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Captured by State and Church: Concerns about Civil Society in Democratic Hungary

Abstract: This paper conceptualizes challenges and dangers that have impacted Hungary's civil society (third sector, nonprofit sector, voluntary sector) over the past decade. The cases presented illustrate the fragility of both the civil sector and its underlying democracy in Hungary. The boundaries between state and nonprofits reveal pervasive paternalistic/cliental processes stemming from the period between the two world wars and pre-1989 experience of public–private relations and issue management. On the one hand, old regime strategies have survived and been maintained by the overt and unreflected dependency of the civil sector on the state. Secondly, the boundaries between church organizations and civil nonprofits present a politically mis(non)managed process that has resulted in a fading role of non-church NGOs in the field of social service. This process can be traced back to an unequal and biased treatment of service provider organizations in an allegedly sector-neutral environment. Both cases illuminate operations that have resulted in a significant dismantling of the civil sector and a consequent deterioration of democracy in Hungary.

Keywords: civil society, democratization, public policy

Role of Civil Society[1] in the Process of Transition and Democratization

Political and social scientists from Huntington (1991, 1996) to Diamond (1994), Schmitter (2011) and Havel (1988, 1993), and from Habermas (1996, 2001) to

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[1] In this paper, the word civil society is used mostly in a relatively narrow sense and covers the formalized CSOs (associations, foundations) and non-profit sector organizations (NPOs). The theoretical contexts use the term in a wider sense (like civil society as arena by Fioramonti and Fiori (2010)) including the social movements, street protests and the public spaces for discourse (Miszlivetz 2012).

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Putnam (1993), Montero (1998), Patrick (1996) and Seligman (1992), have, in their variety of ways observed the extraordinary role of civil society in the emergence of third wave democracies.[2] Some see civil society as the initiator and key actor of democratic transition which holds a "...central place...., even if belatedly acknowledged by scholars... (at) the center of theoretical discourse and public life at the end of the twentieth century" (Patrick 1996, 8). A similar idea was upheld by Seligman when he spoke about the "contemporary "rediscovery" of civil society" (Seligman 1992, 3). Political scientist Philip Schmitter (2011) illuminates civil society as a multiplicity of "factions" or "associations" within the polity which, permanently organized and professionally run, continuously monitor and intervene into processes of public decision-making. This description depicts civil society as a propeller of one of the "post-Dahlian"[3] revolutions of democracy in which individuals are re-conceptualized as effective citizens of REDs (really-existing democracies[4]) by their activities in civil organizations.

Other authors contend that civil society's major role may be found in stabilizing democracies rather than creating them (Diamond 1994; Montero 1998), although Sztompka (1991) and Roniger (1994) assert an inverse understanding of Eastern European civil society's role in democratic transition. They think that the idea of civil society was instrumental in demolishing the role of state tutelage, but is "less useful in accounting for the consolidation of democracy" (Roniger 1994,

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2 This notion refers to the third major surge of democracy in history which started in the mid-1970s with the revolution in Portugal.

3 The system of democracy (polyarchy) – in Robert Dahl's view – was able to transform radically itself – re-design itself – over the centuries. The same word, democracy, has been loaded with different rules and practices. Dahl identifies three revolution-like mutations in the past which have installed significant changes in the content of the word. The first was in size. Historically very small polities were considered to be able to run democracy, later this practice became re-designed by making extensive use of territorial representation and introducing federalism – thereby, irrevocably breaking the size barrier. The second revolution was in scale. Early democracies were based on a limited conception of citizenship – severely restricting it to those who were male, free from slavery, servitude, mature in age, literate or well-educated, paid sufficient taxes and so forth. Over time these restrictions were re-designed until, today, the criteria have become almost standard and include all adult "nationals" regardless of gender or other qualifications. The third Dahlian revolution was in scope. Democracies began with a very restricted range of government policies and state functions – mostly, external defense and internal order. Over time, they became responsible for governing a vast range of regulatory, distributive and re-distributive issues – so much so that a substantial proportion of gross domestic product is either consumed by them or passes through their processes (Schmitter 2011; Dahl 1989). Post-Dahlian revolutionary transformations were identified by Schmitter.

4 A "really existing democracy": (a) calls itself democratic; (b) is recognized as such by other self-proclaimed democracies; and (c) is classified as democratic by most political scientists applying standard procedural criteria (Schmitter 2010, 2011).

210). This latter view is strongly challenged by the facts and the story of antecedents and the very process of political transition. How could civil society have had an instrumental role in demolishing the authoritarian state if its own existence is questionable? This question will be explicated later on.

Concerns about the role of civil society in the promotion of pluralism and democratic performance in developing countries were expressed by multiple authors (Heinrich and Fioramonti 2007; Hooghe and Stolle 2004; Encarnación 2003; Suleiman 2013). One argues that civil society may itself be self-serving, antidemocratic, and directed toward financial gain, and thus not supportive of political and socio-economic aspirations (Suleiman 2013, 247; Coelho 2012, 10); others, like Encarnación (2003) think that we attribute too much to civil society and at the same time underestimate the importance of political institutions. As the latter alleges, we have insufficiently identified specifics about the real causal mechanisms that might link vibrant civil society and consolidated functioning democracy. However, Fioramonti and Fiori (2010) elaborated both historically and currently relevant interrelations and mutual correlations between them.

Both civil society and democracy could be paralyzed by the vicious circle of deeply permeated and undesirable social practices and political traditions employed by the state such as clientelism, hierarchical institutional structure, corruption and inequality. Especially in the CEE countries these preceding and still surviving practices stand as obstacles to the strengthening of civil society and the fostering of democracy (Heinrich and Fioramonti 2007; Hooghe and Stolle 2004). Furthermore, the current state of new democracies is sometimes depicted as being stagnated in an intermediate category that mixes procedural democracy with "illiberal" aspects (e.g. presidential decree powers, curbs on political and civil rights, restrictions on the media) (Montero 1996, 118). Many of these conceptions share multiple concerns about the vulnerability of third wave democracies, envisioning them as on a risky walk on thin ice over the imminent abyss of authoritarian "reverse waves" (Huntington 1991).

This paper aims to navigate the reader through processes and transformations in Hungary which fundamentally affected the nonprofit/civil sector in the last decade and currently amplify the fears of "third reverse wave" of democratization (Montero 1996), at the same time highlighting the Janus-like face of civil society in stabilizing and fostering democracy.

The Beginning

In the Hungary of the late 1980s there was practically no civil society to lead the fight for democracy. The "...all-encompassing totalitarian despotism that made

the term "civil society" – as something outside the state – so appealing, this very system also did not permit anything like a civil society to exist" (Kotkin 2009, 8). Civil society requires the ability not just to self-organize but also to have recourse to state institutions to defend associationalism, civil liberties, and private property. The nature of the communist state made it impossible to attain these criteria (Kotkin 2009). Civil movement and mass support did not line up with the relatively small number of oppositional leaders who participated in the heart of the transitional negotiations and participated in the roundtable talks. It is perhaps disappointing, but civil society had little impact on the negotiations that led to the new constitutional order. Hungary in 1989 saw few street protests and little popular mobilization, and "the Hungarian opposition was rather isolated and few in number." The Hungarian roundtable – 300 sessions, 500 participants, three months – began as a kind of regime self-negotiation (which had been going on internally for years) (Sajó 1996; Kotkin 2009).

Democracy in Hungary emerged as an unexpected, or even unearned, gift initiated and launched by a weakened but ready to transform state-socialist party elite. It was not a result of any civil movement. The notion of velvet revolution refers not just to the non-violent characteristic of the transition – which is an advantage – but the missing, though not easy to control, manifestations of the mass will. Later on, uncountable disadvantages stem from this missing mass base, the participative and deliberative processes that might have accompanied it, and from the lack of inherent desire toward freedom and the hatred of totalitarian despotism.

Nonetheless, from the very first minute of the opened opportunity rapidly grew a number of organizations and civic groups, emerging in response to the openings provided by new legislation. The third sector that arose with great hopes from the political changes of 1989 raised the question of whether it would develop towards state control or would rather move towards developing a robust partnership and dialogue with the state (Kuti 1999; Hadzi-Miceva 2008). Paradoxically, both these possibilities were fulfilled in the following decades and have more recently turned in an unexpected third direction. Civil organizations became and have remained dependent upon state or state-controlled (including European Union) funding, but this allowed the emergence of a new kind of partnership and dialogue with the government. These arrangements were then dramatically transformed in recent years by the dominant governing party, which won two national elections, securing for themselves as powerful two-thirds majority in the Parliament.

Western reflections to the early developments of democracy and role of civil society were far too optimistic. Observers failed to take seriously Hungary's internal divisions and the social, economic, and cultural issues that were likely

to divide Hungarian voters and political forces. Some attributed a positive and supportive role to the state, expecting the promotion of civil organizations and encouraging citizens' participation in them (Howard 2002). However, this relationship proved more toxic than supportive, as pathologies in the relationship between state and civil organizations – many of which may be traced back to pre-transition times – turned out to be disastrous for the civil sector in Hungary.

The second failure of western observers was to assume that the reluctance of so many "postcommunist"[5] citizens to participate in voluntary organizations would mean that antidemocratic organizations and movements would also have problems organizing and mobilizing – their efforts hindered by the legacy of mistrust (Howard 2002, 164). This assumption has been dramatically refuted by the Hungarian reality, which brought about a resurgence of organizations and movements that have arisen on the bases of formerly forbidden sentiments and recurrently unspoken themes. Easily comprehended buzzwords became phrased in nationalistic, anti-globalist and anti-EU frames. These themes had the power to mobilize people and to meet formerly frustrated and suppressed claims, neither discussed nor taken seriously by the center-left liberal governments that came to power in the new century. These unrecognized or unrepaired national grievances worked on much of the nation's mind and became an increasing medium for abuse.

Hungary's new democratic institutions were neither grounded in the comprehension of, nor actively supported by, the larger population. And this salient circumstance tended to be ignored by the "armies" (Olsen 1997) of western "democracy makers" (Gagyi and Ivancheva 2013b, 10) who were marched into Central and Eastern Europe, seeking to advance their own conceptions of democratic development – sometimes without deep or adequate understanding of local conditions. How could Western ears have been sensitive enough to hear those slight nuances which aggregated in Hungary? Even for the locals in the first years of euphoria, everyone who spoke against state-socialism seemed to stand on the same side, the side of democratic pluralism. The prevalent anti-communist narratives assisted in successfully masking the real and serious political disagreements which manifested themselves strongly later on. The demise of the Hungarian civil sector can ultimately be traced back not primarily to disjunctions in the relationship between the state and civil organizations, but more to the general weakness and vulnerability of the whole third sector and the

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5 Even the use of word "communist" or "postcommunist" was a failure of understanding the main features of the system. Although, indigenous actors were ready and eager to take over this label from the western vocabulary framing their former social experience in the hope of higher acceptance and support.

lack of democratic traditions. The cross-roads and junctions where civil organizations contacted organizations in other sectors, either state or market, showed the civils as least potent in the asymmetry of power relations.

State, Government – Civil Sector Relations

Classically, the link between civil society and the state can be viewed as a vertical, adverse relationship (Flyvbjerg 1998). Civil society can be viewed as a bottom – up driver of democracy which constrains the authoritarian tendencies of the state and galvanizes civic activism for the defense of the civil and political rights. From this perspective civil society is constituted as the place of civic resistance against any forms of political and state abuse (Fioramonti and Fiori 2010, 26).

This relationship can also be viewed as partnership where actors – even if they have unequal positions – mutually take responsibility for pursuing common affairs and attaining common goals. This view sees the state – CS relationship as complementary. The first description rather corresponds to the advocacy types of civil activities in defence of civic and political rights; while the second relates to pluralistic-style service provision and corporative types of decision making. In theory, both functions of civil society are contributing elements of the state – CS relationship in a viable democracy.

Sometimes relations between the state and civil society are more toxic, often at the expense of civil society. Especially in new democracies state machinations attempt to co-opt civil society forces in order to reduce their "voice" option and to feel less exposed (Fioramonti and Fiori 2010). Or simply – without any deliberate "evil" manipulation of the state – civil society leaders take political or administrative roles in the governmental machinery. This latter case often brings about fundamental changes in these people's minds and attitudes and leads to the loss of their civic inclinations. However, civil society can have a negative impact on the emerging democracy when blatant civil (or uncivil) rallies and protests dismantle the democratic institutions and stability.

The triangular connections between democracy, economic success, and civil society can at times become ambiguous in their interrelations. Low civic engagement with public policies and weak civil society can be seen in strong democracies like Japan, France and Spain (Suleiman 2013), and economic success and development seems to be detached from the presence of strong civil society in South Korea, where economic success was built on the back of a repressed civil society (Hagen 2002; Fioramonti and Fiori 2010). Conversely, in Bangladesh, thousands of NGOs, advocacy groups and social service organizations exist, but

the country remains one of the poorest in the world (Suleiman 2013). To consider civil society as a scale for democracy might lead embarrassing results.

We thus face a "Pandora's box full of paradoxes" (Offe 1991, 874): weak civil society stands in the way of the mechanisms of democracy, but civil society cannot be strengthened without the prior practice of democracy (Sztompka 1991). Especially, state – CS relations are deeply embedded in the political culture, the (more or less missing) tradition of civic participation, and the nature of connections between public and private spheres within transitional countries. As Roniger (1994) states, the civil society is connected to the process of democratization, but identifying civil society, democracy and equality as identical is more conceptual than factual.

In Hungary, the systematic, and mostly unpredicted (Sztompka 1991) failures and side effects (Huntington 1991) of democratic transition (e.g. economic hardship, overt social polarization, surviving and reviving clientelism, and disillusion of electoral system) contributed to the weakening of the legitimacy of democracy and an increasing "disenchantment" with democratic values and participation (Schmitter 2011, 400). New/old forms and extending "small circles" of authoritarianism[6] and overtly expressed anti-democratic views[7] started to appear and successfully found receptive soil in peoples' minds. Extremism and the appearance of "uncivil society"[8] can be traced back to the spring of civil society and democracy. Multiple new variations and successfully revived traditional client-patronage patterns and network capitals[9] have been reinvigorated in the terrain of daily political and civil life, affecting more significantly the quality of democracy than the extremists themselves (who partly were fought legally, partly merged into the "tolerable" political palette). The political climate developed as increasing less fostering for independent civil initiatives and

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6 This expression is the opposite of István Bibó's statement about the "Small circles of freedom" – Bibó (1947).

7 This statement refers to Jobbik party which frequently voice explicitly anti-system statements.

8 The definition of "uncivil society" is diverse. Some authors (e.g. Kopecky and Mudde 2003) are hesitant to specify its meaning, others give distinct interpretations. Whitehead (1997) defines 'uncivil society' by (1) the lack of commitment to act within the constraints of legal or pre-established rules, and (2) the lack of a spirit of civility, i.e. certain (negative) traits of interpersonal behavior. Kotkin (2009) uses the notion referring to members of communist nomenclature. In the International Encyclopedia of Civil Society, Glasius (2009) inclines toward explanations which set the notion in the context of extreme right groups and movements and their ideological concomitants, such as xenophobia, racism, nationalism, antidemocracy, etc.

9 The term network capital includes any type of personal network and its use in all sorts of functions and according to any kinds of principles. In other words, network capital includes long-term altruistic kin relations, balanced reciprocity, lasting and multipurpose patron–client relations, and instrumental barter, as well as corrupt exchanges (Sik 1995, 3–4).

configurations of public space have changed dramatically. After 2010, several waves of state re-centralization were made undermining the principle of subsidiarity, limiting the power and scope of local governance,[10] diminishing the operation of multi-level governance[11] and narrowing the space for local civil actions and contribution in different service provisions (CSO Sustainability Index for Central and Eastern Europe and Eurasia 2013, 90). And in themselves, state centralization and nationalization, the basic elements of the restored authoritarian system give little promise of providing answers to the previous difficulties and financial turbulences of decentralized locally focused ways of treating social problems (like poverty, social service claims, health, education).

Another salient element of restorative authoritarianism which raises concerns deals with the ways in which half-hearted or fading pluralism discriminates against innovations in life styles and identities and shrivels the public space in which dissident voices, discourses and civil groups can advance their interests. An example is provided by the case of the Colorful Hungary Civic circle[12] which intended to embrace center-right sympathizing LMBTQ[13] people and sought their inclusion within the broader civic circle movement. The party representative who was responsible for coordinating the civic circles denoted this action as "obvious provocation", although later he modified his view when he learnt that there really were homosexual right wing supporters. Still the Colorful Hungary Civic Circle was broken up a year later. As one of the main organizers reported, they became excluded and their initiations were omitted by the political right (HVG.hu 2013). Other civil organizations pursuing rights of alternative identities, gender equality or more visible (sometimes blatant) assertions of pluralism, freedom of speech, or alternative community theater have been defunded by the basically central state-governed funds (like

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10 Act 189 of 2011 on local governments detracts major roles and tasks from local level of governance and rearranged them in a central state order. These tasks are: running schools and public education; running local social services; health services; The Basic Law (Constitution) skipped to list the roles and tasks of local governments providing the opportunity to modify or empty the function of local governments by simple majority legislation.

11 Multi-level governance is one of the contemporary revolutions and safeguards of democracy according to Schmitter (2011, 404).

12 As we are going to discuss later, the civic circle movement started after the central-right (currently reigning) party lost the general elections in 2002, with the purpose of mobilize and organize the national central-right voters.

13 LMBTQ – Lesbian, Gay, Bisexual, Transgender, Queer.

NEA – National Fund of Cooperation)[14] and were black-listed due to their reception of independent foreign funding by the Norwegian or Swiss Funds.[15]

On the other hand, to understand the ethos and operation of the current state of civil society and democracy, it may be what most important is not the strengths or weaknesses of civil society, but rather its capacity to be trapped by deeply rooted traditions of clientele patronage and network capital based pro-ceedings (Sik 1995). This paper examines ways in which a "third reverse wave" of democratization in Hungary took hold under the aegis of a strong, so called neo-Weberian (Fodor and Stumpf 2008) state and its newly reinvented idea of illiberal democracy (Tusnádfürdő Speech 2014).

One of the leading problems that has plagued Hungarian civil organizations since the political transition has been the high level of resource dependency. The legal system of founding and registering, as well as financing civil organiza-tions, is highly regulated; also, elements of independence and impartiality were built into the system (institutions like the National Civil Fund, a body of civil self-governance and state cooperation; the law on the one percent of tax pay-ments to nonprofits).[16] But only a smaller part of the resources sought by nonprofits were provided via this vehicle. Beyond this, other processes of grant provisions (including EU grants) and adjudication practices which were neither always transparent nor unbiased existed even before 2010. The national

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14 See list of financed organizations by NEA e.g. in 2012 www.atlatszo.hu/2012/10/22/itt-a-civil-tamogatasok-listaja-a-kormany-mellett-demonstralni-meno/

15 The list of organizations can be seen on http://vastagbor.atlatszo.hu/2014/05/30/a-feketelista-igy-listazza-a-civil-szervezeteket-a-miniszterelnokseg/

16 About the structure and regulation of Hungarian civil organizations see the works of Éva Kuti (1996) The nonprofit sector in Hungary, Manchester; New York: Manchester University Press, 222 p. (Johns Hopkins Nonprofit Sector Series; 2.); (1998) Hívjuk talán nonprofitnak..., Budapest: Nonprofit Kutatócsoport, 220 p. (Nonprofit kutatások; 7.); (2003) Kuti Éva: Kinek a pénze? Kinek a döntése?, Budapest: Nonprofit Kutatócsoport, 143 p. (Nonprofit kutatások; 12.); (2004) Kuti Éva: Civic service in Eastern Europe and Central Asia, Nonprofit and Voluntary Sector Quarterly 33: (4) pp. 79–97.; (2008) Kuti Éva: Associations et fondations hongroises, Revue Internationale De L'economie Sociale 87: (309) pp. 47–63.; (2010) Kuti Éva: The need for a comprehensive fund raising approach, Advances in Management 3: (2) pp. 26–32.; (2010) Kuti Éva: Policy initiatives towards the third sector under the conditions of ambiguity, In: Benjamin Gidron, Michal Bar (szerk.) Policy initiatives towards the third sector in an international perspective. Dordrecht; Heidelberg; London; New York: Springer, 2010. pp. 127–158.; (2011) Kuti Éva: Government-nonprofit sector relations in Hungary, In: Susan D Phillips, Stephen Rathgeb Smith (szerk.) Governance and regulation in the third sector. London; New York: Routledge, 2011. pp. 142–163.; (2013) Kuti Éva: Third sector complexity as a source of paradigm multiplicity, Voluntary Sector Review 4: (3) pp. 309–314.

system of civil – state cooperation in policy development and consulting can be depicted as a mixture of pluralistic and corporatist elements (Diamond 1994).

Applying Diamond's characterization of these elements we can say that most of the organizations – especially the smaller ones – were part of a pluralistic, multiple, voluntary, competitive, non-hierarchically ordered and self-determined organizational field which was not specially licensed, recognized, subsidized, or controlled by the state. On the other hand, in the case of more significant, umbrella-style organizations, the civil – state relation rather resembled the corporatist system with its noncompetitive, hierarchical character. These partnerships were recorded in strategic agreements of cooperation, covered specific sectors and interest groups, and provided (overt or covert) monopolies. The way of selection of these organizations tended not toward transparency and rested heavily on the lobbying capacity of these organizations and their representatives.[17] A set of practices which took the form of visiting corridors of power, drinking and eating out with ministerial public servants, and expecting and hoping for personal and organizational advantages from these good and close relationships characterized these "gray zones", clearly realizing the classical description of clientelism as mutually beneficial for both parties. Civil organizations gained privilege by participating in planning public policies, contributing in grant distribution committees, etc. Meanwhile the patrons were legitimized by civil participation and contribution and enjoyed the advantages of the steadily increasing power asymmetry (Roniger 1994).

These patterns provided for a sort of continuation of deeply rooted state socialist experience about how things can be done successfully, on the sides of both power bearers and the civil actors. In a system where the main provider remained the state and resources were available mostly through governmental bodies, processes or methods of civil control were not invented or deepened. It is not surprising that the "good old" patterns were revived. The post-2010 part of the story shows remarkable employment of the "eliminating conservation" dialect. The former, much less salient forms of client-patronage networks became eliminated, but the methodology itself has been conserved or reinvented and used even more overtly, and more widely. The description of Sik (1995) about a trend towards high inertia in which Eastern Europe would resurrect the social characteristics of its pre-communist period, at least in respect of Hungary, proved to be prescient.

After 2010 came a new chronology. The system of partiality became legitimized and grants division became overtly biased as a "necessary restoration" of the national and traditional value system, strictly excluding diverse values, critical

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17 The system of money distribution through ministries and other governmental offices is described by Csóka (2000).

viewpoints, and watchdog voices. The leading words and favorable narratives of new clientelism are the nation, patriot, civic, tradition, mother,[18] trans-border Hungarians, religion, etc. This is important when we examine the names of organizations which are rewarded in the new system of state – civil cooperation.

One of the examples for this manner of biased money allocation is the 49/2011. (III.30.) governmental decree which ordered the direct provision of financial support through some of the ministries to 525 organizations, visibly recognizable from their names as NGOs which highlight national, family and other traditional values shared with the ruling governmental parties. On this list of beneficiaries many church organizations can be recognized.

The new highly legitimated[19] government has commenced to re-edify the systems of civil – state cooperation and consequently the whole civil society. The mainstream of this policy dismissed the most prominent among the country's civil society organizations, replacing them with a "new" set of loyalists, rooted in and grown from the deeper levels of party-created and controlled "civic circles". After a lost election in 2002 which consequently withdrew their mandate for governing, the central – right conservative party launched a new strategy in order to "be present" in each part of the country, to maintain contact with voters, and to organize local societies. As the House Speaker denoted on the 10th anniversary of opening the Civic House, the idea of launching the civic circles was an unprecedented innovation even on European level.[20]

This strategy was indisputably successful, so is certainly worth a bit of analysis. The strategy essentially layered on the denial of the political (Mouffe 2005). Mouffe, when she analyzes Western right-wing populism, is struck by the way that "so many people in advanced societies could be attracted by parties appealing to supposedly 'archaic' forms of identifications such as 'the people'" (Mouffe 2005, 65). People who are already tired of suffering through party statements and competitions seem willing to melt into the seemingly secure notions of nation and people. The leader of the party who uses the denial of political strategy is not a party leader anymore but becomes the eternal leader of the whole (allegedly) unified nation. The civic circles replace the leader's party

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18 This version of women in Hungarian means less than mother, but more than women. It refers to married women who have family obligations, and her identity is constructed through this family status. The word "women" refers to a more independent "she" who is able to construct her own identity. Women organizations before 2010 rather used the "women" expression in their names, while after 2010 the mainstream conservative narration has called to life women organizations with the "mother" or family – feature kind of name.

19 In 2010 and in 2014 general election this central-right conservative party was elected by 2/3 majority.

20 http://www.fidesz.hu/hirek/2014-08-26/a-polgari-korok-elobbre-vittek-a-nemzet-eletet/

basis with a mass basis which elevates his legitimacy and removes him from the circle of disputable, and even controllable, issues. Also disappearing in this process are any remnants of party democracy or transparency that might have previously existed.

Denial of the political means at the same time decreasing the role of any and all parties in the pluralistic party system, since the basis of the legitimate authority becomes the mass movement and not the institutions of the democracy. That is why the CÖF (Civic Alliance Forum), the organizer of the so called Peace March, and the Peace March itself are so important. This movement, contrary to the democratic movements, acts and marches for legitimating the reigning strong political leader (with his 2/3 of the parliamentary votes), and his government. The construction of "Enemy" (the European Union; United States; banks; and most recently, liberals) is a vital part of this system, since its very core involves unifying people under the flag of defending the nation's or people's interests and demonstrating their own inner and outer political opposition as the mass basis of their power. The Hungarian regime's reluctance or hostility towards pluralism is based on the belief that dissident opinions or alternative thoughts and acts betray and attack the nation's best interests. And the definition of nation's or people best interests is not subjected to public deliberation or debate.

To best understand the individual/citizen layer of this complexity, we should recall Huntington's list of the factors that contribute to democracy's reverse wave (Huntington 1991, 17–18). To briefly review them: (1). the weakness of democratic values among key elite groups and the public; (2). severe economic setbacks, intensified social conflicts and the popularity of remedies that could be imposed only by authoritarian governments (making banks accountable; searching alternatives of energy dependency with turn to East, reducing unemployment by employing public work, etc.); (3). exclusive feature of determining conservative middle-class, or upper-class; (4). social and political polarization; (5). "reverse snowballing" effect triggered by the overthrow of democratic systems in other countries[21]. This list seems fully applicable to the Hungarian situation.

All in all, after decades of "confusing diversity and plurality", which (undeniably) neither improved people's well-being nor found answers, nor created open discourse about crucial questions such as national identity, community, and the like, citizens became vulnerable to buzzwords and promises from the central and even radical[22] right. The central-right conservative party met

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[21] An additional two points were listed by Huntington, but cannot be interpreted in a meaningful way in this context.

[22] See the results of the latest general elections the third strongest party is Jobbik, radical right party, with more than 10% of the votes.

people's expectations on multiple levels. As I noted above, at the beginning of 2000, the party had begun to reorganize their own civil society, arranging on the local community level a set of "civic circles". These circles spread nationally through a network of local cells whose main underlying values brought into play the concept of "enemy" and promoted an identity contrary to that of "communist" and, even worse, "liberal". On the other hand, they provided positive ways and sentiments of hope as well as clear identities and experiences of community life – often on the basis of religion since these civic circles were closely interwoven with the church (mainly Catholic and Reformed Church) and their local parishes.

At the same time these civic circles initiated the registration of new NGOs, associations, and foundations. And, of course, they registered themselves as NGOs. A full scale research was conducted by the author in the court register of the CSOs at the OBH (National Court Office) in order to test this latter statement. Unfortunately, OBH has not finished yet uploading data into the electric register system.[23] Out of approximately 67,000 civil organizations, only 35,500 submitted annual reports and accounts since May 2014, and only 1/3 of these documents have been digitalized by the Office.[24] At this point this approximately 10,000 electronically accessible organization reports can be searched and in most cases only basic data on the organization are available with no additional documents uploaded. In few cases the annual financial reports, and in even fewer cases, descriptive reports are accessible.

According to these data the number of registered civic circles was 91 between 2002 and 2014, all of them associations. These organizations can be easily identified since their name includes the name of the settlement beyond the "civic circle" mark. Almost half of them were deleted by court decision for the request of organizational representatives after 2010. It is very difficult to find out the possible names of these circles in cases when the very notion of "civic circle" is not indicated. Also, hard to detect the common features of the circles which obviously rest on that fact they were founded and initiated by a political party.[25] Most of these civic circle organizations – even those still registered – do

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23 The deadline for uploading the data of all civil organizations and their documents was scheduled to expire on 31 December 2014 according to the Act 81 of 2011 on the court registration of civil organizations and the concomitant court procedures.

24 http://www.birosag.hu/allampolgaroknak/civil/tarsadalmi-szervezetek-es-alapitvanyok-nevjegyzeke

25 I made some efforts to research the stigmatized words in the register. For example the number of organizations is 512 with the word "tradition" in their names were founded between 2002 and 2014 and it maybe loquacious. Still the uncertain results of these speculations led me not to share the findings for additional searches.

not have websites where their activities and other information can be followed up. It is no exaggeration to state that there is a high scarcity of information about most of these organizations. It needs a longer investigation to find out the main characteristics and nature of them and still I cannot provide more than a few case studies which illustrate the underlying processes and outcomes. In these cases, where finally any information was provided through local governments', other organizations', or their own websites, the researcher faces the same information. Namely, the civic circle CSOs transformed their leaders into local politicians running for national or local MP positions. The CSO and its members played crucial roles in the election campaign and succeeded. The cases I examined were located in Eger,[26] Szeged,[27] Nyíregyháza[28] and Budapest. In Eger the president of the Eger Civic Circle (Egri Végvárak Polgári Körök) became Fidesz MP; in Szeged the Klepesberg-telepi Civic Circle conducted campaign and set candidates to run for the major's position (unsuccessfully) and for MP with individual constituency; in Nyíregyháza the president of the Foundation for the Community Life of Greenbelt became the president of the County Assembly with openly nurtured relations with the Christian Democrat Party; and one of the circles in Budapest proudly announced on its website that they participated in the campaign team of one of the Fidesz MP candidates in the 11th district.[29] Presumably, similar reasons led to the deletion of several dozens of organizations' registrations after 2010.

These examples show quite clearly how a political party uses the right to association and the forms of civil organization for its own political purposes. In the campaign phase of the 2010 elections, Fidesz was able to reach the deep levels of local communities, to flow civils into the politics as candidates, and use the NGOs as political campaign machinery. On the other hand, we should ponder the question of boundaries between the political and civil sphere, between the state – government and civil society. We do not know what promises were made to local people and what hidden contracts linked the main organizers and the party's representatives, but there are two visible outcomes we might consider. One is that Fidesz has ability to mobilize its voters while successfully keeping the rest of the population (38.3% of the population) in civil apathy. Another remark can be made about those voices of dissatisfaction which are around. These voices express disappointments and mostly moved farther toward the political right.

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26 http://nyitraizsolt.hu/munkam/eros-egri-szovetseg-habis-laszlo-indul-a-polgarmesteri-posztert/
27 www.klepesberg-egyesület.hu
28 www.atlatszo.hu
29 http://pgpk.atw.hu/

After their successful election in 2010, the new governmental forces moved quickly to secure and financially ground the still existing organizations. In order to do so, the entire NGO self-governmental and decision-making system was changed. Existing bodies of representation[30] which had previously made decisions independently from the governmental appeal were replaced by new ones where the allocation of seats to representatives of governmental bodies became dominant.[31] Observing the composition and structure of the new NEA (National Cooperation Fund), we can find that the main body of the Fund is the Council which consists of 9 members. Three members are elected by civil electors of organizations which registered formerly through the civil candidate proposal system. Three members are nominated by the assigned committees of the Houses of Parliament (in these committees governmental party representatives are overrepresented). And the final three members are nominated on the basis of civil proposal by the minister responsible for the civil relations.[32] It is clearly demonstrated the numerical impossibility of making independent decision by the elected civil representatives.

Examining the organizational background of the members it is not surprising to see that the founder and president of CÖF (Civil Alliance Forum) and CÖKA (Civil Alliance Public Benefit Foundation), the main organizer of the so-called Peace Marches, is the President of the National Cooperation Fund (NEA). The vice president is head of a Catholic Church related pedagogical organization; the current members are from the Hungarian Modern Pentathlon Association; from the Central European Scouts Park Foundation; from the Piarist Students' Sport Association of Kecskemét; from the New Youth Periodical Foundation; and finally from the Wives (Mothers) for the National Unity Movement.

The composition of sub-committees shows a quite similar picture. It is interesting to take a look into the sub-committees' preferable issues and the ways these issues are framed in context and composition. Only one example is introduced here. The NEA Sub-Committee of Mobility and Accommodation is responsible to distribute funds among civil organizations active in the following fields: life and property safety, public security, civil policing, volunteer fire fighting, rescue and emergency response, public order and traffic safety, leisure, hobby and sport and, finally, equality of women and men. The secretary general of this committee is the Chair of the Sport Association of Catholic Schools; the

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30 NCA – National Civil Fund.
31 Act 175 of 2011 on the right of association, the public benefit status, and the operation and support of civil organizations (Nonprofit Law) 55–72 §
32 Nonprofit Law 60 §

vice secretary general is the vice-chair of the Hungarian Alcoholic Beverage and Vending Machine Alliance; the members are: political scientist from Echo TV (overtly right wing channel), chief of the staff at the Ministry of Defense; government delegate; National Alliance of Transylvanian Circles; OSC Rhythmic Gymnastics Sport Association; COMPASS For European Youth Community Association; Hódmezővásárhely Students Sport Alliance, Football Club; Kőbányai Sport Associations.

It may be asked, among issues like public security, rescue and emergency response, and sport and hobby, in addition to the composition of the committee members, what chances organizations in the field of gender equality and other social concerns will enjoy for their support. It is certain that in the European Union, where the gender topic is a leading mainstream policy, this adjustment seems at least insensitive.

Nonprofit Organizations as Public Service Providers

Sectoral cooperation was rapidly developed between local governments and nonprofits during the '90s on the basis of the Act on Local Governments[33] and the Welfare Act.[34] The first Act listed the public benefit obligations and tasks of local governments and provided them freedom to fulfill these tasks by subcontracting to nonprofit (or for-profit) organizations. The Welfare Act specified the conditions of these subcontracts. The legal provisions regarding nonprofit organizations granted special public benefit[35] status for those contributing to the implementation of public responsibilities.[36]

Regulations based on the principles of subsidiarity, decentralization and multi-level governance rendered obligations to local governments in order to meet local needs. This process of decentralization gave local authorities a

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33 Act 65 of 1990 which provided a list of public tasks for the local governance and leeway to meet these obligations by contracting with for profit and non-profit organizations.

34 Act 3 of 1993 which regulated the service outsourcing opportunities in the field of social service provision.

35 Before 2011 there were three levels of public benefit status: not public benefit, public benefit, highly public benefit. The Act 175 of 2011 on the right to association, the public benefit status and the operation and support of civil organizations has reduced these levels to: not public benefit and public benefit organizations.

36 The notion of public responsibility (public duty) was regulated formerly by the 74/G article of Act 4 of 1959 (Civil Law). Currently it is regulated by the point 19, article 2 of Act 175 of 2011.

considerable degree of autonomy. It enabled them to expand their activities without an increase in governmental programming, thus stimulating the privatization and transfer of authority to for-profit and NPOs operating within their jurisdictions. The system was based on a contractual cooperation between the local government and the NPOs; it encouraged and motivated small organizations to provide professional services within the field of human and social services. This way of service provision was highly rational, since flexible, highly professional small non-profit organizations were able to change and accommodate easily to clients' needs and changing environments more readily than local governmental bodies or institutions (Kinyik and Vitál 2005). As a result, by the end of the '90s many thousands of small nonprofit service providers were operating within the social field and were paid on the basis of contract which covered the clients' expenditures per capita. This did not provide a particularly high level of subsistence for the organizations, but it did provide their members and employees with considerable professional standing and leeway in the provision of services. Employees were generally highly dedicated and honored to work under the conditions of a non-profit organization which had a different organizational culture and value system than was prevalent in Hungary before.

Some interpretations (Rikmann and Keedus 2013) contend that such professionalized service provider organizations neglect their roles as promoters of democracy. In Hungary, however, these civil-professional NPO service providers may be seen to have contributed, along with other organizations (local government, church organizations, for-profit organizations) in constructing pluralism on the field of social services (Hegyesi 1989). This kind of community pluralism, it has been contended from Dewey (1946) to Putnam (1993), promotes and realizes democracy itself, since it multiplies the available options and services, and raises the freedom of citizens' choice.

The number of nonprofits in the field of public service provision on these above depicted grounds increased from 2411 to 3360 between 1998 and 2011 in the social sector. Still the nonprofit slice stayed around 10% in the public service provision. From the perspective of service recipients, 16% of all recipients received services from foundations or associations in the field of personal care providing basic social services,[37] 15% of them from public benefit societies (altogether the service provider NPOs covered 31% of recipients), and 5% of them from church organizations (Statisztikai Tükör 2009[38]). In the field of

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[37] According to the social law the following services fall under this category: supporting services, home care giving, catering, family care, community care services, street social work and day care.

[38] Statistical Mirror.

personal care providing professional services,[39] 72% of the institutional maintenance was given by local or county governments, 15.6% by church institutions, and 11.9% by civil societies.

These data illuminate well the increasing significance of NPOs in the field of local service provision. In 2005 research was published by Kinyik and Vitál which mapped the system of contractual service provision on the local level. The research indicated that out of 141 self-governments, 39.7% subcontracted their services. These local governments subcontracted on average 5–6 services, which meant separate contracts for each service. Out of these 44.7% was contracted to independent nonprofit organizations, 29.3% to local governmental created organizations, while the remaining 5.6% involved church organizations.

The Kinyik–Vitál research pinpointed a special aspect of the local service provider NPOs, which is that a significant part of them were not really independent NPOs but were initiated and founded by local governments.[40] Local governments asserted their preference for NPOs they themselves created in terms of higher control and the safety of services. All these facts raise important questions: Can we speak at all about sectoral cooperation in the field of public service delivery? Or, do we have only one sector, the governmental, containing a bit of fragmentation (Kinyik 2009, 101)?

The above research covered a relatively low number of randomly selected local governments, making it difficult to determine the rate of governmentally created NPOs in the field of public services. We can surmise that the significant part of the several thousand such organizations was not really independent. One can identify the real trap in this set up when we recall the formerly discussed theories of clientelism (Roniger 1994) and network capital (Sik 1995), which illuminate the interdependent vassal-like characteristics of local relations. When power hands over jobs to its own bodies, this significantly undermines the core values of civil society.

Many critiques have been offered of the concomitant legal provision that placed obstacles in the way of initiation and registration of these service providers, who had to meet strict criteria conventionally applied to large

39 According to the social law the following services fall under this category: institutions providing nursing and care, rehabilitation institutions, temporary placement provider institutions, residential homes. The target groups are: elderly people, psychiatric patients, addicts, disabled people, and homeless people.
40 This finding is supported by later authors like Kákai (2013, 29)–The local governments in their outsourcing practices often provide support to organizations which were created by them.

governmental institutions (Bíró 2005). And there was criticism of the slow pace by which these services were funded. To be sure, the continuous process of these small organizations was from time to time hindered or obstructed; variations in budget periods and delays in money administration sometimes left NPOs with budgetary gaps that lasted for months.

This was supported by the findings of the Kinyik–Vitál research where more than half of the participating NPOs declared that the normative support which was provided by the local government did not cover the real costs of services they provided. Most of the civil service providers (54.7%) claimed that they were just partly able to obtain their resource claims from the local governments, while 39.7% of them were not at all able to obtain their necessary costs (Kinyik and Vitál 2005; Kákai 2013). On the other hand, these problems and phenomena were regularly debated publicly, and organizations evinced high levels of interest in cooperating and coping with these difficulties.

Civil Nonprofits or Church Organizations – Unequal Competition in Public Service Provision

The subsequent decade's developments in the cross-roads of civil society and social services brought fundamental changes. The new lines of changes may be spelled out from the relations between church organizations and other non-church NGOs which led to further dismantling of non-church based, independent NPOs in the field of public services provision. In both fields – social services and education – one finds the increasingly monopolizing effect of the churches during the first decade of the 2000s. The programmatic changes are found in the fading presence of diversity and plurality in schools and services due to the unequal financing of church and non-church organizations.

The story may be traced back to the agreement signed in 1997 by the socialist-liberal government and the Vatican. This understanding provided a separate budgetary line from the annual governmental expenditure directed to the churches of Hungary. This step ruptured the principle of division of church and state, with its intention to restore and remedy the losses and grievances inflicted by state socialism. Although the agreement was criticized mostly by liberals from theoretical perspectives, nobody foresaw the consequences that would descend upon civil non-profit actors a decade later.

The first signals of malady appeared at the beginning of the 2000s, when NPOs began to encounter new and fundamental difficulties in financing their organizations. Core body funding (administration, maintenance, etc.) had never

been covered by the normative expenditure,[41] but had rather been funded by independent resources (e.g. NCA, or program grants). The per capita normative expenditure was set annually by the national government and allocated to the local government inside a budgetary term. Human and service provider NPOs started to face significant obstacles to fiscal stability, especially in bridging periods when budgetary support was not provided.

By this time church organizations had become quite common on the local field of service provision, contracting under more favorable conditions than other NPOs, and even better conditions than provided to governmental service providers.[42] With their emergence, a significant financial difference between civil NPOs and church organizations became apparent, springing from the state support based on the Vatican agreement and embodied in the Act 127 of 2006 on the financial support of churches. This support was provided on top of the regular normative expenditure in case of church services. Other benefits flowed from the considerable wealth returned to the historical churches of Hungary, as well as from the 1% of taxpayers' sums that could be offered exclusively to churches. Additionally, church income was not only tax-exempt, but was also fortified by contributions by believers and supporters. Also, service providers at church services are considered as members of the church, not as employees.

Thus we encounter a financially flourishing set of organizations, in contrast to the NPOs, which are burdened by taxes,[43] usually do not receive much from the civil 1% fund, and struggle with funding patterns where their organizational overhead is not covered at all. Consequently, as a result of these processes, human and service provider NPOs bled out their resources in the course of the 2000s, and were left with the choice of being closed down, or merged into one of the local faith-based services, or being transformed themselves, after receiving ecclesiastical approval, into a church organization offering their services under the aegis of one of the strong churches.

This unequal competitive situation and the underlying governmental attitude which ignored the principle of sector-neutrality was subject to complaints

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41 This is the client per capita based financing.

42 Beyond the normative payments for church organizations supplementary payments are ensured by the National Expenditure. This supplementary normative is 67.8% of the basic normative support and paid on the top of the basic normative and not paid to other service providers (2 paragraph article 34 of Act 230 of 2013, the current National Expenditure).

43 Employers' payments at nonprofit organizations (as well as anywhere else) are highly taxed. For example, besides the personal income tax (16% + 18.5% other costs, such as social insurance, health insurance, etc.), the payer employer is obliged to pay 27% health care contribution and 1.5% vocational training contribution in 2014.

and criticisms by number of organizations such as the "CÉHálózat" – Network for Civil Advocacy of Disabled People,[44] and was flagged by researchers in the field (Kuti 1998, 2003; Bíró 2005; Kóbor 2012; Zám and Nagy 2002). For example, one of the studies documented that some nonprofit social service providers which were independent in 2010 found themselves two years later under the umbrella of one or another of the church services (Kóbor 2012, 129).

In the social and child care services the distribution of service providers in 2012 was 18% nonprofit organizations, 11% church organizations, with remainder governmentally employed. The distribution of non-church and church organizations is quite misleading. One of the reasons is that many civil organizations and nonprofits were created and founded by churches at this time, which means that it is not detectable anymore whether the church is the service provider or not. The new vocabulary calls these organizations "church related organizations." The second reason is that some organizations conduct more than one service and maintain multiple establishments (such as residential homes). More often, non-church NPOs provide single services or maintain single establishments. 40% of the non-church nonprofit organizations are small family day care services, most of them providing only one service (77%), while the bigger church services cover more institutions (more than 3–4) but comprise only 3% of the service providers (NRSZH 2013, 32–33).

The above described mostly unintended and largely unrecognized dismantling of the civil sector led to a significant weakening of democracy in Hungary. This partly can be traced back to the result of a politically reckless governmental elite's little interest in the field of human and social services which idly witnessed the takeover of the sector by church organizations and partly (especially after 2010) a deliberate governmental strategy which asserts that churches are the best public service providers.

In October, 2013 the Vatican agreement was renewed, and Bible education was introduced into the public schools. The state promised further financial support for church services, which are rapidly becoming the major provider of social services. Local governments having lost most of their mandates to provide public services, acquiesced to the centralization of the social systems of the country, including education, and welcomed the fiscal relief provided by this

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44 http://www.cehalozat.hu/ Their latest campaign was arranged against the national expenditure of 2014 during the fall of 2013 http://fn.hir24.hu/itthon/2012/11/12/fogyatekkal-elok-a-parlamentben/ Also the Búzavirág Alapítvány (Búzavirág Foundation) which maintain a residential home for visually impaired people sent an open letter to their MP with criticizing the double standards in the service provision in 2012 https://www.facebook.com/permalink.php?id=294543840577697&story_fbid=486014221430657

offloading of responsibilities. Local nonprofits lost their major contracting source (CSO Sustainability Index for Central and Eastern Europe and Eurasia 2014). Then Hungary's historical churches resumed their medieval role as the primary force in the nation's dependent third sector.

Conclusion

At the beginning of the 2000s, some western observers identified three main reasons for the low level of participation in the CEE countries: (1) the legacy of mistrust of "communist"[45] state and formal organizations; (2) the persistence of friendship networks; and (3) the "postcommunist"[46] disappointment (Howard 2002, 161). Unfortunately, it was not recognized that these features crosscut the boundaries of civil society and persistently survive with their unrecognized but continuingly legal, if not legitimate, claims.

The unanswered question remains of whether civil organizations (CSO, NPO) are really able to promote democracy (Suleiman 2013). The socio-political realities of political systems (especially in East and Central Europe, or framing in another way: post-socialist countries) – clientelism, hierarchical institutional structures, corruption and pervasive inequalities – erect insurmountable obstacles to the strengthening of civil society and the fostering of democracy (Heinrich and Fioramonti 2007; Hooghe and Stolle 2004).

Recent examples of civil society movements, like marching for justifying existing semi-democratic governmental practices (e.g. Peace March in Hungary) in front of the watching "world" remind us of Suleiman's (2013) statement about the African participatory governance processes. These processes act not to challenge the status quo, but often contribute to its maintenance by building cosmetic social consensus and legitimating anti-developmental (in our case anti-modern and anti-liberal) politics (Hearn 2001; Lewis 2002; Suleiman 2013, 248).

All these elements point in the same direction, seemingly as contributing components of a "reverse wave" of democracy. The short and distressing story of Hungarian civil sector told herein concludes, at least for the present telling, as a manipulated, monopolized, and authority-based system, one where citizens confront few alternatives beyond controlled and dominated settings by the central party. Pavol Demes identifies five countries which pursued semi-authoritarian politics (these were in 2007 Slovakia, Serbia, Croatia, Georgia

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45 Quotation marks have been placed by the author of this article.
46 Quotation marks have been placed by the author of this article.

and Ukraine). These governments attempted to silence the civic sector by introducing legislation to limit the space available for its activities, curtailing its financial and resource base, orchestrating scandals to discredit civil society organizations and activists in the eyes of public and, in an attempt to crowd out critics, providing material and other forms of support to pro-government organizations (Demes and Forbrig 2007,178). In the last decade, Hungary assumed the characteristics of the five while Slovakia and Croatia left those practices (mostly) behind.

Older democracies had centuries to develop their at least quasi-independent sectors established with some distance from their central governments, filling gaps in service or advocacy through the actions and involvements of civil organizations and civic consciousness. Unfortunately, Hungary remains entangled with the fossils of its historical past, not yet given the time and space to achieve the necessary learning and appreciate the opportunities presented by democratic ideas and structures. The experience described in this paper provides, however, a moment for learning and (re)discovery of elements of democratic pluralism and freedom which are currently seem withering away.

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