programs or attempt to raise public awareness through journalistic work.

The additional three respondents who did not represent audited organizations were selected to diversify the data body and enhance my understanding of the conflict. Two of them also worked for NCF grantees, but the focus of the interview was on their role for the cooperation between NGOs. The third such respondent was interviewed as representative of an NGO that did not receive NCF funding but participated in the public discussion.

In putting only a few of the grant-recipients on the spot, state authorities singled out some of the most liberal and outspoken organizations. Thus, the organizations I interviewed were in their approach and characteristics neither representative of Hungarian civil society nor the NCF. All organizations were Budapest-based and most conduct the majority of their activities within the city. Given they are recipient of NCF grants (most of them with a larger, so-called macro project), all of them have experience with international grants and represent an elite of civil organizations. Their international funding has allowed them to be outspoken about political issues (Interview 10, 3), especially in contrast to countryside organizations which depend on local grants given out according to political allegiance (Interview 8). Thus, these countryside organizations sometimes perceive the NCF grantees as a distant elite (Backgroundinterview I).

Most organizations do not focus on citizens in their work. Different from most NGOs, the interviewed organizations are not service providers in the classical sense. Though some reach out to citizens in their work, most also work with international institutions or other NGOs. All but one organization assist or train other NGOs, with some explicitly mentioning NGO capacity building as a part of their core mission (Interview 1, 2, 4, 5, 7). While four of the organizations have been well-known within Hungary even before the conflict, two others

were known mostly to insiders, as they mainly worked with NGOs. Yet another targeted organization was hardly known even within civil society.

Respondents

It is important to also characterize the respondents, as organizational leaders have often served to explain their strategic choices (Henry 2006). With one exception, respondents were directors, board members or strategic officers of NGOs. They are experts of civil society as at least five (plus both background respondents) have published on civil society in Hungary or were sources for reports by international agencies. Though their work is focused on Hungary, most of them have spent some time abroad and frequently draw comparisons between Hungarian organizations and their counterparts in other countries. Despite their high position within the organization, most are relatively young. They began their working life only after the regime change in 1989, often within the NGO sector. Most have long tenures as about half of them started their career as volunteers within the same organization. Some still work fully or partly without salary and represent themselves as equals to their co-workers. This background differs significantly from the studies discussed in my theoretical framework as many respondents there have previously worked in state administrations or education (Hsu 2010; Henry 2006).

Interviews and Transcription

The interviews were held at places of my respondents' choice, mostly their organizations' offices, to give them control over the situation. As some organizations have limited or no office space, I also met in a respondent's home, coffee places and university buildings. Interviews were done in English and lasted between 45 and 100 minutes of recorded sound, preceded and followed by informal conversations about which I often took notes. The four interviews lasting less than an hour were conducted with the second shorter topic guide. While the first interviews were fully-transcribed (except issues so specific they would identify

the respondent), for later interviews, I selectively transcribed and summarized information as my research interest crystallized (Appendix D for sample transcripts).

Confidentiality and Research Ethics

In qualitative research that depends on a small number of respondents, it is an especially important consideration whether the benefits of the research can justify potential harm to the research participants (Arksey and Knight 1999, 126). While invariably taking up my respondents' time, I attempted to treat them as a collaborator and discuss confidentiality and anonymization as equals. Thus, I followed standard procedures such as a securing of 'informed consent' by informing my respondents about the context of my project, the subsequent data analysis and procedures of anonymization. All respondents consented to the interview and its recording either via e-mail or on the spot. Regarding confidentiality, I produced an internal complete transcript for my own understanding but used a reduced transcript for analysis. Fortunately, many issues were only confidential until a certain time point or respondents left the choice of inclusion to me.

Safeguarding anonymity was more difficult. Many respondents did not insist on anonymization as they have frequently given similar interviews to the press and assumed their communication was anyway under surveillance. Nevertheless, I removed all names as the community is so small that naming some respondents would make it easier to identify others. Some respondents had specific concerns about privacy so that anonymization procedures (for example leaving out the organization's name) were explicitly negotiated. However, the community size made in-group identification (Arksey and Knight 1999, 133) almost impossible to eliminate. Though the potential harm through in-group identification is much smaller as most NGO representatives were already well aware of their (sometimes unspoken) differences, I tried to circumvent giving clues by separating the characteristics of the organizations from the respondents. As last step, I went through the features of respondents

included in my text and compared them to organizations' webpages to remove things that would identify individual respondents.

Data analysis

Thematic analysis identifies patterns through the application of 'codes' (which represent content) to segments of data, here mostly the interview transcripts. During the research process, I used different approaches to my data. To familiarize myself with the data, I constructed two inductive (with codes emerging from the data) coding schemes already after the first three interviews. For a first interim report (Miles, Huberman, and Saldana 2014, 70), I followed a narrative approach based on bounded segments that were particularly characteristic of organizational approaches.[21] Given the status of the data as expert interviews rather than stories, my final thesis returned to a more classical thematic analysis.

To identify NGOs' environment and strategies (Chapter 4 and 5), I constructed a descriptive first-cycle coding scheme (Saldana 2009, 70) to summarize the topics of the interviews (*interactions with state actors, organizations' explanations for those, strategies for reacting*). Essentially, the topics were used as 'filters' for selecting text segments with varying length between a half-phrase and whole paragraphs. The specific codes within the topics (e.g. the four 'strategies') only emerged during data analysis. Thus, after first retrieving the segments for all codes, I went through each code again, re-organizing and hierarchizing the segments. Subsequently, I went through all interviews again to collect additional information that added to the more detailed hierarchized coding schemes. Given the codes are located at different levels of abstraction, I coded simultaneously, i.e. used different codes for the same data segment (Saldana 2009, 62). For the four 'strategies' identified in Chapter four, I avoided simultaneous coding to increase the analytical differentiation between strategies, even though

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[21] This approach was inspired by Riessman's analysis of Ewick's and Silbey's accounts of 'stories of resistance' in everyday life (Riessman 2007, 59–63).

some segments were ambiguous. The strategies are thus, to a certain extent ideal-types that are not present in their pure form in the data. While the analysis for the interim report was based on four 'core' interviews each representing a strategy, the final thesis includes all interviews.

Based on the analysis and a provisional write-up of the fifth chapter, I constructed yet another coding scheme that looked for *implications of the four strategies* but also new codes that were used to legitimize these choices, such as *organizational survival* and *values*. To avoid the risk of overstepping my interpretative authority by conjecturing on the basis of the strategies in Chapter 4, I started again from the uncoded text. Relying on the classification of the interviews into four categories, I re-coded the entire data.

4 Closing space: the situation of NGOs in Hungary

As subject of this thesis the NCF is only exemplary of Hungarian civil society in general, as CSOs and especially human rights NGOs have been exposed to a worsening political, legal and financial environment. Going beyond international reports that have proclaimed a declining sustainability of civil society,[22] I argue the Fidesz government has introduced a variety of measures that allow differential treatment of NGOs according to their alleged political color. Speech, which is the focus of this thesis and will be discussed in the next chapters, hence serves as rhetoric legitimation of factual differential treatment.

Legal Situation

The basis of this differential treatment lies in the changes to laws and their implementation that occurred during the current Fidesz government. Initially, Hungary was seen as a model country for laws concerning civil society (Backgroundinterview II). The legal environment for CSO[23] was initially liberalized in 1987 and established through the 1989 law on Freedom of Association, following which the number of registered associations almost doubled within a year (Központi Statisztikai Hivatal 2008). The next years brought CSO-support legislation such as the 1996 1% law which allows taxpayers to dedicate one percent of their income tax to NGOs, which can use these funds freely, even for operational costs (Gerencsér and Oprics 2007). Institutions such as the 2003 National Civic Fund were innovative instruments to strengthen NGOs' independence by including them into the distribution of state funds for civil society.

Since the current Fidesz government came to power in 2010, however, NGO regulations have become more state-centered, similar to broader trends outlined in Chapter 2. The 2011

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[22] For example, USAID's Civil Society Sustainability Index has singled out Hungary as one of the few countries with decreasing civil society sustainability and noted its decrease into the category 'sustainability evolving' from 'sustainability enhanced' since 2013 (USAID 2014, 5).

[23] The Hungarian names for all laws mentioned in this section can be seen in Appendix E.

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CEU eTD Collection

Nonprofit Act changed not only administrative processes (such as registration and increased reporting duties) but also the criteria for the public benefit status which is crucial for tax benefits and funding opportunities. Rather than the broad list of 22 purposes defined as public benefit in 1997 (Moore 2005), organizations now have to derive their mission from concrete state duties codified in laws. Many NGO activities (e.g. international development) were however not mentioned in laws but decrees (Backgroundinterview II). Additionally, state-centeredness limits the space for social innovation which many NGOs see as a purpose of the sector (Interview 2), as it requires addressing causes the state does not (yet) recognize. Innovative institutions such as the National Civil Fund lost most of their potential through the legal reforms. The body was renamed to National Cooperation Fund and subordinated to state control by giving the operating ministry an effective veto right (Backgroundinterview II).[24] While earlier, the fund's budget was linked to citizens' 1% dedications (with the state doubling the amount), the budget is now annually decided by the government. Additionally, the Ministry of Human Capacities can directly distribute ten percent of the budget (Freedom House 2014, 277). The representation of CSOs in decision-making was cut down (due to alleged conflicts of interest),[25] further strengthening the role of the state in budget allocation (Backgroundinterview II).

The legal changes were also problematic in a different way. Many of the acts turned out imprecise, difficult to implement or were already revised. Along with the generally increasing pace of new legislation without stakeholder consultation in Hungary (Corruption Research Center Budapest 2015), the NGO law has already been amended several times since its publication in 2011. Partly, changes reacted to NGOs' concerns, partly they were due to the

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[24] A similar effective veto right is given to the chairman of the Fund's council which is currently László Csizmadia (nea.hu 2015), who is coincidentally also head of the Civil Unity Forum which repeatedly organized pro-government demonstrations.

[25] Previously, CSOs had a majority in the 'council' which heads the Fund (12 out of 17 members) and in the subject-specific 'colleges' (all but one member came from CSOs), now in the council only three out of nine members are civil representatives.

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2013 Civil Code reform. Even for the initial law, implementation on the state side remains unfinished (Backgroundinterview II). The new online registration system was substantially delayed and the re-accreditation of public benefit status required for all NGOs is in many cases still pending.[26] Though many procedures are formalities, they put emotional strain on the organizations. One respondent compares her organization's situation to a

> *"regulation that we always have to wear clothes that have a hole in it. One part of it is always exposed. It's not always the same and you don't necessarily know ahead of time which one it will be, ahead of time." (Interview 4)*

The metaphor shows the level of threat NGO workers feel. Against a much more powerful state, individual organizations lack even the minimal protection clothes provide to humans. NGOs feel caught in a powerless waiting position and, given the speed of legislation, unable to comply with requirements they can hardly grasp. With laws becoming a "moving target" (Ljubownikow and Crotty 2014, 761), NGOs lack capacity to keep track of the current requirements. They depend on professional help in interpreting laws. Such help is however missing as the legal reform replaced the established Civil Information Centers which helped NGOs with operational tasks by new, unexperienced organizations (USAID 2014, 90).

Thus, many organizations do not comply with requirements because laws are conflicting or merely due to a lack of knowledge. Such wrong-doings usually do not have consequences as there is little control (Backgroundinterview II). However, USAID reports that inspections, such as financial audits, are becoming more frequent and many organizations "perceive these controls as retaliation for actions disfavored by the government" (USAID 2014, 90). In such a context, many NGOs interpret the audit of the NCF as a politically-motivated inspection that targets some organizations on the basis of long-established weaknesses that are present in

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[26] Given the higher concentration of NGOs in Budapest, this particularly affects capital-based organizations.

almost all organizations. They claim rather than take up political challenges, the government uses tax or legal authorities to deal with politically inconvenient NGOs (Interview 4).

Financial situation

The legal changes introduced have also added imbalances to the precarious financial situation of CSOs. In 2013, the Hungarian nonprofit sector was composed of around 65.000 organizations of which 23.000 were foundations. Unfortunately, the inclusion of so-called non-profit companies among the remaining non-profit organizations makes statistics difficult to interpret (Backgroundinterview II). Amongst companies, 27% have a revenue of over HUF 50.000.000 (roughly €160.000), compared to only 7% of advocacy organizations reaching such dimensions.[27] However the entire sector lacks financial sustainability as most CSOs have a single major source of funding and there is no significant culture of donations due to a lack of public trust. Many organizations rely on state contributions that have been shrinking. In 2013, 35% of the sector's total HUF 1.242 billion revenue came from state or local government budgets, marking a 5% decrease in comparison to the previous year (Központi Statisztikai Hivatal 2014).

The overall situation is particularly difficult for advocacy oriented organizations. Compared to other organizations, less of their budget comes from the state (19% rather than the average 35%). Infrastructure set up particularly for charitable NGOs, such as the 1% law, do not make up for a significant portion of the budget for advocacy NGOs working on more controversial civil-rights topics (Backgroundinterview II; Interview 9; Interview 4). EU Funds, according to USAID, are not available in sufficient amounts (USAID 2014, 92), though the main problem may be their focus on big infrastructural projects which implicitly disqualifies smaller organizations (Interview 1). Thus, many organizations that do not receive state funding are

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[27] For the full numbers including tables, see Központi Statisztikai Hivatal 2014.

dependent on external grants. According to the Central Statistical Office, in 2013, 15.000

organizations received grants equaling HUF 136 billion: "in the sector, every ninth forint

reached the organizations in this form."(Központi Statisztikai Hivatal 2014, 2). Notably,

Budapest-based organizations won 45% of these funds. Despite this impressive amount, there

is a funding gap as many international donor organizations left the country after EU accession

(Backgroundinterview I).

In this environment, a trend towards favoritism is particularly worrying. The legal changes to

the National Civil Fund, which will in 2015 receive a budget increase of HUF 2 billion to

HUF 5 billion (Ministry of Human Capacities 2015), included a significant redistribution of

Funds. Comprehensive data (apart from the baseline of 4000 to 4500 NGOs receiving

support) is not available, but USAID has suggested that the reform of the decision-making

body has led to money being awarded for loyalty rather than quality (USAID 2013).

Investigative media has exposed a 2012 list of beneficiaries of whom many had direct ties to

the government, as well as individual cases where government-friendly organizations or

personal friends received large sums of money (átlátszó 2012; Szurovecz 2014b; Szurovecz

2014a). According to NGO representatives, even companies often follow politicians' cues

which CSOs to donate to, in order to secure public tenders (Interview 8). All in all, advocacy

organizations, and particularly those which do not receive international funding due to a lack

of fundraising experience or the nature of their activities, are in a financially critical situation.

Political Voice

The structural financing gap for advocacy organizations and the lack of organizational

independence for civil society causes various challenges that keep civil society from working

as an effective check on the state. Firstly, organizational dependency means organizations are

hesitant to address political issues. In a 2008 civil sector survey, nearly all NGOs looked for a

cooperative relation with the state, often as professional experts. Nevertheless, as a sector,

most NGOs agree that critical and interest representation functions should become more prominent (Benedek and Scsaurszki 2008, 41). As organizations were reluctant to give up their role as partner, they report to avoid voicing confrontational or even just differing opinions. If issues were contentious, they preferred networking with other NGOs to becoming active themselves (Benedek and Scsaurszki 2008, 35). This is congruent with the general trend towards 'transactional activism' rather than 'participatory activism' in Hungary (Petrova and Tarrow 2007, 6): instead of openly mobilizing citizens, organizations choose to lobby indirectly amongst each other or through their ties to policy-makers.

Both the structural lack of funding and its state-centeredness inhibit political advocacy, despite international research suggesting that state funding may actually increase advocacy (Onyx et al. 2007; Schmid, Bar, and Nirel 2008). According to this research, state funding gives service-providing organizations (instead of only advocacy organizations) a stake in politics. In Hungary, however, service providers are usually directly contracted by the government instead of generating revenue through fees. Thus, even service providers for vulnerable groups are often hesitant to step into advocacy (Backgroundinterview I). As civil organizations have suffered from low membership and participation levels even long after the transition (Gerő 2012; Wallace, Pichler, and Haerpfer 2012), replacing community-ties by state funding makes organizations both unaccountable to their beneficiaries and state dependent.

Even with limited citizen involvement, civil organizations could still take up monitoring functions for the state. One respondent argued that working with other organizations and institutions rather than citizens helps to "multiply our [small organization's] small efforts into the rest of society" (Interview 4). In a country where resources for the NGO sector are insufficient, organizations may focus on making existing institutions work and supporting other NGOs, rather than creating new institutions to include citizens. However, there is a

tendency of political parties of all colors to take criticism as oppositional and partisan rather than professional (Interview 4). Political discourse increasingly divides NGOs into government-friendly or oppositional (USAID 2014, 88). Hence, most observers, including my respondents (Backgroundinterview I; Interview 8 and 9), describe Hungarian civil society as disunited. Contacts between organizations of different types, for example advocacy and service-providing organizations, hardly exist; particularly the division between pro- and anti-government organizations is growing (Gerő and Kopper 2013).

Tensions are increased by state actors seeking civil involvement only as a way to enhance political legitimacy while disregarding the control and advocacy functions of NGOs. The government is "only seeking friendly organizations to support its current policies" (USAID 2014, 93). In this climate, NGOs increasingly feel unable to influence policies as established lobbying tools do not function any longer (USAID 2014, 93). With the decreasing interest in their opinion, several organizations have halted their participation in institutions of government-civil cooperation as they believe the institutions no longer have any tangible effects.[28] Rather than the overlapping of civil and political society which fosters mutual control and has been identified as crucial to democracy (Gerő and Kopper 2013, 366), this politicization may lead to an over-reaction by NGOs who wish for a complete separation of politics and an apolitical civil sphere, dedicated solely to voluntary work (Gerő and Kopper 2013, 363).

Both the attitude of politicians towards NGOs and the distance of many NGOs to citizens have promoted the 'colonization' of the civil sphere during the current government by organizations that are very closely linked to parties (Gerő and Kopper 2013, 362). The word ál-civilek (fake civil organizations) has gained prominence in Hungarian debates. Essentially,

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[28] For example in autumn 2014, several civil organizations stepped out of the Human Rights Roundtable as they found the tool no longer efficient and a mere facade. (vs.hu 2014)

it describes what is globally known as astroturf: "synthetic grassroots organizing created for manipulative political purposes" (McNutt and Boland 2007, 167). Politicians or private actors use or even specifically create civil organizations to display support for their cause. Though backed by masses, the Hungarian 'békemenet' (peace march) and the associated 'Civil Unity Forum' could be such an example (Gerő and Kopper 2013; Pető 2014) as they regularly display unconditional support for the incumbent government. Next to acting as 'fan club' for political parties, such organizations have even been used to appropriate money. The scandal around MSZP politician János Zuschlag who set up CSOs to finance party activities (Budapest Times 2010) has become a symbol for parties appropriating civil funds. This leads to a decrease in trust in the whole civil sphere, as 54% of Hungarians expressing skepticism towards the civil sphere explain their skepticism with NGOs' status as 'proxies' for political parties (Arató and Nizák 2012, 16).

The role of the NCF

Given the structural lack of funding for advocacy organizations and the polarized environment with governments from both sides financially favoring 'loyal' organizations, the NCF gained a central role for some civil organizations. The Civil Fund is part of the larger Norway and EEA Grants scheme[29] through which Hungary received almost €300.000.000 during the first two cycles (2004-2009, 2009-2014 with payments lasting well beyond 2014). While the Norway and EEA Grants are disbursed through the state, the NCF is operated by a consortium of four NGOs (Appendix B), chosen through a competitive application process for each cycle.[30] The NCF distributed €7.000.000 and €13.500.000 respectively, which amounts to roughly 6.5 billion Forints to spend between 2004 until 2017. With a proposal acceptance

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[29] The Funds are provided by Norway, Iceland and Liechtenstein in return for their membership in the European Economic Area. The largest part however comes from Norway.
[30] In 2011, Századvég, a think-tank known to be close to the Fidesz party, also ran for the operation of the Fund without results. This selection through the Norwegian government was criticized by Fidesz representatives during the 2014 discussion (index.hu 2014a). According to civil representatives, government officials also exercised pressure on Norway after the 2011 decision (Interview 2).

rate of 10%, the NCF until 2014 directly benefitted 400 NGOs which received between HUF 1.000.000 and HUF 40.000.000 each (Norwegian Civil Fund 2014e). However, only half of the second-cycle Funds had been distributed in 2014. Most of the Fund went to so-called 'macro projects' where NGOs had to support at least 10 further organizations financially or through capacity-building and knowledge transfer (Norwegian Civil Fund 2015). Grants are written out in a public call which is followed by a four-step selection procedure according to publicly accessible criteria for each call (for example Norwegian Civil Fund 2014a). The process includes an administrative pre-screening, two independent assessors, a thematic selection committee (with both operators and external members) and an operator-run approval board.

According to independent donors, "all the Hungarian civil organizations waited for the start like a messiah" (Backgroundinterview I), as it represented independent and flexible money. Particularly the administration through "civil people" (Backgroundinterview I) was important to many CSOs. Reacting to the environment outlined in the previous sections, the grant-managing CSOs tried to use the NCF "to figure out something innovative that is compatible with the Hungarian civil society" (Interview 2) and improve structural problems. The framework agreement between Hungary and the donor countries only prescribed basic issues such as the areas in which the Fund operates. Thus, the organizations could use their re-granting experiences to design a program. They rhetorically construct the innovativeness of the Fund by distancing it from EU Funds which are "poured into the country with buckets and[...] managed by people who are really distracted from reality" (Interview 1). While EU money is seen as something to spend, the Norwegian grants are "taken seriously and we really mean what we are saying" (Interview 1). The managing organizations emphasize effectiveness (Interview 2) which is achieved because NGOs as fund operators are more

flexible than the state,[31] but also through personal contact, monitoring, follow-up and an emphasis on professional and financial sustainability. The focus, according to them, lies on 'impact' rather than 'results' (Interview 2). Though the success remains to be assessed, the Fund was definitely a sustained attempt to compensate imbalances, for example through a focus on sustainability (which some interviewees mentioned as a burden) and macro-projects that further cooperation among organizations.

The NCF conflict: a handle?

Given the organizational, legal and chronological complexity, it is impossible to reconstruct the conflict itself here.[32] It comprises a variety of accusations towards the NGOs, including loan-making, nepotism and budgetary fraud (Governmental Control Office 2014), and a variety of lawsuits and arguments towards the government concerning "how the KEHI [GCO; or other state institutions, TG] abuses its official powers" (Norwegian Civil Fund 2014d). The main task here is to establish the status of the conflict and the main division lines. It must be said that there have been no permanent consequences like disbandment for any of the NGOs involved. All punitive measures endangering the organizations' operations, such as the suspension of the operating foundations' tax numbers, were at least temporarily lifted by courts (hvg.hu 2015b),[33] and the police search at several organizations was ruled unjustified (hvg.hu 2015a). For the NCF grantees, the Norwegian government has put special emphasis on continuing the NCF despite putting the bigger Norwegian Grant scheme on hold to pressure the Hungarian government (Ministry of Foreign Affairs 2014a; Ministry of Foreign Affairs 2014b). Nevertheless, the NGOs affected have lost significant resources to

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[31] This also is positively highlighted by the first Norway Grants Auditing report (Pitija 2010, VII)
[32] For novices on the topic, there is a variety of accounts from various sources (Amnesty International 2015; Budapest Beacon 2014; Eötvös Károly Policy Institute, Transparency International, et al. 2014; Governmental Control Office 2014; Norwegian Civil Fund 2014e).
[33] In late May 2015, Eger's Administrative and Labor Court has forwarded the case of the Carpathian Foundation's tax number to the Constitutional Court to decide on constitutionality of the suspension. (index.hu 2015b)

administrative and legal measures[34] and their issue-based work has suffered (Interview 1, 3 and 9). This includes missed opportunities to apply for project funding as well as a loss of international contacts. On an individual level, NGO representatives have faced psychological consequences such as personal disillusionment (Interview 3, 9) and fears of imprisonment (Interview 4, 12).

The most relevant line of conflict is financial control and jurisdiction over the Fund, which the Hungarian government treats as public money (Prime Minister's Office 2014). The managing foundations and the Norwegian government in contrast cite the 'Memorandum of Understanding' agreed on by Hungary and Norway to argue that not the GCO but only the fund's international administration has auditing rights (Ministry of Foreign Affairs 2014a; Norwegian Civil Fund 2014e). Such audits have been conducted regularly through independent evaluators with positive results, most recently by two different companies in 2014/2015 (hvg.hu 2015; origo.hu 201505-28). With Hungary increasing pressure on the NGOs and the failure to find a diplomatic solution between Hungary and Norway, the interpretation of events has turned from a (possibly intentional) misunderstanding into a real conflict.

The evolution of the conflict can be seen not only in state representatives' claims about the non-compliance of NGOs (Governmental Control Office 2014), but also in the slow re-definition of roles visible in organizations' reactions and press-statements. First press releases, such as an open letter to the head of the Prime Minister's office János Lázár (Norwegian Civil Fund 2014f), emphasized the operating organizations' good relations with the state through giving expertise, receiving honors or working together on commissions.

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[34] Chapter 2 has shown that administrative measures can be sufficient to suspens NGOs' normal operation. The organizations themselves also see their survival endangered. An exemplary statement is the following: "You don't even need to change any laws, you just have to step up your administrative regulatory checks and you could kill the NGOs in a second. Just block them with a lot of administrative tasks." (Interview 9, 4)

They explicitly identify the strengthening of the civil sector as "our common goal set in the Constitution" and speak about a harmony with the goals of the government (Norwegian Civil Fund 2014f). Such an amicable approach is irreconcilable with both the actions (such as refusing to hand over files to the GCO) and the ensuing rhetoric. The Fund operators allege an abuse of power or a hidden agenda of anti-civil-society action, for example by claiming the 'real aim' of the investigation is "[t]o intimidate NGOs and undermine their operation, acquire sensitive, personal data, justify assumptions and accusations and to hinder the NGO Fund" (Norwegian Civil Fund 2014c). While initial releases were clearly addressing state authorities, subsequent ones appeal to higher levels, such as the EU or the international administration of the grant scheme. Cooperation is no longer a topic, instead values that matter for international institutions or the broader public are stressed. An example is *openness* in the name of which the NCF published a detailed list of which documents they have (not) handed over for which reason (Norwegian Civil Fund 2014). Some organizations even published all data requested by the GCO on their webpage, including financial records and employee data (Transparency International 2014). As information given to the state was sometimes leaked in government-friendly media (Interview 2), the state lost its importance as partner for the organizations. Pre-emptively exposing oneself to the public eye gives organizations the chance to at least frame the discussion favorably.

Though all interviewees suggest the 'blacklisted' organizations were chosen because they are particularly inconvenient to the government, they see the NCF as "only a tool, the handle on the whole issue" of civil society (Interview 5, 6; with almost equal wording Interview 6, 6). The real interest is not the comparatively small amount of money,[35] but rather NGOs in

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[35] Though some NGO representatives suspect the Fund was attacked as an independent source of money, the conflict is not merely about money. In fact, Norway has conditioned negotiations about continuing the much more sizable Norway and EEA Grants (of which only the small NGO Fund is currently still running) on an end of the Hungarian authorities' audit of the NGO Fund. Thus, Hungary is effectively loosing bigger sums of money through the audit. (Ministry of Foreign Affairs 2014b)

general, as they represent the "last remaining counter-power" (Interview 9, 5). Though some respondents emphasize the uncoordinated nature of government actions (Interview 4, 6), they describe the audit of the Fund as well-thought-through. It is a strategic attempt to catch bigger and well-connected re-granting organizations (Interview 1, 8). Especially the grant-making organizations thus locate the events in the context of de-democratization. Once everything else is controlled, government actions start stretching into private life and civil society (Interview 2, 5). In line with the general trend of centralization, the government wants to "strategically work through itself civil society" (Interview 2, 6).

Legitimizing differential treatment

Through legal changes, financial cuts and an overly politicized climate, Fidesz has substantially worsened the situation of NGOs. Individual changes however fail to grasp the increasing discretionary power in all areas, which makes it possible to favor specific organizations or even 'colonize' civil society. The relevance of the NCF conflict is in part that it makes differential treatment visible by submitting a small number of organizations to an unusual amount of checks, singling them out as "black sheep" of the civil sector (Prime Minister's Office 2015).

The tendency to differential treatment is easiest to exemplify in public statements. Fidesz does not only promote some organizations, but also discredits others through "stigmatizing rhetoric" (Commissioner for Human Rights 2014). While many of the organizations interviewed have been publicly depreciated by different governments (Interview 4), under Fidesz, and more so since 2013, government officials and media outlets close to the government have regularly made negative comments about civil organizations. Given many of these allegations echoed conspiracy theories involving the Hungarian-born American philanthropist George Soros, NGOs often simply disregarded them as absurdities (Backgroundinterview I; Interview 3). From the variety of statements, it is mainly Prime

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Minister Viktor Orbán's speech about illiberal democracy which organizations mention as a turning point. As the prime minister himself took up the topic, the speech, which draws inferences about civil society in general from the NCF, made the issue into a topic with significance for the future (Interview 4, 8; Interview 1, 8).

Hence the discussion around the NCF also has significance in a different sense: It has been used to establish a 'grammar' of attributes which discriminate between 'good' and 'bad' organizations. While a proper analysis would require its own research project with a discourse-analytical approach different from this thesis, government rhetoric has to be included here. It is central to understand rhetoric separate from actual sanctions, since state representatives used hostile rhetoric long before the actual audit (valasz.hu 2013; hvg.hu 2014a) and continue to use labels that are not related to the accusation in question (e.g. 'political activists'). Rhetoric thus has a certain independence from the actual conflict. Statements are also not merely a symptom of differential treatment, but both rhetoric and the audit serve the common purpose to tarnish the legitimacy of NGOs when they criticize the government. This legitimacy is central to NGOs' power, which is determined by their influence on the acts and minds of other groups (van Dijk 2001, 355). As different groups rely on different sources of power (Mottier 2005, 257), governments outside election years (with their executive and legislative backing) depend less on public opinion than NGOs which need to remain in standing as a 'good NGO' to be heard. Given its limited scope, the following discussion will focus on *how public critique of civil organizations (and particularly the NCF grantees) is legitimized* and *which categories are established as wrong-doings* of the organizations.

Criticizing NGOs

Given the assumption of political theory that civil society should function independently and with a different operational mode, government representatives and particularly politicians, do

not normally comment negatively on NGOs' performance. To gain the prerogative to do so, government officials in their statements first diminish the already precarious difference between civil and political. Subsequently, they subsume civil society under national interest as ultimate political ratio in Hungary (p. 15ff.).

Examples of treating NGOs as part of the political sphere are abundant: The NCF grantees are, according to prime minister Orbán "not non-governmental organizations[...] but paid political activists" (Orbán 2014). Already in April 2014, János Lázár, the head of the Prime Minister's office, called on Norway to stop the NCF, claiming it benefitted opposition parties (mno.hu 2014). Undersecretary Nándor Csepreghy called the organizations 'party-dependent cheating imposters' (hvg.hu 2014a). Given the polarized political climate, associating organizations with the political opposition has also been a standard way to tarnish credibility through association. Already in 2013, Fidesz spokesman Hoppál had called out several civil organizations as 'paid statists who call themselves human rights NGOs' and linked them to the international investor George Soros and opposition politician Gordon Bajnai (fidesz.hu 2013).[36] Recently, the Fidesz youth organization Fidelitas started a 'provocateur watch' through which citizens can report civils that are really 'political activists' via e-mail or on Facebook (fidelitas.hu 2015).

Hence, without a differentiation of political and civil society, any criticism of the government is interpreted as oppositional. Organizations are drawn into the political competition and subsequently subordinated to a logic of national interest. Organizations get the impression that government representatives "just want to kill" (Interview 1, 7) as criticism of them is voiced without regard to their positive social impact as civil organizations. With the government's declaration of the NCF money as Hungarian public money, the state has

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[36] One organization, the Hungarian Helsinki Committee, successfully brought Fidesz spokesperson Péter Hoppál to court for slandering (index.hu 2014c; fidesz.hu 2013).

asserted its prerogative to control all kinds of public benefit money and define what is 'beneficial' to the Hungarian public. The idea of NGOs as 'Foreign Agents' serving interests from abroad additionally renders civil activities dangerous. Orbán endorses parliamentary monitoring of foreign-funded civil organizations to expose "the real characters[…] behind these masks" (Orbán 2014) and the pro-government 'Civil Unity Forum' has explicitly called for new legislation (CÖF-COKA 2014c).[37] Criticism of the government is equated with criticism of the country so that "the whole society pays the price of the harmful activity of those organizations" (Prime Minister's Office 2015). Thus, similar to the political opposition, the criticized NGOs are excluded from the polity as government officials have announced they cannot accept some of the NCF organizations as partners any longer (Prime Minister's Office 2015). Thus, NGOs gain the impression that policy debates are virtually inexistent in Hungary (Interview 2, 4, 5 and 6) and have to position themselves in a binary worldview that contrasts voluntariness with payment, civil with fake-civil and patriotism with foreignness.

Creating an idiom

Beyond individual statements, the NCF conflict was used for the establishment of a 'grammar' (a set of regularities) for depreciating NGOs. It 'packages' attributes, so that any organization which has one attribute is also ascribed the others. Rhetorically, this packaging is mainly achieved through repetition with variation, as the following example from Viktor Orbán's speech about illiberal democracy shows:

> *"[...]we are dealing with paid political activists. And in addition these paid political activists are political activists who are being paid by foreigners. They are activists who are being paid by specific foreign interest groups[...]" (Orbán 2014)*

Through repetition with variation, he connects political activism, foreign donors, foreign interests and 'being paid'. Looking over various statements by government representatives,

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[37] Nearly all NGOs interviewed have heard rumours about such a law, even though foreign donors were active in the countries since the 80s and have never been restricted (Interview 2).

the recurring allegations are partisanship leading to a political activism, cheating and fraud, heteronomy through (foreign) funding and a greed-driven motivation of paid employees. Most facts picked out through these allegations are neutral by themselves and only turn negative through the use of moralizing adjectives (e.g. lying) and their framing, which emphasizes drawbacks.

An example of such framing is the discussion on funding and payment. The choice of categories builds on the imbalances of the Hungarian civil sphere. NGOs' financial situation is a sensitive topic as countryside organizations already depend on local politicians' goodwill, while Budapest-based organizations with more access to international donors were privileged (Interview 8). From an organizational perspective, receiving funding is a sign of professionalization and competitiveness. Not only does funding allow to sustain bigger projects, CSOs also require paid employees to develop professional expertise. Nevertheless, salaries in the civil sector are usually relatively small for the working hours they require. This is disregarded in the contrast Orbán draws between voluntary activism which "stands on its own feet financially" as ideal of civil society (Orbán 2014) and "paid activists". This is framed as personal greed as Fidesz representatives have suggested publishing not only NGOs' finances but also the private fortune of NGO employees (index.hu 2015a). The May 2015 anti-corruption plan includes such provisions, arguing that corruption in civil organizations has become a political weapon and a major problem (444.hu 2015; vs.hu 2015).

Particularly foreign funding, which could be interpreted as attracting international money to the resource-poor Hungarian civil sphere, is conceptualized as 'foreign influence' that dishonestly hides who are "the real characters[…] behind these[civil activist's] masks" (Orbán 2014). The characterization of the NCF as 'foreign', even though the Fund was administered and steered by Hungarian organizations and only donated from abroad. constructs its recipients as un-Hungarian. In a public sphere as outlined in the second chapter,

this diminishes NGOs' legitimacy and thus their ability to voice legitimate criticism. It removes them from the discursive polity, even though the factual citizenship of NGO employees is not in question.

By becoming a 'grammar', the categories can also be used on issues beside the NCF and provide an additional mechanism over civil society. When the Helsinki Committee in May 2015 used immigration statistics different from the governmental ones, a Fidesz press release called them a fake-civil organization "fulfilling orders of international financial speculators" which should "stop being busy stuffing their pockets with George Soros' money" (fidesz.hu 2015).[38] It is unlikely such statements are accidental: The wording closely resembles the 2013 statements by Fidesz spokesman Hoppál (p. 46) which the Helsinki Committee successfully brought to court (index.hu 2014c). Consequently, the Committee announced going to court again (Magyar Helsinki Bizottsag 2015). Negative rhetoric has thus become a flexible tool to discredit NGOs' critical voice on various topics.

The way ahead

All in all, government measures do not attempt to eliminate CSOs but rather to control CSOs by having a handle on them. On a general level, this means restricting funding, establishing a legislative environment which renders compliance difficult and reducing the political influence of CSOs. For those CSOs (primarily advocacy NGOs) which are difficult to control by introducing dependencies, a variety of classifications have been established which specifically attack NGOs possessing attributes that might make them more apt to mobilize a public sphere. Such attributes are re-defined, for example as 'political activism' signifying a systemic approach rather than charitable problem relief or 'foreign determination' signifying financial independence from the state and an allegiance to liberal and European values. Thus,

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[38] Hungarian original: "A nemzetközi spekuláns pénztőke politikai megrendeléseit teljesítő álcivil Helsinki Bizottság" / "ne a zsebeik Soros György pénzével való kitömésével legyenek elfoglalva!"

statements about an 'attack on civil society' miss the point that it is not civil society as such which is under investigation. Some organizations are excluded and depreciated, but others are gratified through state funding. It is the excluded organizations which find themselves under pressure to react.

5 NGOs' strategies and narratives

As outlined in the last chapter, it is primarily a specific group of NGOs that are targeted by government statements. As the NCF grantees are at the center of this group, one could expect the group to react together and present their own narrative. In a new reality of differential treatment and political exclusion, disfavored organizations had to re-think their approach. Many organizations already shifted their priorities as institutional advocacy does not function under the current government (Interview 6, 2). However, with the slow change in relations between the NCF and the government, even organizations which do not engage in advocacy work feel increasing pressure. NGOs' credibility is endangered because there is no legal decision yet and allegations often "stick" (Backgroundinterview I, 8) even beyond a possible acquittal.[39] If NGOs want to influence Hungarian society by generating public discussion, they have to regain their legitimacy.[40]

In this chapter, I examine how different NGOs legitimize their reactions in the interview situation. I argue that although the conflict received a lot of attention domestically and internationally, no clear counter-narrative to the government's presentation of the conflict has emerged. Once one goes beyond the NCF's common narrative presented (p. 42f.), organizations can be grouped according to four sometimes contradictory strategies. These strategies entail *ignoring* the conflict, *shifting* the allegations to other organizations, *embracing* an oppositional position and '*exploding*' divisions within the NGO sector. As these strategies are to some extent ideal-types (p. 31), most organizations employ several. [41]

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[39] One respondent quoted a Hungarian saying that if one makes a scandal about one's coat being stolen, the public will remember this. However, they will only remember one was involved 'in the coat stealing', not that one was the victim of a crime. (Backgroundinterview I, 8)

[40] However, the factual loss of sympathy is unclear as many NGOs did not have a big audience before: One respondent jokingly points to one single case "where someone actually wrote us she thought we were a nice organization and now she knows that we are horrible." (Interview 4, 5)

[41] Additional reason could be their internal diversity as well as that, for some, the decision to take up the fight with the government has to be reached anew every single day. (Interview 9)

In this sense, there are no 'ignoring organizations' in the strict sense, even though the narrative may sometimes give this impression.

Ignoring

Despite the public attention it received, some organizations claim to ignore the conflict. 'Ignoring' has to be interpreted with caution as (especially for the grant-managing organizations), continuing their activity was more than a non-decision. Ignoring takes commitment to continue one's own work (and represent normality to grantees).It meant deciding to take up a fight in which they could lose everything for defending a small part of their operative funding (Interview 1, 1-2) .The idea to "just fire four people" (Interview 1, 3) and stop operating the fund would be a radical cut, but easier, following a logic of operational survival. For example, in the case of the Russian foreign agent law, even contentious organizations such as the Moscow Helsinki Group openly considered giving up foreign funding to maintain domestic credibility (Daucé 2014, 247). However, all interviewees, usually leaders of organizations, emphasized that making these concessions was not an option for them personally, due to moral considerations. Their ways of ignoring can be divided into *denying the importance of the conflict* and *ignoring the conflict to proceed as before*.

Deying the importance of the conflict means arguing it is not actually important to the organizations (Interview 7), or that only legal results could harm them (Interview 1). Gábor argues that cooperating NGOs know him personally so that a media campaign can only reach average Hungarians "who don't really know what we are doing and who we are. That's ok. We can deal with that" (Interview 1, 7–8). Rather than addressing the general public, these NGOs refer to their own community which stands unaffected by the political environment. They thus do not aim to put forward a different narrative in the wider public.

Some organizations do not deny the importance of the conflict, but nevertheless claim to *proceed as before*. In this situation, business as usual is "a sign for the government that they can't kill us." (Interview 3, 8) Whether organizations really ignore the conflict or not, claiming this to the interviewer asserts that the organizations have never been as the government portrays them. The respective NGOs emphasize they have always been cautious about compliance (Interview 1, 7), have worked on issues rather than politics (Interview 3, 10) and even their press-work "looked like a response, but it wasn't" (Interview 1, 7). Thus, they present a narrative of the audit as unjustified by giving their interpretation of their own past actions.

Shifting

Rather than ignoring the issue, some organizations present the government's accusations as legitimate but as targeting the wrong NGOs. For example, "there are a lot of corrupt NGOs but not the ones [that are accused]" (Interview 4, 10). As the investigated organizations have not worked together in this constellation before and only became 'grouped' together through the investigation, changing the boundaries of this group is a logical option. More than ignoring the allegations, 'shifting' entails both a claim to the organization's innocence and the accusation of other organizations. Changing the in-group leaves the legitimacy of allegations intact but replaces the accused. Strategies of 'shifting' accusations can be differentiated in whom they absolve (all NCF-grantees or one organization) and what allegations they shift (financial corruption, partisanship, elitism). This over-distancing may, however, in most of these areas produce negative results or perpetuate government discourses.

Some organizations take up Orbán's contrast between voluntarism and payment as they emphasize their substantive motivation while they allege that other organizations are financially motivated (e.g. issue-based vs. business, Interview 4, 2). Organizations emphasize how much they rely on unpaid work (Interview 3 and 4) and disregard that professionalization

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is part of a developed civil society and merits payment. Respondents construct the contrast between doing good and earning money not only for their organizations, but also individually by statements such as "this is really about passion […]not about that you want to make a living" (Interview 3, 2). For some respondents, any organization receiving sufficient national funding is suspicious of being favored by the government: "Corruption is where there is a lot of money and not where there is not any." (Interview 4, 2). Just as some NGOs allegedly decline or 'rise from the ashes' depending on Fidesz or the Socialists being in power (Interview 4, 4), some hold back criticism in return for state funding (Interview 10). Such harsh distancing may be understandable given the credibility the sector lost through party-driven embezzlement in the Zuschlag-scandal. However, it is difficult to establish a balance between rejecting profit-making and demanding funds to enable professional work. Most nuanced are the grant-administering organizations which emphasize that the NCF-regulations counteract the grant-dependence of organizations by enforcing sustainability (Interview 2, 2-3). However, they also contrast the NCF to EU Funds on which "you can easily cheat" (Interview 1, 2) and receive large amounts of money.

Similarly, some organizations distance themselves so far from politics that even issue-based cooperation with parties becomes impossible. In renouncing the rhetorical conflation of civil society with the political opposition, NGOs entirely reject parliamentary politics. Rather than seeking cooperation, organizations take pride in being free from political "contamination" (Interview 4, 2). If opposition parties raise the NCF conflict in parliament, this is considered "dangerous support" (Interview 1, 6). While many organizations distance themselves from politicized organizations, only one organization shifts accusations within the NCF grantees and criticizes the other organizations for their oppositional attitude (Interview 3, 5). They themselves think speaking about the government "is not our competence" (Interview 3, 10).

Thus, organizations internalize their lack of political voice, declaring it as an organizational doctrine.

Shifting can also be a strategy to win supporters by countering accusations which are only implicit in public discourse[42] or emerge within civil society. In their characterizations of the Fund (p. 40f.), the fund-operating organizations emphasize how they address problems of civil society, for example the Budapest-centeredness, by giving out 'macro grants' to coalitions of NGOs (Interview 2, 3). During the conflict, some NCF grantees criticized that the Fund's crisis communication only targeted a Budapest-based elite whom "you don't have to persuade[…] that civil organizations are good" (Interview 3, 8, see also Interview 8). Shifting accusations can thus be an attempt to convince possible supporters who are skeptical of becoming openly associated with the Fund (e.g. countryside based green movements, see the discussion on Dinamó Mühely 2014).

While tensions were hence apparent in many interviews, only one organization broke the internal solidarity to position itself outside the NCF. The interview permits various suppositions about the organization's reasons: Firstly, despite declaring solidarity, it claims other organizations "would prefer if we wouldn't be there, because it's easy targets [due to their political orientation]" (Interview 3, 5) and representatives feel "hated by everyone basically" (Interview 3, 2).[43] Secondly, the organization distances itself from the other organizations' 'oppositional' approaches, especially since the start of the conflict. Though the NCF does not support political activities, its funds were used for a demonstration against

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[42] Given the persistence of the urban-rural cleavage in Hungary, this division evidently also plays into the political discussion around the NCF. Given Budapest is usually counted as 'international' against the 'national' countryside, this is also mirrored in accusations of foreign funding. However, as there is no explicit mentioning of this in the government's discourse, an explicit discussion of the Budapest-centeredness of the NCF organizations as government discourse would be an overstretching of interpretative authority.

[43] This statement was made about all kinds of organizations with a political stance, not civil organizations or the NCF-grantees specifically.

governmental attacks on NGOs (hvg.hu 2014b). Bence, who represents the organization, calls the fund-operators' failure to speak up against this "one breaking point, I believe, in our…life" (Interview 3, 8). His intensity and personal motives in criticizing this failure reveal the depth of his conviction of a civil society according to state regulations. With personal disappointments and the organization's belief in the investigation's legitimacy, s taking the organization out of the group appears as only viable option to disengage themselves from the governmental narrative.

Embracing Opposition

Particularly the advocacy NGOs in the group have experience with hostile treatment as they have always been perceived as oppositional (Interview 4, 4; Interview 6, 1). Margit argues that politicians simply do not conceive of policies as separate from partisanship and can't take criticism professionally (Interview 4, 4). They also lack popular support as they work on marginalized issues which are "less marketable", "less popular" and "more divisive" (all Interview 4, 1). Given these experiences, they embrace their oppositional position and often present an ironical narrative in which small NGOs are suddenly perceived as "the big enemy of the government" (Interview 3, 4; see also Interview 4, 9).

Ironizing exclusion means presenting events as a positive development. *Within* the organizations, despite reported physical exhaustion, nearly all respondents feel strengthened in their belief in the organizations' goals through the decision to (in different ways) stand up for their rights (Interview 6). Zsófia explains her organization constantly re-discusses its decisions and, through this, reflects on what the organization itself is and why it is worth fighting for (Interview 2, 2). As many had to adapt their organizational structure to the new general climate, including downsizing (Interview 10), they reconsidered their values as well as their organizational form. What "has to be saved from the government" is ultimately "this

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community of the people and the aims they are working for" (Interview 2, 10).[44] *For* the

organization, they take the attention as "free marketing" (Interview 3, 4). Public awareness

brought popularity and attention to the whole concept of civil society which was previously

almost unknown in Hungary (Interview 2, 3). Some organizations even report increasing

donations as citizens take the governmental attack as a sign the organization is doing good

work (Interview 7) or develop creative ideas such as auctioning off their seized technical

equipment as a "Central European battered NGO's laptop with government extras" (Interview

2, 10).

The interviews show that organizations see the conflict not as an unfortunate event, but a

systematic problem and thus actively search for ways to present a counter-narrative through

combining their forces. While even among the 59 investigated organizations many preferred

"not to mingle" (Interview 4, 10), the blacklisted organizations started to value each other's

work as a "very good group" (Interview 3, 4) which is "just true to their issues" (Interview 4,

9) in spite of their ideological disagreements. Nearly all organizations say they have grown

closer to the other organizations and gained public recognition. Thus, together, organizations

can capitalize on the audit by presenting themselves as the 'real civil society'. Especially

those respondents who were convinced from the beginning on that the government would not

let off (Interview 5, 6 and 9) have pressed to begin a long-term cooperation. For some

advocacy organizations, this meant jointly publishing about the conflict and stepping-up pre-

existing co-publications on the rule of law.[45] For the wider NCF, the main strategy was the

formation of an informal 'national advocacy platform' with NGOs from within and outside

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[44] Statements about the preferences and skills of employees are used to explain strategic choices in several cases: (Interview 9, 6; Interview 1)

[45] One respondent explicitly mentioned the publications as a strategy. This can however not be quoted to keep interviewed organizations and code names separate from each other. Instead, I want to refer to some of the publicly available publications that emerged in this wave (Eötvös Károly Policy Institute, Hungarian Helsinki Committee, et al. 2014; Eötvös Károly Policy Institute, Transparency International, et al. 2014).

the NCF. Combining several organizations' power, the platform should both advocate on policies and be a collectivized voice of the organizations. On the long term, most 'embracing' organizations hope (despite little tangible evidence yet) that "civil society will realize its own goals and strengths" (Interview 2, 9) and create new visions. Luca (who co-initiated the advocacy platform) even ended the interview by thanking Fidesz for strengthening and uniting NGOs (Interview 5). Through irony, she turns the strenuous process that drains organizational resources into an opportunity for civil organizations. The conflict then becomes something that was "somehow needed for Hungarian civil society to wake up" (Interview 2, 3).

Keeping up the ironical narrative, no organization discusses the negative sides of 'embracing' their new position. For example, no one mentions this also means not attempting to repair the damage to the organizations' public reputation. The anxieties and frustrations involved can only be collected from traces in each interview. Speaking about the atmosphere among the grantees, one respondent suggests even if the situation would escalate with the government publishing a 'foreign-agent-law', a large part of society would see this as justified as the organizations are not 'patriotic' (Interview 2, 14). For Gábor, it was "a big enough task to convince and inform the more friendly audience" (Interview 1, 5) as even they were tempted to believe the government's version. Embracing opposition is thus not really a choice. Organizations had to "learn this attitude of being in radical opposition[…] because at one point there was just no chance for cooperation" (Interview 2, 7). Embracing opposition for them means cutting off or reducing even issue-based cooperation with the state. For example, organizations that enjoyed a reputation as a professional partner now reduced their trainings

for state institutions. Though this harms their educational goals, they see themselves pushed too far into an oppositional role by the state and "have to draw a line somewhere".[46]

Exploding divisions

The last of the four strategies was less apparent as the high significance and speed of events leaves most organizations entrenched in a logic of conflict. The interview situation, in which representatives were asked about details of their reaction such as which channels they used, further reinforced this perspective. Only in later, more reflexive stages of the interview, some organizations started doubting the sheer possibility of fighting as any attempt will merely "help the process that the government is keeping on" (Interview 2, 8). A prominent organization leader perceives herself as a participant, not a combatant.[47] Rather than fighting the accusations, organizations can only attempt to "absolutely explode this three-dimensional classification [of politics-civil-economy]" (Interview 2, 8) in order to escape the dynamic of conflict. The logical consequence for her is to develop ways in which civil society can communicate about itself in a positive way, rather than communicate about the government. Similarly, another organization suggests civil society should show its activities and daily work as a constructive contribution. This equals "a fight back, but not in a way of fight back" (Interview 3, 11).

Countering attacks requires a reorganization of civil society regardless of political opinions for the sake of unbiased debates (Interview 3, 10) and for "civil society as a whole […to be] talking to the people." (Interview 2, 12) An example of this is the 'maci' campaign[48] in which

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[46] The full quote runs as follows: "We have to draw a line somewhere. And we just decided that the line is that the very week we're told publicly to be a useless organization spending huge sums of money, were not ready to work for free for the same government body." (Interview 4, 6)

[47] On a different, slightly ironical note, the Minister of the Prime Minister's Office, János Lázár, has also suggested that Fidesz is also with those civil organizations that are against Fidesz. (Prime Minister's Office 2015)

[48] maci here stands for 'Magyar Civilszervezetek' (Hungarian civil organizations) but is also a word for teddy bear.

civil organizations are presented as "cute bears who are helping" (Interview 3, 11) and thus should not be attacked. Maci's declared goal is to "show everything we do in the Hungarian civil organizations" (maci 2015b) including organizations with diametrically opposed goals. For the organizers, civil society is not characterized by values (which could be aligned or non-aligned with the government), but by its organizational form. Hence, civil society enriches society by allowing citizens to pursue their goals through free association.

MaCi and the 'exploding' organizations represent an inclusive community with a different logic than the political competition: they create a space of freedom without divisions. Even when criticized (for example by pro-government media), NGOs should not criticize back but declare that they also work for their critics' right to free speech (Interview 3, 3). In its inclusivity, however, this strategy fails to recognize the particularities of NCF organizations. Some NGOs criticize positive campaigns in the current situation as naïve and misguided (Interview 8, Interview 11), given they do not politicize the difficult situation of NGOs. Endorsing cooperation denies the narrative they use to cope with daily struggles: They claim to endure organizational tasks and the lack of state funding in exchange for the acknowledgement of their position as incorruptible and independent (Interview 10, 2–3). Additionally, many advocacy NGOs are proud of taking risks, so they emphasize their contribution over other approaches (cf. Interview 4, 12). Thus, while 'embracing' opposition leave no space for ambiguity or political neutrality, 'exploding' fails to protect the more vulnerable political organizations.

A multiplicity of narratives

Discussing the four different strategies and narratives of the conflict has also shown their incompatibility: For example, if organizations embrace their position, they are less able to draw in outsiders. Given this diversity of reactions, it is not surprising that no common narrative has emerged. As these narratives trickle down into action, they will shape the future

of organizations. Thus, the next chapter will look at the implications each strategy has for the development of civil society. However, the strategies do not only shape the organization's future, they also result from the diversity of civil society. Each narrative fits different organizational approaches and the choices (for one of several strategies) reflect the experiences of organizations. Even though more data would be necessary to relate organizations' choices with their position, it is worth to look at patterns in the responses and attempt to connect strategies with organizations, before moving to the next section.

The strategy of *'ignoring'* (Interview 1, 6, 7 and 10), does not attempt to convince the public, but retreats into the organization's own community or simply ignores the issue. Ignoring organizations work on political issues, but have an organizational approach which allows them to address their constituency, other organizations or the general public instead of the state. Though the NCF conflict could easily lead to the end of their organizational existence (Interview 1 and 10), their daily work can function without addressing the conflict. Thus, they present doing good work as a way to delegitimize the conflict.

Shifting allegations to other groups (Interviews 2, 3, 4 and 10) similarly provides relief for the organizations in the public eye but fails to tackle the root of the problem, which is based on the institutionalized selective treatment of civil organizations. It is difficult to relate this strategy to an organizational type as most organizations only shift one type of allegations but have a different 'main' strategy. The only organization for which 'shifting' amounts to a central approach is represented by Bence and Judit. In contrast to the others, they feel uncomfortable as being labelled oppositional. Though they perceive themselves as isolated due to Hungary's ideological orientation (Interview 3, 4), they think their organization contributes in a positive way. While this may be an individual relief strategy, it does not work as collective relief: even if some organizations are freed from accusations, the discourses that drive the audit and the political exclusion remain intact. Ultimately, the current or future

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governments are likely to simply target other organizations (Interview 8), rather than lay-off the civil sector.

Hence, most organizations, who are also more embedded in the NCF community, at least partly *embrace* their new position and fight back. Among the organizations which explicitly rely on this strategy (Interview 1, 4, 5, 6, 7 and 9), most are advocacy organizations or represent marginalized groups. Thus, they see themselves as critical towards any government and have it easier to acknowledge an oppositional stance. However, even though they confront the government's allegations, they do not have a plan to counter them effectively with a different narrative. Due to the media environment and societal power balance, many have given up on convincing a broader public. Without alternative ways to restore their legitimacy, the organizations may become caught in a defensive loop of reacting to government measures.

The focus on criticism of government measures is perceived negatively both by other NGOs and the general public (Interview 2). Ultimately, it may leave organizations stuck in an unequal, unwinnable battle (Interview 4 and 8). Especially while remaining in an 'oppositional' position marginalized even within the civil sector, organizations do not have enough support to counteract. However, attempts to *explode* divisions and include more organizations (Interviews 4, 2, 8 and Backgroundinterview I) fail to gather awareness for the different trajectory of advocacy organizations. While they may succeed at creating a space for civil society, it is unclear how advocacy organizations can be included in this space.

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6 Trajectories of civil society

The previous chapter outlined four different strategies present among the interviewed organizations to argue that they have not found a common response to the conflict. While the strategies may be crucial for the outcome of the conflict, the focus on concrete measures hides that they also imply a different long-term role for civil society. They are not simply temporary narratives, but determine concrete actions and through this, shape organizations' new experiences. While all organizations strive for their own survival and a favorable environment for their work, they identify different problems with the current situation and thus propose different trajectories for civil society. To address my research question on the impact of the conflict for civil society, it is thus crucial to understand what these strategies imply for the relation of state and civil society and for the public sphere function of civil society. In this section, I thus re-approach the interviews, according to the classification of responses in the previous chapter. While the outcome of the conflict depends on court-decisions, the interviewees' accounts can give us an insight about the development of organizations.

Settling on the margins

Not all strategies openly propose a specific development path. The strategy of *ignoring* lacks a distinct vision for the development of civil society, as it suggests merely continuing as before. In the interviews, organizations rhetorically assert self-determination by accepting the challenge to "maintain the values and working methods" (Interview 9, 7) in a changing environment. Even where they address problems highlighted in the audit or government statements, they claim to do so because of their own standards.[49] As the unfavorable environment is seen as passing and does not fully inhibit their work yet (Interview 10, 3;

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[49] An example of this is the communication initiative by the NCF including the so-called 'Norwegian picnics' (Norwegian Civil Fund 2014b) which explicitly invited visitors to see 'Norwegian NGOs', using a terminology only coined during the conflict. According to Gábor, this was planned long before and only "looked like it was a response, but it wasn't" (Interview 1, 7) A similar example is citizen inclusion (Interview 6, 7)

Interview 9, 6), they claim reacting with new projects would bear the risk of a self-implosion (Interview 9, 6).

The two strategies of ignoring (*ignoring the acknowledged importance for proceeding as before* versus *denying the importance of the conflict*) both settle for a marginalized position. However, they conceptualize the public sphere function of civil society as *serving their values rather than the public* versus *building a different community*. Organizations that proceed as before go against democratization theory's hope that CSOs step-up criticism and raise more awareness if their environment (and their own situation) worsens. Instead, organizations cling to the (diminishing) opportunities within their role to maintain organizational values. Many of them identify a 'critical point' (Interview 9, 6) which has not been reached, after which cooperation would become impossible. This may seem a dangerous argument, as organizations may easily miss the critical point to step out of their cooperative role if changes occur slowly. However, many organizations have always been critical. 'Ignoring' then merely means using tried-and-tested advocacy tools rather than inventing new ones. A legal advocacy organization may be more effective in continuing this work than adopting an outright oppositional approach that would disqualify them to the legal officers they interact with.

While the value-driven organizations may fail to directly advocate in the public[50], they still bring private issues into the public sphere. Organizations which see public perception as secondary (primarily Interview 1) associate the NCF grantees with an essentially different community of critics that have now been excluded from the broader community. Given their outsider position, Gábor suggests focusing on convincing a friendly audience which is "a big enough task" (Interview 1, 5). Thus, civil organizations form their own community, disconnected from (but currently in opposition to) the state. This different public can be a

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[50] For a sustained criticism of NGOs' tendency to neglect *public* over *institutional* advocacy see Lang 2014.

friendly audience, other NGOs (Interview 1, 7–8) or even their own employees: [51] Ibolya

argues that while the external environment might require a different approach, in an NGO

"you really have to take into account the people you work with" (Interview 9, 6). Focusing on

one's own community bears the risk of civil society turning inward. Organizations could

become disconnected from the public as many organizations interviewed do not have a strong

connection to their beneficiaries (in line with the general lack of membership in civil

organizations in post-communist Europe, Howard 2003) and much of their work targets

NGOs. Such a restriction to in-groups affects both self-organization and public sphere

function of civil society as NGOs give up on providing a space for the general Hungarian

public in favor of building themselves an alternative public on the margins of society.

The state as manager

The strategy of *shifting* does not challenge the categories set by the government. It changes

who is excluded, not the existence of exclusion. Thus, the strategy only *reacts* to discourse

rather than *altering* it. As most effort is spent on explaining what organizations are not, this

group also fails to propose a distinct vision. In effect, the state becomes a manager of civil

society, designing the rules and enforcing compliance. Though organizations portray

themselves as forced to accept state rules, they slip into rhetorically welcoming interventions.

They take up the governmental idiom (p. 47f.), for example regarding the pervasive lack of

compliance among civil organizations (Interview 9, 2). In relying on the state to expose non-

compliance, they give the state a responsibility to develop and manage civil society. Similar

to Russian NGOs which accept the regulation of foreign funding as a requirement for the

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[51] Arguments based on the organizations' material goals and their own community cannot be neatly separated as for their success, organizations depend on their employees' skills and habits. Ibolya for example argues her employees might not "identify themselves with a very loud campaigning organization" (Interview 9, 7).

development of the sector (Ljubownikow and Crotty 2014, 768), organizations accept the necessity of interventions along lines given by the state.

Smaller and voluntary organizations with a less established organizational culture easily internalize state requirements. The smaller NGO discussed in the 'shifting' section emphasizes the tax authorities' right to investigate any CSO at any time (Interview 3, 5). They justify this through their own values (transparency) and belief in the rule of law (Interview 3, 6; 7). In the highly unequal relation with the state, compliance is the only way to be "constructive" (Interview 3, 11). Through adopting the governmental idiom on civil society, they unacknowledgedly endorse the government's vision of civil society.[52] The organization accepts de-professionalization by adopting a strict dichotomy between "passion" and "making a living" and arguing its application to the NCF was "better" as it did not require paid employees (Interview 3, 2). NGOs are then not experts but charities: "we [NGO workers] are just everyday people who would like to help the grandma to take out the trash and so on" (Interview 3, 5). The organization proposes a de-politicization (of the NGO sector and the conflict) through abstaining from 'attacking' the government (Interview 3, 5).

Though of course not all NGOs have to criticize governments, such statements play into the governmental discourse by glossing over the difference between criticism and attacks. They not only free the organization itself from accusations but simultaneously de-legitimize other organizations. By accepting government idioms, organizations effectively renounce the public sphere function of civil society. Civil Society cannot promote alternative discourses because civil organizations are themselves too diverse and "can't do anything" (Interview 3, 7) together. Renouncing the public sphere, civil society also gives up its control-function

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[52] While this is a description of organization's statements in the interview situation, it does not necessarily mean that such organizations in practice abstain from criticism of the government. Most organizations in this group also emphasize that they do not want "this feeling that the government buys us" (Interview 10, 2) and strongly distance themselves from 'uncritical' NGOs giving up values for funding

towards the government: "it's not our job to criticize or say anything about the government" (Interview 3, 10). For example, Ibolya reports some organizations have shifted their focus from advocacy to service provision "because that's where the funding is and where life is easier" (Interview 9, 6), even though issues can only be addressed on a charitable rather than a systemic level. Grievances for a different society thus serve as motivation and can be voiced within the organization but not in the public sphere. Some organizations report individual members have lost hope in making a difference and left the sector or the country entirely (Interview 3, 6; Interview 9, 6). Thus, the organizations in effect acquiesce to a civil society organized by the state as, in the current situation, it offers the best chances for organizational survival.

Contesting the state

Organizations which *embrace* the conflict with state actors accept that they are "not seen as viable partners" (Interview 6, 1) by the government any longer. Even a 'deal' with state authorities is impossible because the organizations "don't have anything to offer" (Interview 1, 6). They accept their temporary exclusion by cutting back on political advocacy (Interview 6, 2; Interview 1, 4), reducing participation in government-led institutions (Interview 9, 1) or even renounce state funding (Interview 10, 1–3; Interview 6, 3; Interview 1). Instead, organizations enter into a contentious relation with the state and strive to create a new community of (critical) 'real civil society' with its own standards. As they openly criticize government's actions against civil society, the gap between normative ideal and empirical reality of civil society-state relations is biggest in this group. Thus, I will differentiate between organization's vision of civil society and what they derive from this for the current conflict.

The ideal of civil society endorsed the organizations is led by "very creative and powerful people" (Interview 5, 3) who think together and cooperate for a better society. Complaining

about the lack of issue-based politics in Hungary (Interview 4, 4), they emphasize their "strong opinion" (Interview 6, 5) on issues.[53] They propose a division of labor following the policy-based model of state-civil society cooperation outlined in Chapter 2: NGOs are "technocrats" (Interview 4, 4) providing expertise on specific issues. Rather than accepting any sort of party-political support even in defense of their organization (Interview 1, 6), they promise allegiance only to their beneficiaries (Interview 4, 4). In return for their input, they expect to be funded by the state: in contrast to the 'shifting' organizations which accept the image of civil society as 'voluntary sector', they emphasize the professionalism of NGOs. They single out Hungary, arguing that "normally" (Interview 9, 3) or "in a western type of democracy" (Interview 6, 2), their tasks should be financially (and politically) supported by the state. Organizations see themselves as contentious, as they criticize government policies, but also cooperative, as "the biggest player is the state" (Interview 1, 4) and they have to convince politicians to adopt NGOs' projects as policy models.

In the current situation, NGOs focus on the contentious, not the cooperative role. They see governmental attacks as a direct reaction to their role as watchdogs (Interview 6, 1). Several respondents who were active in the initiation of the advocacy platform argue such a group "should have been done[founded] already and this[NCF conflict] is only an opportunity" (Interview 6, 6; see also e.g. Interview 9, 4). Luca compares the conflict to a war, as she likens the advocacy platform to the alliance to defensive formations such as the Delian League and NATO (Interview 5, 3). This militarized metaphor suggests a sustained conflict between equals. With their attempts at finding a common platform and the societal contributions they make through their work, the organizations see themselves in a strong position. As civil society is a partner of state institutions, they demand respect (e.g. a public

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[53] An emphasis on issues is very frequent in this group (e.g. Interview 4, 2 / 9; Interview 9, 6), however it is also present among organizations that do not belong to this group (Interview 3, 10)

apology, Interview 6, 6) and exercise pressure, for example through cutting services they provide for state employees (Interview 4, 6). Different from organizations that think NGOs cannot win a confrontation with the state because of power imbalances (Interview 8, 2–3), they see a common civil opposition as a way to show society "that we have power and will to work together and hopefully[...] can fight back" (Interview 5, 2–3). This also means (involuntarily) entering the minefield of politics: at the current time, they see NGOs as the only remaining counterweight to the government (Interview 6, 5). Thus, many organizations fear NGOs might be seen as "political parties in a different shape" (Interview 9, 6). The organizations are thus careful to distinguish themselves from the (party) political opposition, despite their common oppositional goals.

The main rhetorical device which organizations use to distinguish themselves from the political opposition is to reference organizational values which serve to justify both their general idea of issue-based work and the necessity to resist in the current situation.[54] Any reaction has to be principle-based and fit an organization "that encourages people to stand up for their rights" (Interview 6, 3). Different from the political opposition, they do not aim to take over power from the government. Rather, they fight out of pride for their past achievements and because employees with true conviction "wouldn't stay in this sector if we'd just stay covered" (Interview 1, 3). In contrast to a logic of party behavior, NGOs have to be saved not for their own sake, as they could be started from the ground again (Interview 1, 8), but because "that is a place", a "community of people" (Interview 2, 10). The focus on values and convictions is so strong that organizations see the good ideas of civil society as their main threat to the government (Interview 10, 2). The factual basis of government allegations (such as noncompliance with regulations) is secondary to the conflict: The

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[54] The recourse to values is a rhetorical figure rather than a substantive difference as organizations from the 'shifting' group also use values to justify compliance with the audit (p. 66).

government "cannot win" against people who have a vision and are convinced (Interview 5, 3). For them, dedicated work overrides not only power but also, in some cases, the necessity to comply with official standards.

Through their emphasis on value-based opposition, the organizations advance a very specific perspective on civil society's public sphere function. Having been excluded from the political dialogue, they also restrict the space for discussion to those who agree with the organizations' values. Problematically, convictions or 'being right', cannot help NGOs in convincing a broader public. One respondent acknowledges this problem and endorses more outreach:

> *"even if we have the best legal and constitutional argument, if the people or a significant number of people are not with us and don't believe in our goals, then it isn't worth anything" (Interview 6, 7)*

The focus on (shared) values and making arguments that fit their own communities' standards (for example by legal sophistication) drives organizations to look not at the entire public sphere ('the people'), but the limited critical public they interact with. Thus, organizations may easily overestimate the strength of civil society as 'real opposition'. Without leaving space for non-political organizations (whose values are not translated to political strategies), organizations may become isolated both in the civil sphere and for citizens.

Creating a new space

As characterized in the previous chapter, *exploding* means the suspension of societal divisions. Organizations challenge their exclusion by promoting an entirely new community that does not follow the selectiveness of the political arena. They claim to embrace their opponents as in defending liberal values such as free speech, they also ensure their opponents have the freedom to criticize them (Interview 3, 4). NGOs under scrutiny are protected indirectly as 'exploding' the division means establishing a 'space of freedom' in which any organization or citizen may act on their beliefs unless there is a legal verdict (Interview 8, 3).

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Drawing lessons from the strenuous attempt to formulate a common response among the blacklisted NGOs, they refer to inclusivity and diversity as underlying principles of civil society:

> *"that we can't act together is actually good. Because it also shows that we are really different and the whole society needs all of us... but it would be really hard to communicate this for the government." (Interview 3, 7)*

While diversity is an obstacle for shared campaigns and a weakness in confrontations, it in turn constitutes their strength in contributing to society. In this inclusivity, civil society differs from politics. Even pro-government organizations such as the Civil Unity Forum (which has publicly criticized the NCF CÖF-COKA 2014b; CÖF-COKA 2014a; Hir24 2014; hvg.hu 2014c) should be included as "they are also part of civil society" (Interview 2, 12). The respective organizations emphasize their positive approach, for example their likeable positive campaign messages that no one can disagree with (Interview 8, 3, Interview 3, 11).

Ideally, the 'safe space' established for a civil society could lead to the emergence of a distinct category of 'civil society action' as described by Wischermann (p. 12 on attitudinal approaches).[55] Organizations draw a contrast between the confrontational institutional politics of the current Fidesz government (e.g. state representatives "cannot find a normal diplomatic way to manage issues", Interview 2, 7) and civil society organizations which search for compromise. In contrast to Cohen and Arato's (1992, IX) idea of two modes of operation, respondents who endorse an attitudinal approach to civil society strongly privilege 'civilized' interaction (Interview 2, 3). Rather than demonstrations or contentious politics, the respondents endorse "unbiased debates" (Interview 3, 10), "social innovation" and "participatory democracy" (both Interview 2, 8). The vision they endorse is the growth of

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[55] The idea of civil society as a form of behavior has some roots in Hungarian terminology. Many people (also in the current debate, Interview 2, 3) use terms such as 'civilians' that refer to individual traits or forms of behavior.

civilized interaction into the political sphere and a society that is governed by open discussion in the public sphere.

On the negative side, this could lead to an integrated 'Hungarian style civil society', similar to the 'civil society po-russki', dominated by the state emerging in Russia (Ljubownikow, Crotty, and Rodgers 2013). One respondent proposes a "central European path" (Interview 8, 2), independent of the discourse of 'catching up' with the West. This emphasis on specific Hungarian ideas and traditions (in a very different sense than promoted by the government) takes a position against Hungarian CSOs as enforcers of donors' agendas and bases their activity on a national consensus on society. Though the organizations explicitly aim for "civil society as a whole[...] talking to the people" directly (Interview 2, 12), the centralized public sphere in Hungary complicates this. Organizations' perception in public is dominated by the statements state representatives and the media make about them. Additionally, the current public opinion as articulated through elections is rather unfavorable to them. Basing civil society's legitimacy on national consensus rather than the principle that citizens may lobby for their particular interests may ultimately cost civil society its independence: Similar to Russian CSOs which depend on the state's recognition, whether it funds them or not (Ljubownikow and Crotty 2014, 771), organizations tie their legitimacy to helping a common trajectory. CSOs thus do not exert control over the state, but merely enable it to more effectively fulfill its duties to citizens.

Off to an unclear future

As this chapter has shown, many NGOs do not propose a distinct vision of civil society but rather take over what the government presents. Most strategies seem unable to maintain the public sphere function as they run the risk of being incorporated by the state or do not find an audience bigger than their own constituency. This does not mean that NGOs have done a bad

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job: despite their best efforts, NGOs exist in an adverse environment. One respondent characterizes the situation as follows

> *"[...]the whole situation shows that we are not superheroes with special powers. We are just people in a very unequal battle. And there isn't a lot to learn from that [...]"* (Interview 4, 13)

Her answer shows the disillusion of NGOs about their own role. While NGO workers perceive themselves as active citizens who take responsibility and make a difference in society, the conflict shows them the limits of their power. While NGOs are also less powerful than the state in other democracies, the differential treatment according to political color further skews the balance.

Though this study has not developed evaluative standards to assess the success and prospects of strategies, the trajectory of other countries suggests strategies which lack a distinct vision may be insuffient as tendencies of de-democratization continue. Most prominently, the Russian government has in May 2015 backed up their controversial 'foreign-agent'-law with legislation that allows banning organizations from the country if they are labelled as threats to national security or the constitutional order (cnn.com 2015). The law not only holds consequences for local organizations that have cooperated with undesirables, it is also formulated vaguely allowing for selective implementation (Lokshina 2015). Though the Hungarian and Russian state provide very different environments (for example Hungarian NGOs have won several lawsuits against state authorities while Russian courts have usually supported the state side, Human Rights Watch 2015), silent NGOs might be sleep-walking into a worse environment.

However, the past chapters have shown the difficulties of cooperation among NGOs, validating the representative of an advocacy organization who belittles the common question why NGOs fail to cooperate: With their differing values, NGOs "might be actually cancelling each other out" (Interview 4, 12). In their assessment of the situation, different organizations

in fact recognize different problems to act on. *Ignoring* prioritizes NGOs' substantial goals to counter the allegations NGOs would not contribute to society. *Shifting* gives NGOs the responsibility to work on the sectoral lack of compliance, arguing organizations are protected if they don't violate regulations (Interview 3, 11).[56] *Embracing* recognizes the power state officials hold over civil society as the main problem. Organizations try to counter allegations, and also propose different models through the common advocacy platform, for example a new transparency law (Interview 5, 5). *Exploding* divisions tackles the marginalized position of NGOs by promoting an inclusive civil society.

Notably as outlined at the end of Chapter 5, most organizations choose a strategy and propose a vision according to their previous approach. At first sight, this is not surprising as they build new strategies on past experiences and all advance arguments about their employees' capacities. However, this is a striking difference to other countries where leaders' personal backgrounds gained importance in crisis situations (Henry 2006, Hsu 2010). A possible explanation could be that Hungarian NGOs have established a stronger organizational culture which overrides leaders' values. For example, the regard for employees' preferences, which several leaders voice, stands in stark contrast to the "democratic centralism" (Ljubownikow and Crotty 2014, 765; Jakobson and Sanovich 2010) of many Russian NGOs. There, general assemblies merely acclaim leaders' decisions. Unfortunately, a stronger organizational culture also means Hungarian NGOs are 'stuck' with their organizational profile. In a crisis situation, they do not overcome their acquired role, but become entrenched in it. For example, the 'embracing' organizations reduced their cooperation with the state. Giving up activities that do not fit the organizations' role may mean furthering isolation.

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[56] Given the ambiguous legal background, this hope is an optimistic attitude. Notably, it was voiced by an organization without office space and employees, while more professional NGOs see absolute compliance as impossible: "if KEHI [GCO] doesn't find something, they go further. They go to the tax office, they go to the prosecution office, they will come with employment authorities or the labor authority or something…"(Interview 5, 5).

7 Conclusion

Before discussing the NCF conflict, this research started from the general question of how Hungary could turn from a model for the transition from communism to a debilitated democracy. The country has embarked on a trajectory of de-democratization which none of the institutional checks on governmental power have stopped so far. With the disabling of constitutional checks, pressure on non-political actors including NGOs to fulfill the role of the opposition has increased (Interview 11). After Viktor Orbán pointed to NGOs as major obstacles to the reconstruction of the Hungarian political system, civil society rhetorically became the lynchpin of Hungarian democracy. The NCF conflict however casts doubt on prevailing political theories which associate civil society with the performance and stability of democracy. Rather than strengthening democracy by promoting cooperation (self-organization function) and controlling power (public sphere function), Hungarian civil organizations may lose their ability to influence society.

Starting from literature on countries with restricted civil society activities, my research question was *whether and why NGOs have accepted the restriction of civil society's 'public sphere function'* and *what trajectory this suggests for the organizations and civil society*. I have answered these questions by showing first that the legal and financial environment discourages public sphere activities non-aligned with the government. Second, I have argued that the extent to which organizations have accepted a restriction differs according to strategies they pursue: NGOs either restrict their target group or refrain from articulating a distinct narrative within the broader public. Finally, I have shown that in the current situation, the public sphere function has less importance for many NGOs than self-organization as a vision for civil society.

Departing from theories which portray state functionality as dependent on civil society, I argue that civil society is in fact less independent than hoped, both organizationally and

regarding its legitimacy. Though the organization of an unofficial public sphere was at the core of civil society activities under communism, civil society today is not resilient to de-democratizing measures introduced by the Fidesz government (which ironically was itself once part of oppositional civil society). The establishment of legal forms such as NGOs in the post-transition years in fact makes civil society dependent on the state.[57] NGOs must uphold their public image and fulfill professional standards set in part by the state to maintain legitimacy; this restricts the scope of their activities. When organizations' institutional base is weakened and their reputations are attacked, both avenues connecting civil society with democracy are affected. NGOs may not facilitate cooperation as they fail to bring citizens together beyond already established in-groups. The public sphere role of NGOs vanishes as their criticism is heard less and less.

This perspective is of course shaped by the choice of case study: with the NCF grantees and particularly the 'blacklisted' organizations, I chose a group particularly exposed to political pressures to assess "what could be" (Schofield 2002, 189) as the government tightens its grip over civil society. In the third chapter, I suggested Lincoln and Guba's approach to generalization as active constructions of the mind. They attempt to transfer case studies through the concept of 'fittingness' (Lincoln and Guba 2000, 40). In Hungary, this would mean comparing the congruence of the environment of the NCF grantees with for example organizations in the countryside which financially depend on their local governments. Looking into the situation of other issue-based advocacy NGOs remains one of the central desiderata for future research that comes out of this thesis. Unfortunately, this is a common

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[57] Notably, Neera Chandhoke argues given their legal form, NGOs can never be independent of the state. Thus, she sees them as inept to act as civil society: "people struggling against authoritarian regimes had demanded civil society; what they got instead was NGOs!" (Chandhoke 2007, 608). This discussion, which also rests on a very different basis in Hungary than in the third world, however goes far beyond the scope of this thesis.

problem of qualitative research: "Surprises never stop; just the time and money do" (Agar 2010, 289).

Within these limits, I have provided a detailed discussion of my research question on at least three levels. Firstly, on an institutional level (Chapter 4), legal, financial and administrative changes make all CSOs (and not just 'political' NGOs) dependent on the state. Without this being measurable, the selective reward through state funds and invitations to consult and the selective punishment through inspections and exclusion constitute a reality of differential treatment. Organizations are confronted with a choice of societal self-organization without challenging the government or possible exposure to discretionary use of power. NGOs depending on the state for their organizational survival and reputation contradict the idea of states depending on NGOs for legitimacy, which theories of neo-authoritarianism advance (p. 11ff.). Even when state representatives acknowledge NGOs to enhance their legitimacy, it is the state that sets the rules for this encounter.

Second, on the level of NGOs' reactions to the conflict (Chapter 5), I have argued that there is no coherent narrative positioned against the governmental one. Organizations that attempt to show their continuing work (*ignoring*) fail to address the public regarding the conflict. Organizations which *'shift'* the allegations restore their legitimacy while admitting problems of the civil sphere, but do not challenge the categories set by the government. Those organizations that fight accusations by *embracing* their oppositional position get caught in a reactive circle in which the power balance is stacked against them. Finally, those organizations that attempt to build an inclusionary civil society by *'exploding'* divisions may become subsumed under the superior power of the state. They fail to address the current conflict and risk excluding the 'attacked' organizations by failing to acknowledge their vulnerable position. Ultimately, NGOs lack agency as most possible strategies are rendered inconsequential in their impact. To effectively tackle the problem of differential treatment,

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NGOs would need to combine all these strategies: they would have to win over citizens by keeping up their substantive work, acknowledge and tackle problems of the civil sphere (such as the Budapest-countryside divide) and include various organizations in a fight against government infringements on civil society; not necessarily as a political fight, but a fight for the space of civil society which also addresses this concrete issue.

On a third level, organizations do not manage to propose an alternative vision for civil society that includes a critical public sphere (Chapter 6). I have shown how most strategies result in either a retreat to the NGOs' own constituencies or the acceptance of a governmental vision of civil society that does not promote public discussion. In extreme cases, this implicitly ascribes the state a role as manager of civil society. Many organizations endorse visions that are focused on their own organizational type, as they are most aware of problems they encounter in their own work. Thus, in the current situation of crisis, organizational survival dominates over the need for diversity (which organizations usually recognize, as evident in the interview transcripts and pages 36ff.).

The consequences for Hungary remain unclear. Civil society is not 'better equipped' to defend democracy than the institutional order, since in its current form, civil society also depends on the institutional order. Despite its democratic framework, Hungary does not differ in this from countries across the globe where the lack of alternative forms of legitimacy drives NGOs into cooperation with the state (Chapter 2). While outside actors or even a strong community-backing can provide funds for continued self-organization of target groups, money cannot replace the legitimacy organizations need in order to fulfill civil society's public sphere function. The interviewed NGOs recognized this need for legitimacy. One organization emphasized the need for outreach, arguing that the best arguments are worthless without popular support (p. 70). Hence, the different strategies to present a counter-narrative are also different strategies to gain popular support: NGOs have attempted to showcase their

ongoing work, commended their own work by pointing to the problems of others, built credibility as oppositional community or attempted to 'start over' and overcome divisions. To go beyond this and overcome the fundamental dependence on the state, a common civil society standard for the legitimacy of organizations would be needed. First steps have been taken: some 'embracing' organizations discuss common proposals how to build transparency standards for the sector (Interview 5 and 6). The 'exploding' organizations attempt to build a common base for civil society, though most of their initiatives do not yet apply substantial criteria regarding what makes a civil organization legitimate.[58] Especially in politically polarized civil societies like Hungary, this is a long and difficult path. NGOs may be unable to walk this path on their own, as NGO leaders explain that "we are not some kind of superheroes with special powers. We are just people in a very unequal battle" (Interview 4, 13). As even superheroes would have difficulties in solving a situation as the outlined, those among us who wish for NGOs to contribute to society – whether as 'saviors of democracy' or helping hands to grandmothers - may have to help NGOs by getting involved ourselves. Perhaps more importantly, we, insiders and outsiders, should promote the process of reflection: what makes a good NGO or more broadly a good civil society, and what roles could it take on?

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[58] For example, the maci campaign only asks organizations to consent in an online form to do civil society work, operate transparently and be non-partisan and not radical (maci 2015a).

Appendix

Appendix A: List of Interviews

This thesis relies on the following background interviews:

- Background interview I. Interview with Ferenc, 2015-01-13.
- Background interview II. Interview with legal expert Csilla, 2015-02-10.

The fifth and sixth chapter are written based on the following interviews:

- Interview 1. Interview with Gábor, 2015-01-06.
- Interview 2. Interview with Zsófia, 2015-01-28.
- Interview 3. Interview with Bence and Judit, 2015-01-31.
- Interview 4. Interview with Margit, 2015-02-12.
- Interview 5. Interview with Luca, 2015-03-04.
- Interview 6. Interview with Virág, 2015-03-24.
- Interview 7. Interview with Réka, 2015-04-02.
- Interview 8. Interview with Péter, 2015-04-09.
- Interview 9. Interview with Ibolya, 2015-04-09.
- Interview 10. Interview with Krisztina, 2015-04-10.

Gábor and Zsófia represent NCF-operating foundations (see Appendix B). Their organizations are not revealed here, as the small number of grant-managing organizations interviewed and their characteristics revealed in the text would make individuals identifiable.

I interviewed two NGO workers on their involvement in facilitating common responses, independent of their organization. One also worked for an audited organization, the other one for a non-audited NCF grantee, but their organizations remain unnamed since their organizational affiliation was not a topic of the interview.

Additionally, I spoke to one or several representatives of the following organizations: átlátszó (which is funded through Asimov Alapítvány), Energiaklub, European Center for Non-Profit Law, Hungarian Civil Liberties Union [Társaság a Szabadságjogokért, TASZ], Hungarian Helsinki Committee [Magyar Helsinki Bizottsag], Krétakör Alapítvány, Open Society Foundation, Women for Women against Violence [Nők a Nőkért Együtt az Erőszak Ellen

Egyesület, NANE], as well as one smaller organization active in the field of democratic culture. The name is not revealed as its small size could mean exposure for individual members.

Additionally, I received insightful material from two smaller organizations with which it was not possible to arrange an interview.

Appendix B: Organization Overview

The following list contains organizations publicly known to be involved with the NCF, which

are not necessarily organizations I consulted with throughout the thesis writing process.

NCF operating foundations:

- Kárpátok Alapítvány Magyarország (community development grants)
- Ökotárs Alapítvány (lead, environmental grants)
- Autonómia Alapítvány (welfare services, Roma grants)
- Demokratikus Jogok Fejlesztéséért Alapítvány (DemNet) [Foundation for the Development of Democratic Rights] (democracy grants)

'Blacklisted' NGOs (444.hu 2014)**:**

- Krétakör Alapítvány (theatre group)
- K-Monitor Közhasznú Egyesület (corruption watchdog)
- Nők a Nőkért Együtt az Erőszak Ellen Egyesület (Nane) [Women for Women Against Violence]
- Demokratikus Ifjúságért Alapítvány [Foundation for Democratic Youth]
- Transparency International Magyarország Alapítvány
- Magyar Női Érdekvényesitő Szövetség [Hungarian Women's Lobby]
- Társaság a Szabadságjogokért (TASZ) [Hungarian Civil Liberties Union]
- Asimov Alapítvány (operating foundation of átlátszó, an independent media webpage)
- Roma Sajtóközpont [Roma Press Center]
- Labrisz Leszbikus Egyesület
- Patriarchátust Ellenzők Társasága (Patent) [Association against Patriarchism]
- Liberális Fiatalok Egyesülete (LiFE) [Association of Young Liberals]
- Szivárvány Misszió Alapítvány [Rainbow Mission Foundation]

There is no public list of those organizations which had to hand in records to GCO. However,

according to the first official report issued by GCO (Governmental Control Office 2014), this

includes 55 organizations.

Appendix C: Topic Guide Examples

Given the different characteristics and roles of the organizations and interviewees, a different

topic guide was used for each interview. To standardize the questions as much as possible, I

compiled 'building blocks' that were selected according to organizations and added

organization-specific questions after consulting the organization's webpage. Since the topic

guide and my use of it evolved over a long period, I decided to include my very first draft of

building blocks and one of the last versions.

First topic guide

Introduction

- Introduction of research topic
- Expressing thanks
- Requesting permission to record; negotiation of anonymization

Organization

- As a start, can you tell me how you got to work for the organization?
- Can I ask some basic characteristics of your organization?
    - How big is your organization: How many employees, how many volunteers do you have?
    - What is the main source of funding for you?
    - A how large share of your work is connected to the Norwegian Fund?
- Is there anything that is special for the organization?
- What is your audience, whom do you want to reach in your work?
- Are there other organizations you are close to or work with?

Civil Society in Hungary

- In your opinion, what is most characteristic for Hungarian Civil Society?
    - What are, in your opinion, the biggest weaknesses or problems of Hungarian Civil Society?
- Looking over the past years, what changes, legal or political, were most significant for the development of Hungarian Civil Society?
- Do these changes affect all organizations to the same extent?
    - Are there organizations which are not affected?

Role of Norwegian Fund

- What is, in your opinion, the role of the Norwegian Fund for [your area; Hungarian CS]?
    - Financially

- o In your opinion, is there something different in the way the program runs, how it selects grantees, ...?
- In your opinion, why was this fund, why were these organizations targeted?

Norwegian Fund: Operating Foundations

- How do you see your role within the consortium?
- What differentiates your organization from the other operating foundations?
- What is your role towards the grantees?
- What do you advise your grantees now: how should they behave?
- How close is your public image connected to the Norwegian Fund?

Consequences of Current Developments

- In your opinion, will the discussion around the Norwegian Fund have lasting consequences?
  - o Is this an isolated incident or do you see it as part of a bigger development?
  - o Does this affect only the organization involved with the Norwegian Fund?

Consequences for Organization

- Since the Norwegian Fund started receiving public attention: What has changed in your daily work?
  - o For Norwegian Fund projects
  - o For other fields
- Does your organization still cooperate with the government on some issues?
  - o How is your relation with the authorities?

Strategies

- When you remember last summer: At what point did you know this would turn into a big issue? (given the conflict escalated)
  - o Was there, at any point, a conscious decision on how to deal with the situation?
  - o What was your assessment of risk in this situation?
- How have you reacted to the situation, up to date?
  - o Were there any new things that you introduced?
  - o Did the way you operate change in any way?
  - o How did your communication change?
  - o Have you used ... (legal means, political allies, connections within state, public, international actors)
- In your experience of the last months, what is the most effective way (to mobilize support / to counter allegations)

Future

- Is there a positive lesson that you can take from this?
  - o Were there any changes that you introduced, that are here to stay?
- Where do you see this heading? / What will be your next steps?

Thanking

Last topic guide

Introduction (see above)

Organization

- As a start, can you shortly tell me you got to work for *organization*?
- Is there anything that is special for the organization?
    - How does Helsinki try to reach its goals?
    - What is your audience, whom do you want to reach in your work?
    - Are you different in that from other organizations?
- How would you characterize the environment for such work?
    - supportive? If so, why / why not?
    - What feedback do you get from state actors?
    - Did anything change with the Fidesz government coming to power?

Consequences for Organization

- What is the significance of the Norwegian Fund Issue for *organization*?
- Since the Norwegian Fund started receiving public attention: At what point did *organization get involved?
    - last summer: At what point did you know this would turn into a big issue?
    - Was there, at any point, a conscious decision on how to deal with the situation?
    - What was your assessment of risk in this situation?

Role of Norwegian Fund

- How do you see *organization*'s role between the other organizations?
    - In your opinion, why was this fund, why were these organizations targeted?
    - How does *organization* fit into this characterization?
    - What are your strategies?
    - Do they differ from other organizations?
    - How do you deal with asymmetries: (differences in strategy, funding situation, etc)
- Is there something that *organization* can contribute in particular?
    - Is there a division of labour?

Consequences of Current Developments

- In your opinion, will the discussion around the Norwegian Fund have lasting consequences?
    - Is this an isolated incident or do you see it as part of a bigger development?
    - Which organizations does this affect?
- In which sense has this changed your interactions with other civil society groups?

Future

- Is there a positive lesson that you can take from this?
    - Were there any changes that you introduced, that are here to stay?
- Where do you see this heading?
- What will be your next steps?

Thanking

Appendix D Sample Transcripts

Extract from Full Transcript

[…] **Theresa**: "And was this escalation from 2012 on continuous or would you say there was a point when something changed?"

Zsófia: "I think it was a continuous escalation, definitely. Because the Hungarian government didn't receive that role so much that they were desiring. And I think the Hungarian government didn't realize how they should communicate in order to reach the aims. Or they even realized in the beginning that they cannot reach the aims, so they have to get harder and harder. Okay, look... I am not sure when the government had the idea to strategically work through itself civil society, but in the beginning, I think, it was absolutely not intentional that they are going to erase civil society. Perhaps that's not true to that extent either today, but erase that part that is not pro-government. But first they enacted the so-called civil society law or the NGO law as we call it. And that was already, kind of like an interesting issue that the government wants to influence who gets the public benefit status. I mean, that was everyone's feeling. But at the same time, it also gave civil society a kind of clarification who are the guys who are there. But you know, the implementation of this whole process is a disaster, I mean, it's very slow and it's complicated, no one understands, not clear, etcetera. But it was a first sign, right. And at this point, I don't think that they wanted this whole fight with civil society, they just wanted to see who are these guys. Then came this whole Norwegian Civil Fund issue where they started to realize organizations who are criticizing them are getting money from somewhere. Especially, you know, I can believe that it can be very annoying that they also signed it [the memorandum of understanding, TG]. So first they absolutely tried to convince the Norwegians. But I think not in a European civilized way. You know these are sensitive issues, but I tell you one story […cut out: story about selection of grant managing operations] Now this was already in 2012. And then already the Hungarian government got

afraid and they tried to stop this, but probably, they didn't find a way, because I don't know how these guys are socialized that they cannot find a normal diplomatic way to manage issues. But probably they were really stressed on how to solve this whole situation for their own sake of course. And then, they just had, I think, stupider and stupider idea. Which, I mean, it's nice to say, basically stupid. But they got, I mean they just got crazier and crazier. And found out tools to be used that are rigider and undemocratic and... "

Theresa: For example?

Zsófia: "Like for example, I think it's absolutely a marketing strategy that instead of asking us or asking for information, they start to first spread that...how to call this...?"

Theresa: "…Rumours?"

Zsófia: "Yes, kind of wrong information about us. So they start to lie about us. Then they start to lie about the whole Norwegian Civil Fund and how it is, you know, kind of merged with Soros and the other organizations and the moneys. So first this lie distribution, that's very interesting. Then the second one was that they sent the KEHI [the GCO, TG]. Which is again not something on a negotiation level. This is, just control. So basically they could only find tools that are coming from the control nature and not a discussion nature, any kind of democratic operation nature. And then, if they didn't get the data, then they sent the police to us. That's why I'm saying, they just got harder and harder. It's like a small child who gets hysteria attack and then...and I don't call these methods to be very democratic at all." […]

Extract from Simplified Transcript

[…] **Theresa**: (00:18) "Some organizations told me there's not been much solidarity within civil society because organizations perceive it as very risky to speak up. Was there any assessment of risk in *organization* for what you're subjecting yourself to?"

Ibolya: „Yes, we do consider there is some risk. But it's not just speaking up, it's generally the work that we do."

- Increased attention to compliance issues as way to protect themselves

Theresa: (00:19) "How would you describe the general environment for the work you do in Hungary?"

Ibolya:

- Issues are almost fully unpopular → funding environment very unfavorable (public as well as from private individuals)

  → work on that scale couldn't be done without foreign funding, much of which comes from private foundations or European commission

„At the moment, we're not receiving any government funding. It's because we've chosen not to apply and taking into considerations the potential strings attached to such funding, the way such funding is awarded – we decided we'd rather not participate in this process."

Theresa: (00:21) "When was this decision reached?"

Ibolya: "Whenever there is an opportunity that is very hard to say no to, there must be a decision. We have no policy not to accept government funding, I think that would be unwise for an organization which does service provision on such a scale. Normally, such legal aid services as we provide, particularly in the fields in which we provide them, should be funded or supported by government funding. But with this government, with the current practices or friends being rewarded, plus the extreme or absolutely unreasonable level of administrative

tasks that this funding requires, we decided not to. Plus, we inferred there would be not much chance of us receiving any funding either. But there's never been a sort of blanket decision taken. I know some other NGOs have decided so, but for us, it's not a good way."

- Communicating with decision makers: landscape very varied but five years ago more successful in getting arguments not necessarily accepted but at least considered
- With some organizations with a long standing cooperation, one can feel a change in how much attention is given to recommendations, comments etc.; but not with all!

„I think there is a big gap between senior political figures speaking out against NGOs and the actual people who for example even up to mid or senior level policy makers who are or should be professional staff in ministries. There is a difference of approach. So the very top says these NGOs are interested in carrying across the United States' interest in Hungary, others enter into a professional dialogue. But there is, I think, less of a chance for this now and probably it will continue, this trend. So that's the general landscape, that there's a negative trend for us even."

Theresa: (00:24) "And do you have a strategy how to bring across that you're not representing a special interest, but the interests of your clients, your cause?"

Ibolya: „I don't think we've ever asked ourselves that because I think this 'driven by foreign funding, enforcing foreign interests', it has never become an everyday occurence and it was very clearly politically motivated and it stays that way still. Plus, I said this, I don't think they were successful, so they decided to drop this line again. And this whole civil sector thing, after a while, has subsided. And you don't read anything now, particularly now that the court decisions have started coming out that showed how absolutely baseless these accusations were. So I think they have abandoned this idea and for the moment at least, we don't have to consider this particular aspect." […]

Appendix E Translations

During the research, I often found it difficult to match English summaries with their Hungarian sources, due to the lack of Hungarian original names in English texts. As compromise between readability and traceability, the following section lists the original names of laws and institutions translated in the text wherever official translations are not evident.

Original names of laws

- **Freedom of Association law**: 1989. évi III. törvény - a gyülekezési jogról
- **1% Law**: 1996. évi CXXVI. Törvény, a személyi jövedelemadó meghatározott részének az adózó rendelkezése szerinti felhasználásáról
- **National Civil Fund law**: 2003. évi L. törvény a Nemzeti Civil Alapprogramról
- **Nonprofit act**: 2011. évi CLXXV. törvény az egyesülési jogról, a közhasznú jogállásról, valamint a civil szervezetek működéséről és támogatásáról
- **Civil code**: 2013. évi V. törvény a Polgári Törvénykönyvről

Hungarian Names of Institutions and Organizations used in translation

Civil Unity Forum	Civil Összefogás Fórum - Civil Összefogás Közhasznú Alapítvány (CÖF-COKA)
Govermental Control Office	Kormányzati Ellenőrzési Hivatal
Hungarian Statistical Office	Központi Statisztikai Hivatal
National Civic Fund	Nemzeti Civil Alapprogram
National Cooperation Fund	Nemzeti Együttmüködési Alap
Norwegian Civil Fund	Norvég Civil Támogatási Alap

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