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KERRY LONGHURST

From neighbour to member:
Assessing Moldova's EU membership perspectives

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Abstract

This article examines Moldova's prospective membership in the European Union (EU) in the wake of the EU's renewed enlargement drive which was prompted by Russia's 2022 invasion of Ukraine. It explores the dynamics shaping Moldova's accession path, spotlighting obstacles to integration that official reports appear to overlook or underplay. The article compares EU and Moldovan documents, civil society reports, and insights from interviews with Moldovan officials and civil society representatives to gain a nuanced picture of the evolving situation. Attention is also given to the distinct characteristics of the currently unfolding enlargement process, including its sense of urgency and geopolitical significance which have led to calls for an expedited or 'fast-track' accession. Findings note that despite Moldova's impressive progress in aligning with EU standards in many areas, substantial hurdles in justice reform, combating corruption and de-oligarchisation persist. Incomplete public administration reforms, uneven civil society involvement in decision-making, and issues associated with the Transnistria conflict also have consequences for Moldova's EU prospects, especially if an expedited version of enlargement occurs.

Keywords: Moldova, EU enlargement, Eastern Partnership, civil society, de-oligarchisation.

1 Introduction

Russia's invasion of Ukraine on February 24, 2022, brought widespread devastation to the region, but at the same time re-ignited the EU enlargement momentum. The European Council's December 2023 decision was a critical juncture in the recent history of the EU's relations with Eastern Europe when it announced that accession negotiations would be opened with the Republic of Moldova (hereafter Moldova) and Ukraine, and that Georgia would become an EU candidate state. Consequently, the number of prospective EU member states has increased, with Moldova and Ukraine joining Albania, Serbia, North Macedonia, Turkey and Montenegro all of which are to greater or lesser extents in the midst of membership negotiations.

Despite the immense significance of the forthcoming enlargement and the fundamental questions it also raises for the future of Europe, the exceptional speed at which policy developments have occurred since February 2022, has meant that academic attention on the topic has struggled to keep up. Consequently, research on the new enlargement momentum and the specific circumstances and challenges facing the prospective members as they gravitate towards the EU's orbit is limited. The present article attempts to redress this situation by highlighting the distinctive features of the current enlargement process and by spotlighting the case of Moldova's anticipated path from 'EU neighbour to EU member'. The article is based on analysis of official EU enlargement-related documents disseminated by the EU and Moldovan authorities subsequent to Russia's full-scale invasion of Ukraine on 24 February 2022. It also incorporates insights from civil society and synthesises findings from seven confidential interviews conducted by the author after the European Council meeting in December 2023.

2 The state of the art and its limitations in light of the next enlargement round

There is a rich seam of scholarly work on EU enlargement especially in relation to the 2004 'big bang' round, which saw the accession of eight former eastern bloc countries with post-socialist political and economic legacies that contrasted sharply with EU norms. Prior to this, as Wallace noted, enlargement was a rather peripheral topic in EU studies with literature tending to regard the phenomenon as exogenous to the integration process. This 'paucity of theory' regarding enlargement (Wallace, 2000) was well compensated by scholarship on the 2004 accessions by a new generation of authors who constructed new theoretical underpinnings and brought the topic more squarely into European integration research (Schimmelfennig & Sedelmeier, 2005).

Consequently, in the late 1990s and in the 2000s, theoretically informed research on enlargement mushroomed as scholars engaged with questions to do with the impulses and rationales behind EU enlargement as well as the complex and often contradictory interplay between the interests, identities and moral imperatives forging the accession process. In this context, scholars played with different lenses to understand and explain the drivers behind enlargement and the complex nature of the accession process (Schimmelfennig, 2001; Piedrafita & Torreblanca, 2005). Authors also pointed to the role played by the EU's collective identity and in particular its 'special responsibility' towards Central Europe which manoeuvred the enlargement process down a particular track by legitimising some avenues and precluding others (Sedelmeier, 2000). Meanwhile, other scholars focused on defining the evolving nature of the EU's burgeoning normative influence within the enlargement dynamic. In this vein authors conceptualised the EU as a 'transformative power' based on the far-reaching ways in which EU membership conditionalities determined political, economic and social reforms in accession states (Grabbe, 2002; 2006).

Whilst scholarship inspired by the 2004 enlargement round remains relevant in many ways and continues to inform current enlargement research, if the lens is shifted to explore the specificities of Moldova's EU membership perspectives certain limitations transpire. As noted above, many of the context-related assumptions that earlier enlarge-

ment literature was based upon have significantly altered. The 2004 and 2007 enlargements took place in a relatively stable background and were concerned with peacefully 'stitching' Europe back together after cold war divisions via political, economic and social integration. In contrast, the current enlargement and the prospect of Moldova's membership was sparked by Russian aggression and is sustained by urgent security imperatives, which have created a momentum for an accelerated enlargement.

A new wave of enlargement research emerged in response to the dynamics unleashed by Russia's invasion of Ukraine in February 2022. This nascent research agenda is advancing the state of the art by raising critical geopolitical questions and prompting discussions on accession scenarios, methodologies and also on the implications of a rapid enlargement for the future of European integration. In this context, scholars have highlighted questions to do with the EU's quest for strategic autonomy and how Russia's attack has prompted a rethink of the EU's traditional 'peace via integration' approach (Orenstein, 2023). Other authors have reasoned that enlargement to Eastern Europe will invariably affect the EU's 'actorness'. In this vein, scholars posit that the war has brought to centre stage fundamental questions about the EU's relevance and credibility in international affairs and shown that the EU is trapped once again in an 'expectations-capability' gap (Costa & Barbé, 2023; Scicluna & Auer, 2023). The unique challenges associated with carrying out membership negotiations against the backdrop of war in the region, intense Russian disinformation campaigns and Moscow's meddling in the domestic politics of candidate and accession countries has also been emphasised in new literature as a cause for concern and a novel feature of the unfurling enlargement (Karjalainen, 2023). Recent scholarship has also hypothesised about the disruptive effects of the next enlargement on the EU's institutions, how it will unleash a rebalance of power and necessitate a re-distribution of resources between the old and new members (European Policy Centre, 2023; Tocci, 2023).

This brief literature review confirms the buoyancy of enlargement research but also the significant lacunae within the state of the art. Crucially, the bulk of existing research tends to pursue an EU level-of-analysis approach, with an emphasis on institutional issues and the effects enlargement will have on the integrity of the EU and/or its role in international affairs. In other words, the state of the art has paid far less attention to the new accession states and the unique political and socio-economic complexities and unresolved issues that will characterise their EU paths. By focusing on the case of Moldova, this article aims to develop an alternative perspective and in so doing, to refresh the state of the art in enlargement research.

3 Distinctive features of the next enlargement

Enlargement has been part of the EU's story since the 1970s,¹ and whilst all rounds had common traits, each had its own characteristics. The distinctive features of the forthcoming enlargement are elucidated below.

¹ There have been seven enlargements: Denmark, Ireland, and the UK (1973); Greece (1981); Portugal and Spain (1986); Finland, Austria, and Sweden (1995); the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia (2004); Bulgaria and Romania (2007); and Croatia (2013).

3.1 Geopolitical characteristics

The current enlargement has a marked geopolitical character and positions the EU and Russia against each other in a far more direct way than in the 2004 and 2007 enlargements. Although the war in Ukraine is a convincing reason to enlarge, it also means that the EU will enter uncharted territory by negotiating with a country actively at war and with a foreign power aggressively occupying significant areas of its land. The geopolitical significance of the unfolding enlargement also lies in the protracted conflicts in Georgia (Abkhazia and South Ossetia) and Moldova (Transnistria). Though currently ‘frozen’, all have the potential to ‘warm up’ with implications for EU enlargement.

3.2 A sense of haste

Though the current enlargement is cloaked in familiar rhetoric to do with the ‘call to history’ and the need to ‘complete our union’ (von der Leyen, 2023), the accompanying sense of urgency is totally new. Though officials emphasize that accession will be merit-based and can be reversed if a candidate fails to meet membership criteria, the ascendent EU discourse promotes the notion of a limited window of opportunity to realize enlargement and that the EU should accept new members by 2030 (Bloj, 2023; Sorgi, 2023).

3.3 Political and economic gaps

Though previous enlargement rounds saw the EU gain experience in admitting post-socialist states, including three post-Soviet countries (Estonia, Latvia, and Lithuania), the political and economic ‘distances’ between the accession/candidate states and EU members are palpably weightier than before. Moreover, the pace of change towards EU norms in key governance indicators amongst the prospective members, including Moldova, tends to zigzag and remains highly susceptible to backsliding (Eastern Partnership Civil Society Forum, 2024). According to Freedom House, all states are ‘transitional’ or ‘hybrid’ regimes with weak democratic institutions and state capacities (Freedom House, 2023).

Bridging the economic lacunae between the existing and potential EU states implies a redirection of cohesion funds and CAP subsidies, which would see existing members’ funding cut by a fifth to meet the sizable needs of the new entrants (Foy, 2023). Calculations by the Jacques Delors Centre challenge the high-cost enlargement scenario and suggest that the accession of all current candidates would imply annual additional spending of around 19 billion euros, which constitutes just over 10 per cent of the current budget (Lindner et al., 2023). Irrespective of whether minor or major reforms to the EU’s budget are carried out, the economic lacunae between current and prospective members are such that some of the EU’s current net-recipients are likely to become net-contributors.

3.4 Accession methodology

A revised accession methodology was introduced in 2020 which saw the existing 35 negotiating chapters turned into six thematic clusters. Cluster one, – ‘the fundamentals’ – concerns the rule of law, democracy, and governance-related fields which reflect the EU’s core values. Cluster one is the first to be opened in accession negotiations and the penultimate to close which means that progress across the other five clusters – internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources and agriculture and external relations – relies on the successful completion of the fundamentals. This approach was set up to energise the Western Balkans’ enlargement (European Commission, 2020) but since it did not budge the prevailing impasse it lacks credibility. Meanwhile, debates about the relevance of the 30-year-old Copenhagen Criteria are gaining pace, and alternative enlargement methodologies emphasising a staged approach have gained traction (Mihajlović et al., 2023).

4 Between potholes and highways: Moldova’s EU integration path

Moldova’s post-1991 trajectory was typically post-Soviet but, at the same time, marked by unique features that shape the country’s current EU path.

4.1 Moldova’s fall into state capture

The early 1990s saw civil war, national fracture and the appearance of Transnistria as a *de facto* state. In subsequent years, social and economic conditions worsened, which sparked hyperinflation, a rise in extreme poverty and mass outwards migration. Though relative stability ensued, it merely papered over the cracks in Moldova’s uneven development and quite quickly the country became dependent on international donors and remittances from citizens working abroad. Moldova’s agriculture-dominated economy at the time also remained vulnerable to adverse weather conditions and to frequent Russian boycotts of Moldovan fruit and alcohol exports.

Poor socio-economic conditions and feeble state institutions meant that democracy and political pluralism barely got off the ground in the 1990s and instead, an enabling environment for a new breed of post-Soviet oligarchs who went on to ‘capture the state’ transpired. Oligarchs were able to capitalise on Moldova’s ‘partial’ reforms in the 1990’s which lacked regulatory frameworks, anti-corruption measures and failed to foster a culture of democratic accountability. In this scenario those groups and individuals who had gained vast amounts of money and power as the Soviet system was imploding were able to continue on their self-enrichment paths largely unchecked (Hellman, 1998).

4.2 Shallow Europeanisation

Despite state capture conditions, Moldova seized the new opportunity structures created by the EU's Eastern Partnership (EaP) after 2009. As a result, a visa-free regime with the EU was created in 2014, and an Association Agreement (AA) and Deep and Comprehensive Free Trade Agreement (DCFTA) came into effect in 2016. Though the EaP formula meant that Moldova was steered away from a membership perspective, it nevertheless stimulated a fresh pro-EU momentum which had tangible results. Aside from increasing trade between Moldova and the EU (and away from Russia), the DCFTA expedited Moldova's normative alignment with the EU, contributed to improvements in the local business environment, and facilitated increased levels of EU Foreign Direct Investment. Furthermore, since the inception of the EaP, Moldova's interconnectedness with the EU has grown across several fields, including the EU Energy Community (2010), ERASMUS+ (2014), and the Trans-European Transport Network (TEN-T) (2017). Moldova also started to cooperate with FRONTEX and has hosted a civilian EU Common Security and Defence Policy Partnership Mission since 2023.

The apparent buoyancy of Moldova-EU relations after 2009 belied ongoing systemic problems associated with state capture, inadequate democratic institutions, and the weak rule of law, which had become increasingly symptomatic. Furthermore, the government of the time did little to investigate and bring to justice those responsible for the 2014 theft of one billion USD from Moldovan banks. This inaction reinforced the prevailing culture of impunity vis-à-vis Moldova's oligarchs and also diminished public trust in anti-corruption bodies. Three years later, in 2017, democracy was undermined in plain sight when the ruling party, the *Partidul Democrat din Moldova* (Democratic Party of Moldova, PDM), led by Moldova's most powerful oligarch Vladimir Plahotniuc, orchestrated electoral reforms to the detriment of the opposition and independent candidates. Though criticised at the time by the Venice Commission, the reforms were not reversed until two years later. 2017 also saw overt failings in the rule of law when Moldova's non-compliance with European norms in judicial independence came to a head. Deficiencies in case allocations and the appointment and promotion of judges on the basis of loyalty rather than merit also gained frequency (Transparency International, 2017).

The annulment of the 2018 Chisinau mayoral election, won by an anti-corruption candidate signified another case of oligarchic influences overriding democracy and controlling the judiciary. It was arguably this incident that exposed the depth of state capture and the shallowness of the country's Europeanisation, despite the progress that Moldova had undeniably made within the EaP. As such, the annulment of the mayoral election was a tipping point in international donors' support for Moldova. In response to these scandals, incomplete reforms, and deviations from European and international best practices, the EU and other International Organisations censured Moldova by freezing their financial support.

4.3 From false starts to fast forward

Moldova's slide into state capture was arguably irresistible by 2000, and it was not until 2019 that the possibility of a 'remission' became conceivable (Pilkington, 2019; Longhurst,

2023). In 2019, after the threat of prosecution for their roles in several financial scandals, oligarchs Vladimir Plahotniuc and Ilon Shor fled the country. The following year, Maia Sandu, who had campaigned on a pro-EU, de-oligarchisation platform, became President, and in 2021, a pro-reform coalition led by the liberal Party of Action and Solidarity (PAS) formed a parliamentary majority which diluted the power of the socialist, oligarch/Moscow-aligned parties in the legislature. Another important cog in the machinery of change was the emergence of a more sober attitude from the side of the EU. This saw Brussels catch up with arguments that Moldovan civil society had been advocating for years; namely that the country's problems resulted first and foremost from state capture and oligarchic influences and the ways in which they stirred up disorder, inhibited reforms, and ruined the country's shift towards the West (interview with Moldovan civil society expert, December 2023). Consequently, after 2019, the EU and other Western stakeholders emphasised their support for de-oligarchisation, a requirement which was later introduced as a critical step for Moldova to meet in the context of becoming an EU candidate state in June 2023.

On March 3, 2022, Moldova applied for EU membership: a move prompted by Russia's invasion of Ukraine some ten days previously. In April, a National Commission for European Integration (NCEI) led by the President and made up of members of government, parliament, civil society and local authorities was created to provide strategic direction to Moldova's European integration. Since then, the dynamics of Moldova's EU path have picked up speed, and by May 12, the government had completed and submitted the European Commission's questionnaire. Consequently, on June 17, the Commission recommended that Moldova be granted EU candidate status on the understanding that 'nine steps' be addressed to ensure compliance with the accession criteria (European Commission, 2022). On 4 August 2022, the NCEI approved an Action Plan comprising 60 actions corresponding to the nine steps (National Commission for European Integration, 2022).

The following June, Neighbourhood and Enlargement Commissioner Olivér Várhelyi reported that Moldova had completed three out of the nine steps (European Commission, 2023a). Five months later, in the context of the Commission's annual Enlargement Package, it was communicated that six steps were finalised (European Commission, 2023b). Meanwhile, findings from the Eastern Partnership Civil Society Forum's Index were less positive and failed to find any convincing evidence of completion (Eastern Partnership Civil Society Forum, 2024), as Table 1 indicates. This discrepancy notwithstanding, both the EU and civil society agree that Moldova's main problems lie in its justice system, anti-corruption infrastructure, and capacity for de-oligarchisation, all of which feature in the 'fundamentals' EU negotiating cluster.

Despite evident shortcomings in the achievement of the nine steps, Moldova received a 'green light' to start membership negotiations at the December 2023 European Council. Subsequently, in mid-January 2024, it was announced that the official screening process for both Moldova and Ukraine would begin. Though screening usually takes between one and two years, the expectation is that the bulk of the task will be completed within the first half of 2024 (Brzozowski, 2024) which reinforces expectations for an expedited enlargement.

Table 1 Evaluations of Moldova's performance towards the EU's nine steps in 2023

Step	Objective	EU Assessment: June 2023	EU Assessment: November 2023	Civil Society assess- ment October 2023
1	Comprehensive justice system reform	Good progress	No change. Priority: assure the merit-based appointment of judges	Moderate progress
2	Address shortcomings identified by OSCE/ODIHR, Venice Commission/ Council of Europe	Completed	Completed	Moderate progress
3	Deliver on the commitment to fight corruption	Some progress	No change. Priority: ensure that anti-corruption institutions function within clear organisational structures and with adequate resources	Limited progress
4	Implement the commitment to de-oligarchisation	Good progress	No change. Priority: update / implement action plan; allow for timely review to complement it, when needed	Limited progress
5	Strengthen the fight against organised crime	Some progress	Completed	Moderate progress
6	Public Administration	Some progress	Completed	Limited progress
7	Reform Public Financial Management including public procurement	Good progress	Completed	Moderate progress
8	Enhance the involvement of civil society in decision-making	Completed	Completed	Moderate progress
9	Strengthen human rights; sustain commitments to gender equality/fight violence against women	Completed	Completed	Moderate progress

Source: Eastern Partnership Civil Society Forum, 2024; European Commission, 2023b.

5 Hurdles to Moldova's EU integration

Though Moldova's trajectory towards the EU has been impressive, there remain significant hurdles which, if not addressed, can have critical consequences for the enlargement process. Moreover, since several of these hurdles correspond to the important 'fundamentals' negotiating cluster, they have the potential to block Moldova's accession.

The following sections discuss the three steps that the EU regarded as incomplete / the most troublesome, namely justice sector reforms, anti-corruption, and de-oligarchisation. Two other steps that the EU deemed to be 'complete' despite clear shortcomings – public administration reforms and civil society's involvement in decision making are also scrutinised. Two additional problematic issues – political polarisation, and the Transnistria frozen conflict, which were conspicuously absent from the nine steps yet potentially significant for Moldova's EU integration, are also discussed.

5.1 Shortcomings in justice sector reforms

When Moldova applied for EU membership, it was already in the midst of implementing its 2022–2025 justice reform strategy aimed at improving judicial independence and impartiality. Deficiencies in these spheres have consistently blighted Moldova's progress in the rule of law, democracy, and anti-corruption and by extension its EU integration prospects. To reset the justice system and to bring it into alignment with European best practices regarding independence and impartiality, new 'pre-vetting' procedures were created and applied to new candidates for vacancies on the justice system's self-administration bodies which are responsible for appointing judges and prosecutors. Though progress has transpired and was duly noted in EU and civil society reports, the complex nature of the reforms, which met with some resistance from within the judiciary, meant that the appointment of new judges was significantly delayed. This lag impinged on the efficiency of the justice system, which was still recovering from disturbances caused by the Covid-19 pandemic and also affected public confidence towards the judiciary and the seriousness of the reforms (interview with Moldovan public official, December 2023).

Notwithstanding the government's reform achievements thus far, the necessary scale of systemic change has been hard to reach. This was noted in an OSCE/ODIHR report from August 2023, which highlighted the need for Moldova to 'demonstrate a clear track record' in judicial appointments and ensure that transparent and merit-based procedures in full alignment with European standards become the norm (OSCE Office for Democratic Institutions and Human Rights, 2023). Systemic justice reform is mired by several factors including shortcomings in the extent to which civil society is routinely involved as a fully-fledged stakeholder in the selection of members of judicial evaluation bodies (interview with Moldovan civil society expert, December 2023). Also marring systemic justice reform is the protracted length of judicial proceedings and low case clearance rates which create logjams and diminish societal perceptions of the system's effectiveness and its role as a promoter of public interests (interview with Moldovan civil society expert, December 2024). Furthermore, although indictments in absentia have been

given to fugitive oligarchs for their crimes, significant progress in the prosecution of high-level corruption cases remain elusive, which, once again reinforces low public confidence in the independence of the justice system.

Polls carried out in Moldova in August 2023, revealed that 44.5 per cent of survey respondents were ‘highly distrustful of the courts’, with only 2.5 per cent declaring a ‘great deal of trust’. Similarly, 43.3 per cent of people were ‘highly distrustful’ of the General Prosecutor’s Office, and only 2.9 per cent of respondents had a ‘great deal of trust’ in the Office. Crucially, though public opinion trends over the past seven years suggest that more people are starting to ‘somewhat trust’ the justice system, there has not been a significant shift of opinion and it remains the case that Moldovans are profoundly sceptical about their justice system (Institute for Public Policy in Moldova, 2023). This is consequential in the context of EU enlargement, since Moldova’s accession will hinge not only on its justice system being in alignment with European standards and robustly independent ‘on paper’ but also on its legitimacy and effectiveness in the eyes of the public.

5.2 The fight against corruption

After decades of poor results, the confluence of Maia Sandu’s presidency twinned with the prospect of EU membership seemed to create conducive conditions for anti-corruption measures to take root. As a result, Moldova’s Corruption Perception Index score has steadily improved (Transparency International, 2023). 2022 and 2023 saw unprecedented levels of activity, including improved international cooperation on high-level corruption cases which led to asset freezing and international sanctions being applied against oligarchs who had been involved in massive bank frauds in Moldova. Moreover, in 2022, 434 corruption cases were initiated, resulting in 180 individuals being taken to court and 108 guilty verdicts. High levels of successful detections and prosecutions were seen across hundreds of cases of self-enrichment, conflicts of interest and abuses of power amongst politicians and civil servants. Integrity inspectors also checked the assets and personal interest declarations of over 90 per cent of Moldova’s judges and prosecutors (European Commission, 2023). Towards the end of 2023 plans were put in motion to create a dedicated anti-corruption court to improve efficiencies and boost public confidence. However, despite these steps, both official EU and civil society reports acknowledge that Moldova’s anti-corruption infrastructure has plenty of room for improvement.

The fight against corruption is strongly affected by gaps between new anti-corruption laws and their proper implementation and enforcement, as well as weak protections for whistle-blowers which deters individuals from reporting cases of corruption, especially when it involves their superiors (interview with Moldovan civil society expert, December 2023). Another significant factor holding back the fight against corruption has been the evolving anti-corruption institutional set-up, which still has to concretely embed. To improve the country’s record of successful investigations and indictments, the government sought to refine the remits of the two main anti-corruption bodies – the National Anticorruption Centre (NAC) and the Anti-Corruption Prosecutor’s Office (APO), which in reality fostered confusion and discord amongst anti-corruption professionals. Though these changes were subsequently reversed, the remits of the main bodies still lack precision which has

implications for their operational effectiveness and also for public trust in anti-corruption (Necsutu, 2023; interview with Moldovan civil society expert, December 2023).

Akin to the low levels of trust in other state institutions, public confidence in anti-corruption bodies remains derisory. In Moldova, anti-corruption laws tend to be regarded as being 'in name' only and are seen as being unfairly and disproportionately applied (interview with Moldovan civil society expert, December 2023). In 2021, only 4.6 per cent of people polled said that they had a 'high level of trust' in the NAC, which fell, albeit only slightly, to 4.2 per cent in 2023. At the other end of the spectrum in 2021, 37.9 per cent of respondents declared that they were 'highly distrustful' of the NAC, which rose to 39.2 per cent in 2023 (Institute for Public Policy in Moldova, 2023). At the root of low public perceptions is the fact that only a relatively small number of high-level officials have been fully brought to justice and also that institutions tend to focus on cases of petty corruption whilst notorious and wealthy oligarchs evade prosecution and continue to wield influence on the country from afar (interview with Moldovan official, December 2023).

The foremost consequence that arises from this rutted pace of change is that without a consistent track record in anti-corruption, Moldova would enter the EU with chronic corruption problems, which would be hard to dismantle once enlargement takes place. Moreover, corruption risks could even be heightened if a fast-track accession occurs whereby the EU strikes a soft tone and lets Moldova sidestep certain elements of its accession criteria (interview with Moldova official, December 2023). As Bulgaria and Romania's EU accession in 2007 demonstrated; when there is a 'critical mass' of corrupt officials and a weak judiciary, as is the case in Moldova, corruption is unlikely to abate, and replacement EU-norms emerge unless extra anti-corruption measures and interventions are enforced prior to accession (Vachudova, 2009).

5.3 De-oligarchisation

When EU candidate status was forthcoming in 2022, dismantling Moldova's longstanding oligarchic structures gained a keen sense of urgency. In the context of Moldova's EU integration, de-oligarchisation was the Commission's 'fourth step' and entailed a commitment to 'eliminating the excessive influence of vested interests in economic, political, and public life'. As noted above, 'good progress' was reported by the EU in June 2023, but no further advances were noted in December 2023, thus de-oligarchisation remains incomplete.

Moldova's concept for de-oligarchisation was presented in the government's August 2022 Action plan and comprised ten objectives (National Commission for European Integration, 2022). The subsequent draft bill outlined mechanisms to prevent the influence and interference of oligarchs that 'hamper the functioning of state institutions and pose risks to human rights, democratic order, and national security' (Cenusa, 2023) and as such was a comprehensive document. After review by the Venice Commission in March 2023, Moldova's law was re-shaped to emphasise a balance between a 'personal/punitive' policy approach on the one hand and a 'systemic' approach on the other (Venice Commission, 2023). Consequently, the eventual de-oligarchisation law adopted in May 2023 stressed the removal of opportunity structures through legislative tools, including a framework law on de-oligarchisation and amendments to other legal acts.

By establishing a definition of what oligarchy constitutes, consolidating relevant laws and tying all of this to the prospect of EU membership, Moldovan authorities have a chance of countering the sources and symptoms of state capture. However, since de-oligarchisation relies on the systemic transformation of the justice system and cooperation across all branches of government, the pace of change is unlikely to be fast nor linear. Moreover, building public confidence in the government's capacity for root and branch de-oligarchisation hinges on the successful and consistent prosecution and incarceration of oligarchs and high-level corrupt officials.

The unfinished business of de-oligarchisation has two main implications for Moldova's EU prospects, which would be amplified in the context of an expedited enlargement. First, de-oligarchisation is integral to reconstituting Moldova's social contract and for nurturing the public's trust in state institutions and the rule of law. Accordingly, there is a consensus amongst the public and expert community that if the government fails at de-oligarchisation, it might also falter at taking the country into the EU (interview with civil society expert, December 2023). Second, fugitive oligarchs such as Ilan Shor and Vladimir Plahotniuc, amongst others, are not spent forces in Moldovan politics. If left unchecked, they pose significant risks to the country's internal stability and its resilience to countering influences that are powerfully opposed to Moldova's EU membership.

5.4 Political polarisation

The European Commission did not include challenges associated with political polarisation in its nine steps for Moldova. Instead, the dominant view in Brussels appears to be that Sandu's election in 2020 signalled that previous political contestations were dissipating and that a broad pro-EU consensus was on the ascent. Evidence suggests that this could be wishful thinking and part of the EU's approach to speed-up enlargement (interview with Moldovan civil society expert, December 2023). Though the pro-EU governing coalition has a parliamentary majority the remainder is occupied by representatives from communist/socialist parties and from parties aligned with Russia and/or linked to/funded by oligarchs. This undermines the prospect of a robust national consensus on Moldova's EU integration since principal opposition groups and individuals in Parliament either do not have a clear position on Moldova's EU accession, are cynical, waiting to be convinced, looking for opportunities from EU membership for self-enrichment, or are programmatically hostile to it (interview with Moldovan civil society expert, December 2023).

Symptoms of polarisation are also manifest in opinion polls. According to the International Republican Institute's survey in July 2023, 63 per cent of Moldovans were in favour of EU accession, 16 per cent were somewhat opposed, and 19 per cent were strongly opposed. Whilst this demonstrates solid support for the EU it also confirms that significant scepticism persists across the population (International Republican Institute, 2023). In a poll carried out by Moldova's Institute for Public Policy in 2023 almost 32 per cent of respondents declared that if there was a referendum about joining either the EU or the Eurasian Economic Union they would vote for the latter (47–48 per cent willing to vote for the EU) (Institute for Public Policy in Moldova, 2023). This demonstrates that despite the

ongoing war in Ukraine, for many Moldovans Russia is still a credible partner (interview with Moldovan civil society, December 2023).

Political polarisation was also apparent during the local and mayoral elections of November 2023. Although pro-Europe candidates dominated the results, candidates linked to oligarchs and/or Russian influences, found significant support in Balti, Chisinau, and Orhei, even though several of such parties were banned on Constitutional grounds, including the party of fugitive oligarch Ilan Shor. Despite being sentenced in absentia in 2023 for his part in the billion-dollar bank fraud, which essentially stole money from the Moldovan people, opinion polls show that trust in Shor is stable and appears not to have been affected by his infamy and copious financial crimes against the country (Institute for Public Policy in Moldova, 2023).

Polarisation is expected to impact the 2024 presidential election / referendum on EU accession, which will be a dual verdict on Sandu's presidency and a litmus test of how Moldovans feel about joining the EU. The effects of polarisation are likely to become more vivid in the context of an expedited enlargement unfolding during an important election year. Heightened polarisation will impede Parliament's capacity to play a constructive role in legislating for EU accession. It will also undermine chances of a broad national consensus on European integration emerging, which would affect the domestic legitimacy of enlargement and the momentum of accession negotiations too, especially in anti-corruption and de-oligarchisation spheres.

5.5 Public administration reforms

Moldova is halfway through the implementation of a reform strategy geared to accelerate 'the European transformation of public institutions at both central and local levels' (Government of the Republic of Moldova, 2023). From the EU's perspective, Moldova sufficiently increased its capacity to deliver public administration reforms and therefore completed 'step six'. In contrast, civil society found only limited progress (Eastern Partnership Civil Society Forum, 2024). SIGMA's 2023 assessment was also discouraging and gave Moldova a score of one out of five for its 'Strategic Framework of Public Administration Reform' (OECD, 2023). Far from a niche bureaucratic issue, public administration reforms are part of the 'fundamentals' negotiating cluster and are therefore key to Moldova's successful completion of accession negotiations in their entirety.

The rapid tempo of Moldova's EU path since 2022 revealed systemic problems in this field. A prime challenge relates to insufficient human capacities within the public administration. Inveterate staff shortages and vacant posts result not only from low salaries but also from the lack of prestige attributed to civil service jobs, opaque career and salary scales, and the lack of a performance-based (and compensated) working culture (interview with Moldovan official, December 2023). This renders the job of working for the state relatively unattractive compared with private sector positions. Consequently, despite recent salary increases, the sector struggles to attract and retain qualified staff.

Other issues relate to negligible levels of trust in government institutions, as noted above. There has been a slight uptick in public trust in the government, but nevertheless in 2023, only four per cent of people surveyed said they had a 'great deal of trust' in the

government, 26 per cent ‘somewhat trusted’ it, whilst 43 per cent said they highly distrusted the government (Institute for Public Policy in Moldova, 2023). This also reflects the widespread perception of a weak public administration prone to political or oligarchic influences, with a questionable record in impartiality (interview with Moldovan civil society expert, December 2023). Instances of civil servants being appointed on political or nepotistic grounds rather than on their merits though now infrequent still occur, which throws into question the independence of the public administration (interview with Moldovan official, December 2023). Furthermore, in Moldova rules stipulating that civil servants should not take up secondary employment are patchily applied which erodes the principle of neutrality in the civil service (OECD, 2023).

Problems associated with Moldova’s public administration are consequential for the country’s EU prospects in two main ways. First, as it stands, the public administration could struggle to deal with the task of membership negotiations and martialling the adoption of the EU *Acquis*. Staff retention problems also mean that Moldova’s public administration has a relatively weak institutional memory which might impact the coherence and efficiency of membership negotiations (interview with Moldovan official, December 2023). Second, the fragile nature of Moldovan society’s trust in the government could seep into low confidence in the public administration and its role in EU membership negotiations, which in turn has the potential to gravitate into generalised euroscepticism.

5.6 Civil society’s role in decision-making

The step relating to enhancing civil society’s involvement in decision-making processes ‘at all levels’ was completed in June 2023, according to the European Commission. However, from a civil society perspective, only moderate progress was attained at the point at which Moldova was invited to start membership negotiations (Eastern Partnership Civil Society Forum, 2024).

Moldova’s EU candidate status generated a fresh dynamic to enhance civil society’s involvement in political decision-making, which since the COVID-19 pandemic had been going through an impasse. Legislative changes have been made to bring civil society organisations (CSOs) more squarely into law and policymaking, especially in cooperation with parliament. Furthermore, in November 2023, the government adopted a new national programme for the development of CSOs in 2024–2027 (CSOMETER, 2023). The same month the government approved the 2023–2025 Open Government action plan, which established new benchmarks for government transparency, access to information, and open budgets.

Despite these developments, the extent to which civil society’s role in decision-making has advanced is in doubt. Though the state of emergency imposed on 24 February 2022 was lifted at the end of December 2023, some provisions set up by the Commission for Exception Situations (CES) found their way into new legal mechanisms which will allow authorities to adopt state-of-emergency-type ‘urgent decisions’ without actually establishing a state of emergency. This potentially diminishes the government’s accountability both to its citizens and to parliament. CSOs denounced the lack of transparency in the drafting, voting, and implementation of the mechanism and the risks it poses to fundamental rights and use of proportionate actions (CSOMETER, 2024).

Uncertainties concerning civil society's involvement in decision-making and the potential for a rollback of governmental transparency measures have consequences for Moldova's EU integration, especially in the context of a fast-track accession. In this scenario, opportunities for CSOs to lend their expertise to the accession process and to scrutinise and co-shape legislation would be limited, with possible ramifications for the sustainability of the accession process and its domestic legitimacy.

5.7 Transnistria

The protracted or 'frozen' conflict concerning the breakaway region of Transnistria, which has endured for over 30 years and has seen the region become a *de facto* state, was overlooked by the EU as a potential barrier to Moldova's EU accession and was therefore not mentioned in the nine steps.

The EU's position is that a settlement of the Transnistria conflict is not a prerequisite for Moldova's EU membership and that accession is possible without the Transnistria region. The working hypothesis is that Moldova's EU integration will generate benefits and attractive new opportunities also for Transnistrians. In turn, this will stimulate cooperation with Moldova and strengthen prospects for a peaceful settlement based 'on the sovereignty and territorial integrity of Moldova within its internationally recognised borders, with a special status for the Transnistrian region' (Council of the European Union, 2023). The EU also insists that Transnistria is an issue for Moldovans themselves to resolve. De-securing the Transnistria issue and declaring that Moldova's EU accession can proceed without a resolution also signifies that the EU wants to avoid the dispute becoming a bargaining chip with Russia, which could halt Moldova's EU membership prospects and render the country a new epicentre of violent conflict with Russia (interview with Moldovan official, December 2023).

Realities on the ground defy the notion that Transnistria is, in fact, still a frozen conflict in a post-Soviet 'classic' sense. An ever-growing number of Transnistrians hold Moldovan passports (issued free of charge), and since the EU-Moldova visa-free regime and Association Agreement were signed, the number of Transnistrians applying for Moldovan passports doubled (Centre for Baltic and East European Studies, 2021). Provided that they meet further conditions Transnistrians can also acquire a Romanian (EU) passport. Furthermore, Transnistria is already included in the EU-Moldova Deep and Comprehensive Free Trade Agreement (DCFTA), and as a result, the EU is Transnistria's most significant trade partner. The Transnistria-Russia energy relationship has also changed as a result of the war in Ukraine. The era of abundant supplies of cheap Russian gas, which underpinned the Transnistrian economy and kept living standards higher than in Moldova, made Transnistrian export products competitive on EU markets, and kept Moldova in a state of energy dependence on Transnistria/Russia has abated. With Moldova now connected to EU energy frameworks, the balance of dependency has changed, which potentially reinforces the need for Transnistrian authorities and business elites to maximise rather than shun opportunities provided by Moldova's EU integration.

In sum, under current conditions, the frozen conflict is not a block to Moldova's EU membership per se. As noted above, in the context of a continuation of the war and its

relative 'separation' from Russia, Transnistrian decision-makers and business owners actually have a stake in a stable Moldova with access to EU markets. This point notwithstanding, whilst Transnistrian elites and their Russian patrons might be tolerant of Moldova 'acceding' to the EU believing that it will take a relatively long period of time, when the prospect of actual membership comes about, this attitude is likely to shift.

6 Conclusion

Moldova's EU path was catalysed by Russia's all-out invasion of Ukraine on 24 February 2022, which encouraged the government in Chisinau to present its candidature for membership. This article reasoned that the novel features, coupled with the speed at which the current enlargement is unfurling inevitably means that much of the existing literature on enlargement (which is largely based on the 2004 and 2007 rounds) is of limited utility and that there is a strong need for fresh perspectives to be developed. The article also took issue with the fact that enlargement research has typically been driven by an approach that privileges the EU as the main level-of-analysis.

By focusing on the Republic of Moldova, this article successfully challenged the dominant approach to enlargement in three main ways. First, the article highlighted the novel features of the next enlargement round and the specific ways in which it differs to previous iterations. Second, it highlighted important domestic hurdles and obstacles associated with Moldova's EU membership perspectives which have been somewhat overlooked or downplayed both in academic literature and in official EU reporting on enlargement. Third, the article discussed the consequences of these hurdles and problematic issues for Moldova's EU membership prospects and especially in the context of a possible accelerated accession.

Notwithstanding the value of the article's findings, there are limitations associated with taking a single country case study. Crucially, whilst Moldova's EU integration path is in many ways analogous and shares common traits with those of other accession states there are also intrinsic differences and dynamics at play which determine the shape and pace of a country's gravitation towards EU membership. Consequently, the extent to which this article's findings are generalisable has its limitations. This caveat aside, this article elaborated a fresh analytical lens to consider EU enlargement, which revealed several interesting findings relevant to enlargement scholarship and policy debates. First, the case of Moldova vividly illustrates the intricate dilemmas surrounding the current enlargement round; namely the need to meet urgent geopolitical concerns by expediting enlargement, but at the same time ensuring that it is carried out in an orderly fashion and in adherence with accession criteria. Second, Moldova's struggles with the 'unholy trinity' of a weak justice system, persistent corruption and oligarchic influences are deep-seated and run the risk of undermining the entire pace of the country's EU accession. Third, a fast-track accession scenario in which the EU softens its entry criteria in the 'fundamental' sphere also has ramifications for Moldova's sustainable development since problems will be 'baked-in' and tough to resolve once accession takes place. Fourth, though its participation in the EaP since 2009 means that Moldova is already well-aligned with EU norms across many spheres, political polarisation in the country means that EU reforms can

easily fall foul of oligarchic/pro-Russian parties and personalities keen to destabilise the country's Europeanisation. Finally, the case of Moldova robustly illustrates the need for a reconsideration of enlargement methodology to keep it true to core EU values, but also to render it sufficiently flexible to facilitate the next enlargement round.

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Political polarization and corruption:
A theoretical and empirical review

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Abstract

Notwithstanding the considerable scholarly and public attention that political polarization and corruption have attracted in recent years and the important mechanisms through which the former may influence the latter, research in this area remains limited and inconclusive. This article offers a comprehensive theoretical and empirical synthesis of the current state of research in this domain. It finds that a large fraction of the apparent contradictions can be attributed to the conceptual inconsistencies and ambiguity surrounding political polarization. The types of polarization that have an inherently hostile and uncivil element (usually referred to as affective or pernicious polarization) undermine democratic accountability, which leads to more corruption. The role of ideological polarization among parties and the general population is more complex: it may boost accountability and decrease corruption but can also contribute to the aforementioned harmful forms of polarization and enhance the role of partisan bias in public opinion formation, thereby increasing corruption. The overall effect of ideological polarization on corruption may depend on the nature and the degree of the former, as well as on mitigating contextual factors. The two may create a vicious circle as corruption also increases political polarization via various channels.

Keywords: political polarization; ideological polarization; affective polarization; corruption; partisan bias

1 Introduction

The multitude of ideas and ideologies is not a deficiency but a defining feature of democracies. Democratic institutions can be viewed as instruments to peacefully resolve disagreements that arise from this multiplicity (Ignatieff, 2022; Lipset, 1960). Ideological differences boost political competition and may thereby also contribute to accountability and lower corruption (Brown et al., 2011; Testa, 2012). However, severe divisions within societies can also undermine democratic processes and subvert democratic accountability (Levitsky & Ziblatt, 2018; McCoy et al., 2018) and thus increase corruption.

Therefore, it is not surprising that the literature on the relationship between (different types of) polarization and corruption is all but conclusive. The present – extensive, but not systematic – review aims to synthesize this stream of inquiry by presenting the mechanisms put forward so far and summarizing the empirical evidence supporting and/or refuting these mechanisms. Furthermore, the review also sheds light on blind spots and potential areas for future research. In a broader sense, the article contributes to corruption research, and the literature on the effects of political polarization, and partisan bias and seeks to relate these three streams.

The article is structured as follows. In Section 2, the concepts of political polarization and corruption are discussed. Section 3 presents a summary of the proposed mechanisms and related empirical findings. In Section 4, the findings of the review are discussed. Finally, Section 5 offers a summary and conclusions, and discusses potential areas for future research.

2 Conceptual framework

The term (political) polarization is used to describe a set of related but distinct processes or states (Fiorina & Abrams, 2008) in which ‘competing political forces diverge in their actions and ideas and lack any significant common ground’ (Carothers & O’Donohue, 2019, p. 8). A myriad of related terms is used in the literature to describe different manifestations of polarization. While some terms are used with different meanings, different terms may also refer to the same phenomenon. Given that distinct manifestations of polarization exhibit different patterns and induce distinct, often opposite causal mechanisms, this conceptual proliferation and inconsistency have resulted in significant confusion both in public discourse and academia (Fiorina & Abrams, 2008; Lelkes, 2016).

In its original sense, polarization refers to the ideological distance between political parties (Sartori 2005; first published in 1976). More recently, this phenomenon is also referred to as ideological polarization (Melki & Pickering, 2020), elite polarization (Fiorina & Abrams, 2008), and political polarization (Brown et al., 2011), and is usually measured either simply by the distance on a left-right scale (Melki & Pickering, 2020) or by the sum of parties’ ideological distance from the mean, weighted by their vote share (Apergis & Pinar, 2023).

In recent decades, scholars have also taken an interest in polarization at the mass, that is, the societal level. Mass polarization may involve ideological trends and patterns in societies: ideological consistency (or ideological alignment) may refer to issue alignment (i.e. the extent to which people’s positions on different policy issues are aligned), and alignment between party identity and issue attitudes (also referred to as party sorting; Fiorina & Abrams, 2008), whereas ideological divergence refers to the bimodality of the ideological distribution and/or the distance between different groups in terms of ideology (Lelkes, 2016).

Mass polarization, however, is not necessarily related to ideological differences. Affective (mass) polarization refers to the extent to which supporters of a party dislike and distrust supporters of the other party (Iyengar et al., 2019). Partisanship constitutes the root (i.e. the group identifier) of affective polarization, but its consequences reach

beyond politics, as it influences choices regarding friends, relationships, and residence (ibid). Combining elements of these multiple manifestations of polarization, pernicious polarization is defined as ‘a process whereby the normal multiplicity of differences in a society increasingly align along a single dimension, cross-cutting differences become reinforcing, and people increasingly perceive and describe politics and society in terms of “us” versus “them”’ (Somer & McCoy, 2019, p. 13).

While the conceptualization of corruption is also contested (Mungiu-Pippidi & Fazeakas 2020), here I resort to the widely used definition that denotes corruption as the use of public office for private gain (Rose-Ackerman & Palifka, 2016). A large body of literature has focused on the determinants of corruption (for a review see Dimant & Tosato, 2018), identifying numerous economic, social, and political factors. Despite the surge of political polarization in many countries worldwide, its effect on corruption has received relatively little attention so far.

3 Causal mechanisms and empirical evidence

The following subsections describe the mechanisms through which (different types) of polarization may influence corruption and summarize related empirical evidence. Three broad streams of research are discussed: (i) research on the effect of ideological polarization on corruption; (ii) research on the effects of affective polarization on democracy and accountability; and (iii) research on the effect of partisan bias on corruption perceptions, and in a broader sense, public opinion formation. Although the latter two do not explicitly address the relationship between polarization and corruption, they have important implications regarding the nexus. The table in the Appendix provides an overview of the articles that focus on the relationship of interest specifically.

3.1 The effect of ideological polarization on corruption

Ideological polarization may decrease corruption via various channels. Firstly, it may reduce corruption by enhancing accountability (Testa, 2010). If the ideological distance between parties is large, it is less likely that they will be in a coalition in the future. Therefore, politicians are more incentivized to expose the corrupt practices of the opposing parties (Brown et al., 2011; Melki & Pickering, 2020). Secondly, supposing that politicians care about both rents from corruption and ideology and that engaging in corruption reduces their chances for re-election, higher levels of ideological polarization increase the (ideological) costs of corruption and thus decrease the prevalence of corruption (Melki & Pickering, 2020; Testa, 2012). Thirdly, the ideological distance between parties also makes opposition voters more likely to perceive the government as corrupt¹ (Davis et al., 2004).

¹ Although this only translates to political mobilization if the opposition is strong.

These mechanisms received broad empirical support from country-level panel analyses (Brown et al., 2011; Testa, 2010), a state-level panel analysis from the United States (Melki & Pickering, 2020), and an interview-based cross-sectional analysis focusing on Latin-American countries (Davis et al., 2004).

Other authors argue in favour of the opposite effect, that is, higher ideological polarization is associated with more corruption. Eggers (2014) presents a model in which voters consider both the ideology and the integrity of candidates at elections. Higher partisan stakes (i.e. the ideological distance between parties and their supporters) imply higher (ideological) costs of punishing corrupt politicians, and hence higher levels of corruption. Using constituency-level data from the 2010 election in the United Kingdom following the Expenses Scandal, in which corrupt practices of many members of Parliament (MPs) were exposed, Eggers found that not only were corrupt MPs punished to a lesser extent in more polarized constituencies, but these MPs – anticipating the former effect – were also more likely to be involved in the scandal.

Furthermore, a survey experiment found that ideological polarization increases the role of partisan cues vis-à-vis substantive arguments in the opinion formation of individuals (Druckman et al., 2013). Although the study did not consider corruption perceptions specifically, as partisan bias has been shown to influence the extent to which people condemn corrupt actions (see Section 3.3), the outlined mechanism arguably applies to corruption as well: ideological polarization makes people less responsive to corruption, which in turn reduces the electoral costs of corruption. Finally, ideological polarization may yield adverse effects on the legislative process, as large ideological distances between MPs or members of congress make compromises harder and may hence result in gridlocks (Barber & McCarty, 2015).

3.2 The effect of affective and pernicious polarization on democracy and accountability

There has been a surge in recent years in research about the erosive effects of affective and pernicious polarization on democracy (Carothers & O'Donohue, 2019; Levitsky & Ziblatt, 2018; McCoy et al., 2018; McCoy & Somer, 2019). Although this stream does not directly focus on corruption itself, the conceptual proximity and the important links between corruption and democracy – indeed, some scholars argue that, depending on how they are conceptualized, the two phenomena are not necessarily distinct (Mungiu-Pippidi, 2023) – imply that certain insights from these contributions have direct implications for the relationship between polarization and corruption as well.

The main argument runs as follows. If severe affective/pernicious polarization prevails – usually induced by political entrepreneurs who reinvent and exploit existing political cleavages to mobilize and unite various societal groups (McCoy et al., 2018) – animosity between opposing groups and the perceived stakes of the political rivalry inflate and voters increasingly consider the opposing group illegitimate and an existential threat to their way of life (Arbatli & Rosenberg 2021). Consequently, they tolerate that politicians of their party violate democratic norms. The mechanism has received broad support both

from qualitative (Carothers & O'Donohue, 2019; McCoy & Somer, 2019) and quantitative accounts (Orhan, 2022) and has also been underpinned by game-theoretic models (Kiss, 2012). Notably, the evidence is not completely unequivocal: a recent survey experiment found no relationship between affective polarization and democratic attitudes (Broockman et al., 2023).

Arguably, the above mechanism may also undermine public integrity and thereby lead to increased levels of corruption. Orhan's (2022) findings may be regarded as indirect evidence for this claim. The analysis, which was based on data from 53 countries between 1996 and 2020, found that affective polarization deteriorated democracy and accountability. Clearly, lower accountability paves the way for more corruption.

3.3 The effect of partisan bias on corruption perceptions

Another established body of research considers how partisan biases (or partisan cues) influence opinion formation. At its core lies the concept of partisan-motivated reasoning, whereby 'individuals interpret information through the lens of their party commitment' (Bolsen et al., 2014, p. 235). Partisan-motivated reasoning undermines decision-making as it decreases the relative weight of substantive arguments vis-à-vis partisan cues in citizens' political opinion formation (Bolsen et al., 2014; Druckman et al., 2013) and can deteriorate democratic accountability by making voters less sensitive to new information and thus decrease politicians' incentives to perform well (Little et al., 2022; Sartori, 2005). The effect of partisan cues (or biases) on public opinion formation received extensive empirical support, primarily from survey experiments (for a recent review see Little, Schnakenberg & Turner, 2022).

In a similar vein, partisan biases also influence how voters perceive corruption. Citizens evaluate corrupt actions differently depending on the partisan affiliation of the involved politician: they tend to be more forgiving with co-partisan politicians and more condemning towards members of other parties (Anduiza et al., 2013; Cornejo, 2023). Although citizens' opinions on corrupt acts do not directly translate into de-facto corrupt actions, in democratic contexts a relatively straightforward relationship exists. If due to the increasing role of partisan bias in opinion formation, voters tend to be forgiving towards their politicians' corruption scandals, corruption is likely to increase.

How does polarization relate to partisan bias? Firstly, ideological polarization of political parties was shown to increase partisanship (Iyengar et al., 2012; Lupu, 2015) and to enhance the effect of partisan cues (relative to substantive arguments) on political opinion formation (Druckman et al., 2013). Secondly, polarization at the mass level (including affective and pernicious polarization) involves the increase of partisan sentiment by definition and was also shown to increase political participation (Iyengar & Krupenkin, 2018). In effect, the mechanism of partisan-motivated reasoning may be thought of as a segment of the mechanism linking affective/pernicious polarization and corruption (described in the previous subsection).

4 Discussion

Based on the presented review, it seems relatively clear that affective/pernicious polarization undermines democratic accountability and paves the way for more corruption. Likewise, a compelling body of evidence underpins that partisan bias decreases the importance of substantive information in voters' opinion formation, which in turn decreases the electoral cost of corruption. As for the effect of ideological polarization on corruption, evidence is contradictory: some studies present mechanisms and evidence of a negative link (i.e. ideological polarization reduces corruption), while others argue in favour of the opposite effect.

This contradiction may stem from the fact that ideological polarization may set off distinct mechanisms with opposing outcomes (Figure 1). It may foster democratic accountability and reduce corruption but may also induce processes that lead to more corruption. Firstly, although the relationship between ideological and affective/pernicious polarization is complex and debated, it seems that the former increases the latter (Bougher, 2017; Iyengar et al., 2012; Rogowski & Sutherland, 2016). Secondly, ideological polarization also increases the weight of partisan cues in public opinion formation (Druckman et al., 2013) and hence decreases the electoral consequences of corruption.

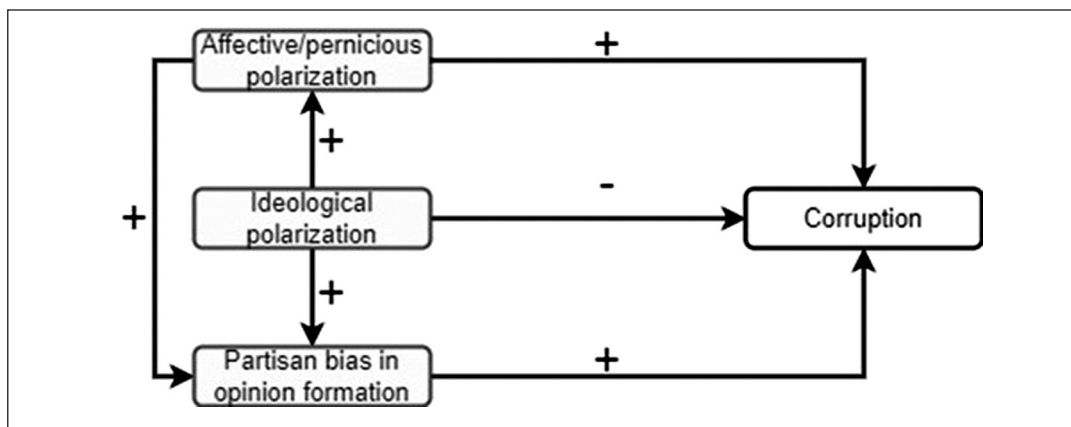


Figure 1 The effects of types of polarization on corruption

What may the overall effect of ideological polarization on corruption be? The answer likely depends on contextual factors (such as formal and informal norms mitigating the effect), and the nature and degree of ideological polarization. Arguably, if ideological polarization is significant, but remains limited to an extent that a civil disagreement is still possible, its effect on corruption may be negative, that is, it reduces corruption. By contrast, if the extent and the nature of ideological divisions are such that the norm of mutual toleration (Levitsky & Ziblatt, 2018) erodes and societal divisions turn antagonistic, democratic accountability deteriorates and corruption increases. Therefore, although the specific underlying cleavages and other contextual factors certainly play an important role, one may hypothesize a U-shaped relationship between ideological polarization and corruption.

5 Summary and conclusions

The presented review sought to provide a theoretical and empirical synthesis of the literature on the effect of political polarization on corruption. The following main conclusions emerge. The relationship of interest largely depends on the exact type of polarization. Indeed, a fraction of the apparent contradictions in this stream of research may be dissolved by discerning different types of polarization. The types of polarization that involve a hostile and uncivil element (i.e. affective and pernicious polarization) increase corruption by loosening democratic accountability. These conclusions are consistent with recent research on the economic effects of partisan polarization (Patkós, 2023). The effect of ideological polarization is ambiguous: it can act as a constraint on corruption, but it may also fuel affective/pernicious polarization, and increase the role of partisanship in political opinion formation, which in turn leads to more corruption. The overall effect of ideological polarization may depend on mitigating contextual factors and the extent of the former.

Corruption may also increase polarization. As new political parties may emerge, seeking to challenge the corrupt elite, the political arena becomes more fragmented and polarized (Apergis & Pinar, 2023). Furthermore, corruption fuels anti-establishment sentiments, which are both employed and exacerbated by populist actors (Engler, 2020). As populism (as an ideology) ‘considers society to be ultimately separated into two homogeneous and antagonistic groups’ (Mudde, 2004, p. 543), it fuels affective/pernicious polarization (Roberts, 2022). Therefore, polarization and corruption exhibit a circular causal relationship, thereby creating a vicious circle.

The review sheds light on the following gaps and potential avenues for further research. Firstly, the reviewed studies use simple, readily available ‘one-dimensional’ indices to measure (perceptions of) corruption. This approach assumes that the term corruption refers to a relatively homogeneous set of phenomena. By contrast, a growing number of scholars highlight the importance of discerning different types of corruption (e.g. Ang, 2020; Graycar, 2015; Hajnal, 2024). Future contributions could go beyond the one-dimensional approach and assess how polarization influences or is influenced by distinct types of corruption.

Secondly, most of the contributions focusing on the link between political polarization and corruption specifically used large-*n* quantitative methods. While this approach has significant advantages, small- and medium-*n* qualitative methods (such as set-theoretic methods, and process tracing) may complement the existing body of research. Set-theoretic methods may be particularly suitable to assess the conditions under which ideological polarization yields positive/negative effects on corruption. Thirdly, as noted, there has been a significant interest in the consequences of affective and pernicious polarization on democracy. Future contributions in this domain may also assess whether and how these types of polarization affect corruption, potentially discerning different types of the latter.

Appendix

Summary of empirical articles focusing on polarization and corruption specifically

Table 1 Summary of the reviewed articles

Article	Theoretical argument		Independent variable(s)		Dependent variable(s)		Evidence		
	Year	Title	Journal	Concept	Measurement	Concept	Measurement	Data/Scope	Method/design
Anduiza	2013	Turning a Blind Eye: Experimental Evidence of Partisan Bias in Attitudes Toward Corruption	Comp. Political Studies	Partisan bias	Manipulated by providing information about the party color of a corrupt politician	Perceived corruption	Survey question (how corrupt respondents deem a particular corrupt act)	Experiment in Spain with 2300 participants	Online survey experiment
Apergis	2023	Corruption and Partisan Polarization: Evidence from the European Union	Empirical economics	Corruption	CPI and the WGI's Corruption Control Index	Partisan polarization	Five different polarization measures are applied	25 EU countries between 2003 and 2017	Panel data analysis
Brown	2011	Political Polarization as a Constraint on Corruption: A Cross-National Comparison	World Development	Political polarization	The largest ideological distance (left-right) between the four biggest parties	Corruption	An aggregate of various datasets on corruption	Many countries, 1996–2006	Panel data analysis

Table 1 (continued)

Article		Theoretical argument		Independent variable(s)		Dependent variable(s)		Evidence	
First author	Year	Title	Journal	Concept	Measurement	Concept	Measurement	Data/Scope	Method/design
Davis	2004	The Influence of Party Systems on Citizens' Perceptions of Corruption and Electoral Response in Latin America	Comparative Political Studies	Ideological polarization	Ideological distance of parties	Corruption perceptions	Measured by interview questions	Interviews with 3396 people from Chile, Costa Rica and Mexico (representative sample)	Cross-sectional regressions
Eggers	2014	Partisanship and Electoral Accountability: Evidence from the UK Expenses Scandal	Quarterly Journal of Political Science	Partisan stakes	Ideological distance of competing parties	Corruption	The likelihood that MPs engage in corruption	UK elections after the 2009 Expenses Scandal	Cross-sectional regression
Melki	2020	Polarization and Corruption in America	European Economic review	Ideological polarization	Distance of the two parties' conservative/democrat score (0-100).	Corruption	Number of federal convictions for corruption-related crimes per capita	US, 1976 to 2004, 48 states	Panel data analysis, Instrumental variable to check the direction of causation

Table 1 (continued)

Article		Theoretical argument		Independent variable(s)		Dependent variable(s)		Evidence	
First author	Year	Title	Journal	Concept	Measurement	Concept	Measurement	Data/Scope	Method/design
Orhan	2022	The Relationship between Affective Polarization and Democratic Backsliding: Comparative Evidence	Democratization	Affective polarization	Difference of in/out-party feelings weighted by vote shares	Democratic quality (in the robustness check, accountability as DV)	Liberal democracy index of V-Dem (accountability index of V-Dem)	170 election surveys in 53 countries	Regression
Testa	2010	Bicameralism and corruption	European Economic review	Polarization	Two measures: a simple index of ideological distance, and another based on Esteban and Ray's (1994) approach	Corruption	CPI and Kaufman et al.'s (2004) Index	35 countries between 1996 and 2004	Panel data analysis

Notes: (i) The table includes empirical articles which focus on the relationship between polarization and corruption specifically. (ii) Some articles assess various mechanisms. The summaries in the table include information only about the relationship of interests.

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Determinants of experiences and perceptions of corruption: A case study of Russian regions

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Abstract

In this article, the main determinants of experiences and perceptions of corruption in the Russian regions are analyzed. The research focuses on evaluating the determinants of corruption among ordinary people and business representatives in three regions of Russia. The main objectives of the research are: to reveal the relationship of individual characteristics and attitudes toward corruption with citizens' actual experiences and perceptions of corruption; to learn how experiences and perceptions of corruption influence each other. The main conclusion is that the experience of corruption and its perception are interrelated. Those members of both the general public and the business community who perceive the prevalence of corruption to be high report experiencing corrupt practices more often than those who see a lower frequency of corruption. People who justify corruption are more likely to report encountering bribery and other low-level corruption practices. For business corruption, tolerance of corruption shows a significant link with perception of corruption, but not with real experiences of corruption. Social learning theory and victimization theory can explain the interdependence of perceptions and experiences of corruption in the Russian regions. The indicators of both perception and experience of corruption in the research can be used as indirect measures of corruption. Their interrelation in the same survey may also indicate their validity as instruments for measuring corruption.

Keywords: experience of corruption; perception of corruption; low-level corruption; business corruption; attitudes toward corruption; determinants of corruption

1 Introduction

Corruption is dangerous for all domains of society in any country and at the global level. Most researchers broadly define corruption as the 'misuse of public office for private gain' (Treisman, 2000, p. 399). The most important sphere of corruption is that in which citizens and business representatives interact with different public-sector authorities and institutions, where governmental officials may break rules for their private gain. Ordinary people finding themselves subjected to corruption in such a situation is an example of low-level,

street-level, or petty corruption (Wysmułek, 2019). When private companies and organizations are involved in corrupt behavior, it is defined as business corruption (Rose-Ackerman, 1999). Researchers agree it is difficult to measure corruption because of its hidden nature and diversity of forms.

There are many cross-national and country-level measures of the connection between individual-level characteristics and perceptions of corruption and the link between experiences and perceptions of low-level and business corruption (Canache et al., 2019; Melgar et al., 2010; Pozsgai, 2015). These connections are often considered questionable and dependent on specific political, social, and economic circumstances (Tanzi, 1998; Andvig et al., 2001). Some studies demonstrate that relationships between perceptions and experiences of corruption are distributed among countries (Seligson, 2006). They recommend the systematic comparison of corruption perceptions to experience surveys on cross-national and national levels (Delios et al., 2024).

The question arises to what extent do the experience and perception of corruption reflect the real level of corruption in a country or region? Each of these indicators contains risks of bias due to insufficient or distorted information about the level of corruption or insincerity in answering sensitive questions. To avoid bias, the indicators should be tested 'through measurement reliability' (Fazekas & Ferrali, 2023, pp. 6-7).

Analyzing their relationships and their relation with other indicators helps to understand their potential as measures of corruption. Researchers note that even if perceptions and self-reported experiences of corruption do not sufficiently reflect current levels of corruption, these phenomena are interrelated, and high levels of perceived corruption cause negative effects in the economy and society (Melgar et al., 2010).

The link between perceptions and experience of corruption is tested at different levels, however, the regional level within countries is often not considered. Researchers note that corruption has been studied mainly at the international or national level, and little research has focused on the local level (Zimelis, 2020). Studying the role of different determinants of corruption, including individual characteristics or attitudes toward corruption, can contribute to enhancing information policy in regions and fostering accountability and good governance (Canache et al., 2019).

In recent decades, the problem of corruption has become crucial in Russia. This research focuses on the evaluation of the determinants of corruption among ordinary people and business representatives in three regions of Russia based on a survey conducted in 2019. We examine how people's and organizations' social, demographic, and economic backgrounds as well as their attitudes toward corruption can influence the perceived level of corruption and engagement in it. Thus, the study framework includes three main research questions:

What is the role of the individual characteristics of people and business organizations in determining their experiences and perceptions of corruption?

Can attitudes toward corruption be predictors of corruption experience and corruption perception?

Can experiences and perceptions of corruption be determinants of each other?

Answers to these questions can help clarify the opportunity to consider perception and experience of corruption as interdependent and to use them as the indicators for measuring corruption in surveys.

2 Literature review

It is necessary to focus on the main terms that will be used in this study, such as factors or determinants of corrupt behavior; individual characteristics; attitudes toward corruption; perceptions of corruption, and personal experiences with corruption.

Factors or determinants of corrupt behavior are defined as characteristics or conditions that bear influence on corruption extension in a specific country or region (macro level), or on people's corrupt behavior (micro level) (Fazekas & Ferrali, 2023). At the same time, studying factors of corruption is closely connected with the ways in which corruption is measured.

Individual characteristics are considered in studies of corruption as individual determinants of corrupt behavior that reflect social, demographic or other characteristics of people or organizations. They may include gender, age, marital status, income, education, place of living etc., for citizens, or the specific features of organizations or entities.

Attitudes toward corruption are defined as acceptance and justification of corruption or of its specific types among citizens or business representatives. Attitudes can be presented in surveys as statements about what practices respondents regard as corrupt (Torgler & Valev, 2006) or as evaluations of different misbehaviors as acceptable or unacceptable (Kamel et al., 2021).

Perception of corruption is defined as different agents' beliefs toward the extension of corruption and its forms in society: 'prevalence of corruption and the urge to engage' in some corrupt practices' (Haddoud et al., 2024, p. 6). The perception of corruption in the surveys may evaluate the integrity or corruptibility of the government, public officials, and specific institutions, or the perception of the effectiveness of anticorruption efforts (Hauk et al., 2022). Corruption perception is observed among different categories of actors: experts, business representatives, members of organizations, or ordinary citizens (Melgar et al., 2010).

Experience with corruption reflects the frequency or existence of cases connected with some corrupt practices reported by different agents (individuals or entities) and their involvement in corrupt situation. Some researchers consider it as a 'direct indicator' measuring if some agents were involved in corrupt situations in a certain period (Deininger & Mpuga, 2004). Questionnaires can comprise not only personal respondents' experience but also their colleagues, peers or other representatives of their inner circle.

2.1. Individual characteristics

This group of factors is considered in different studies in connection with both perception and self-reported experience of corruption. For instance, some researchers have claimed that women perceive a higher level of corruption than men (Melgar et al., 2010; Swamy et al., 2001). Other studies have shown that women underestimate the level of corruption (Gerasymenko, 2018). Women are more likely to disapprove of corrupt behavior (Schulze & Frank, 2003). Most researchers have concluded that women are less involved in corrupt practices (Torgler & Valev, 2006). Lee and Guven argue that this is because men are more

competitive and have a higher risk appetite than women, and previous findings suggest that competition may be a factor in unethical behavior such as corruption (Lee & Guven, 2013). At the same time, Pozsgai found that women are more exposed to corruption (Pozsgai, 2015). However, despite numerous studies of the connection between gender and corruption, some researchers have admitted certain complications in analyzing the relationship of gender with corruption and perceptions thereof.

Age also has an ambiguous relationship with corruption. Torgler and Valev concluded that people under 30 years of age see corruption as significantly more justifiable than older age groups (Torgler & Valev, 2006). The authors explained this finding by referring to age theory. According to it, older people are more sensitive to the effects of sanctions and have a stronger dependency on others' reactions, so the perceived costs of sanctions increase over the years for this group. However, according to research conducted in Russia, older people are more prone to engaging in corruption (Zaloznaya et al., 2018). Thus, hypotheses based on age theory need to be complemented by additional explanations related to acceptable informal norms in society.

Melgar et al. showed that people who have completed at least secondary school are more likely to perceive a lower degree of corruption (Melgar et al., 2010). In some research, education does not have a significant link with perceptions of corruption (Torgler & Valev, 2006; Borošak & Šumah, 2019).

Mocan (2008) and Torgler & Valev (2006) showed that wealthier people and more educated individuals are more likely to be targeted for bribes. Other research has shown that less educated and lower-income citizens face corruption more often (Tavits, 2010; Zaloznaya et al., 2018). Peiffer & Rose offer two reasons for this situation (Peiffer & Rose, 2018). First, public officials may perceive poor people as being 'easy targets' because of their lack of knowledge, useful linkages, and financial resources. Second, for low-income people, paying bribes can be the only way to solve everyday problems.

According to Mocan, individuals who live in larger cities face a higher likelihood of being asked for a bribe because the level of economic activity is higher there than in smaller cities and, as a result, there are more opportunities to interact with public institutions (Mocan, 2008).

As for the relationship between individual factors in business corruption, research has usually focused on features of companies that can influence corruption. Small organizations have a higher propensity to be affected by bribery than large firms because small firms have less power to resist illegal offers and less practical experience in relating with the government (Friesenbichler et al., 2017).

Thus, individual factors often show unstable explanatory power in relation to experiences and perceptions of corruption. The relationship usually depends on social context in a specific country or region. For instance, income level can influence engagement in corruption in connection with other factors, such as living standards, the level of inequality in a specific country, or the market environment (Peiffer & Rose, 2018). Such contextual factors are affected by specific traditions, values, and formal or institutional norms in the explanation of the members of different social groups' corrupt behavior. For this reason, the role of people's attitudes can be significant in predicting corruption.

2.2 Attitudes toward corruption

Ajzen defined attitudes as ‘summary evaluation of a psychological object captured in such attribute dimensions as good-bad, harmful-beneficial, pleasant-unpleasant, and likable-dislikable’ (Ajzen, 2001, p. 28). Attitudes toward corruption may refer to the justifiability of corruption or other people’s beliefs related to it. The more tolerant people are toward corruption or other unethical behavior, the more likely they are to be involved in actual corrupt actions (Zaloznaya et al., 2018; Pozsgai, 2015; Tavits, 2010). Lee & Guven found that those who were engaged in corruption in the past are more likely to justify it (Lee & Guven, 2013). Gorsira et al. found that among business representatives, those who indicate that their colleagues approve of corruption and have engaged in it are themselves more prone to engaging in corrupt actions (Gorsira et al., 2018).

There are some important concepts for the analysis of attitudes toward corruption. Some researchers explain the role of attitudes in explanation of corrupt behavior regarding Ajzen’s theory of planned behavior (Ajzen, 2001). This theory postulates that intention to perform (or not to perform) a behavior is a function of three main inputs: attitudes toward the behavior, subjective norms, and perceived behavioral control. Kubbe argued that informal norms with their connection with formal institutions create values and customs that can predict and affect the corrupt behavior (Kubbe, 2018).

The role of attitudes toward corruption can also be explained by the theory of collective action. This concept assumes that all actors maximize their own interests. Since a sufficiently large number of actors are expected to play unfairly, each of them may benefit from corrupt actions (Persson et al., 2013). This means that under certain conditions, all of them can be corrupted because such behavior is normal and expected in this environment. This theory emphasizes the social and political environment that influences on the people’s values. In the societies with systemic corruption, e.g., post-soviet countries, people are prone to consider corruption as the way of life. Karklinks writes that despite the strengthening of anti-corruption measures in post-communist countries, their implementation has not led to a real strengthening of accountability (Karklinks, 2005).

Some studies show a weak relationship between justification of corruption and involvement in it, as well as perceptions of its prevalence. The authors explain this through social desirability biases (Delios et al., 2024). Agerberg emphasizes a pattern whereby respondents condemn corruption but negatively evaluate others’ presence of such beliefs (Agerberg, 2022). According to the research, such tendencies characterize countries with high levels of corruption.

2.3 Perceptions and experiences of corruption as independent and interdependent factors

Perceptions of corruption, as an indirect measurement method, can be a predictor of actual engagement in corrupt behavior (Treisman, 2007; Charron, 2016).

The relationship between perceptions and experiences of corruption is studied at country level as well as and at national or regional level. The study conducted by Melgar,

Rossi and Smith (2010) showed that those who think that corruption is widespread in a country are more willing to be involved in bribery. Some researchers have agreed that perceptions of corruption can be a predictor of actual engagement in corrupt behavior (Charron, 2016). Donchev and Ujhelyi have shown that corruption experiences are only weakly related to corruption perceptions (Donchev & Ujhelyi, 2014).

The reliability of survey methods for studying corruption in some countries and regions has been widely discussed. These methods are often criticized for different reasons, such as the alleged inadequacy of public opinion for determining the level or definition of corruption. People may underreport their experiences of corruption because of fear of prosecution or shame (Pozsgai, 2015). Both ordinary people and business representatives may be reluctant to answer sensitive questions truthfully. Individuals may avoid answering questions about their own corrupt behavior at all, especially in countries where corruption is widespread at different levels (Friesenbichler et al., 2017).

Thus, the causal link between the two remains unclear. As with the individual factors, any relationships identified depend on the specific social, political, and cultural context of the specific country and region (Charron, 2016; Erlingsson & Kristinsson, 2016; Seligson, 2006).

For instance, Gonzalez et al. (2019) found that the perception of corruption is associated with the experience of bribery and that this connection is stronger in countries where corruption is low and press freedom is high. Melgar et al. demonstrated that 'better economic performance reduces corruption perception' (Melgar et al., 2019, p. 129).

For our research, it will be interesting to consider which theories explain the mutual influence of perception and experience of corruption. Regarding the influence of the experience of corruption on the perception of corruption, victimization theory is used. Victimization theory posits that being a victim of a crime in the past positively influences crime risk perception (Öhman, 2017; Pozsgai, 2015). According to Seligson, the experience of corruption strongly decreases institutional trust (Seligson, 2006).

To explain how the perception of corruption determines engagement in corruption, the researchers use social learning theory (Bandura & Walters, 1977). According to this theory, people decide to involve in illegal acts because of their perception of its widespread among peers or the society. In this process, data on how anti-corruption laws are implemented, how people are punished for corruption, obtained from personal observation, communication and media information play an important role in creating cognitive models or images toward corruptibility of specific social groups or institutions (Gutmann et al., 2020).

Thus, the review of the literature shows:

- (1) Individual characteristics have not been explicitly linked to either experiences or perceptions of corruption.
- (2) The attitudes toward corruption, tolerance of it can be predictors of actual corrupt behavior.
- (3) Both perception and experience of corruption are actively used for survey measuring this complex and hidden phenomenon at macro and micro levels.
- (4) There are some theoretical concepts and research results that find the interdependency between perception and experience of corruption. Previous experiences of corruption can influence perceptions of corruption; the perceived prevalence of corruption in society can lead to corrupt actions.

All the measures imply some risks and limitations that underscore the necessity of further study of this issue regarding specific social and spatial conditions.

3 Corruption in Russia

Corruption is a very serious problem in Russia that hinders democratic reforms and the economic development of the country. In 2023, Russia's CPI rating was 136th among 180 countries, with a score of 2.6 (Corruption Perception Index, 2023). In 2020, 70 per cent of Russian citizens reported that the level of corruption in the country is high; 53 per cent believe that it is impossible to eradicate corruption in Russia (Pavroz, 2021).

In 2008, the Anti-Corruption Act was passed in Russia, and the National Anti-Corruption Strategy was introduced by then President Dmitry Medvedev in 2010. In that period, the government also initiated numerous projects to curb corruption. The Russian authority had outstanding success in creating institutes to prevent street-level corruption in ordinary people's everyday dealings with public officials.

Despite some results in preventing low-level corruption, the situation with business corruption remains tense. Entrepreneurs, especially those in small and medium-sized firms, are unprotected from corruption in their dealings with governmental institutions and municipal authorities (Ivanova, 2013). An additional factor is the insufficient development of civil society to provide public control of corruption (Chebankova, 2013).

In recent years, Russia has seen increasing state control over business and media, along with decreasing freedom of the press and political pluralism. Controlled media supply limited information about corruption scandals and arrests, and Russians are often unaware of the consequences of these incidents. In this situation, it is difficult to discuss citizens' awareness of the real level of corruption, which also complicates measurement procedures.

Russian researchers have elaborated on the different methodologies for measuring corruption, trying to determine the related influencing factors (Satarov, 2013; Nisnevich & Stukal, 2012). Unfortunately, only a few researchers have focused on factors connected with citizens' characteristics and attitudes in relation to corruption. For instance, Popova showed that middle-aged and older people with lower-middle incomes and high education levels report higher levels of corruption than do other social and demographic groups (Popova, 2019, p. 393). Satarov emphasized that people with a higher level of education are more likely to perceive the level of corruption to be high. Perceptions of the level of corruption are higher in million-person cities than in cities with populations between 100,000 and 300,000. Regarding business corruption, some studies have indicated that the economic sector is the most significant determinant of corruption perceptions in Russia: 'the extractive and financial services sectors are the riskiest in terms of perceived corruption' (Satarov, 2013, p. 506).

According to a 2019 survey, more than half of Russians have a tolerant attitude toward corruption (Maksimenko et al., 2020). High tolerance of corruption is explained by the high level of informal practices both at the street level and in business (Ledeneva, 2013).

Some researchers place Russia among the countries where the connection between the level of perception and experience of corruption is low (Melgar et al., 2010; Rose & Mishler, 2010). Russian scholars also emphasize the contradictoriness of Russians' attitudes toward corruption.

Despite increasing centralization of power, there is great diversity in behavioral, social and cultural traditions among Russia's 89 regions. This also applies to corrupt practices. Zakharov (2019) concluded that the central part of Russia and the Urals are relatively less corrupt, while the areas on the periphery exhibit higher levels of experienced corruption. Regional studies of corruption are currently insufficient, especially in analyzing the factors of perception and experience of corruption at the micro level. However, the studies of public attitudes toward corruption allow for forming realistic anticorruption policies and strategies at national and regional levels. Analysis of determinants of perception and experience of corruption contributes to reveal social, political and cultural features that influence corruption in the specific territories, and to enhancing the tools for measuring corruption.

The main objectives of our empirical research are: (1) to determine the individual factors related to citizen's actual experiences and perceptions of corruption; (2) to discover how attitudes toward corruption relate with both perception and experience of corruption; and (3) to learn how experiences and perceptions of corruption influence each other.

4 Methods and measures of the research

Public opinion surveys are the most common methods for measuring corruption. Surveys of the general public or businesspeople about corruption usually focus on either experiences of corruption or perceptions of corruption. Asking about experiences of corruption is a method for measuring self-reported engagement in situations of corruption. Perception of corruption includes people's beliefs toward the level of corruption in a region, its dynamics, opinions about the integrity or corruptibility of institutions or authorities, and evaluation of the effectiveness of anticorruption policies.

In recent years, due to citizens' growing impatience with anti-corruption policy, it has become necessary to conduct complex research on corruption in Russia. For these reasons, in 2019, the Russian government initiated a national survey to evaluate the level of corruption in all regions of Russia. This study aimed to estimate the level of low-level and business corruption and included many indicators based on individual experiences of corruption as well as perceptions of corruption (Metodika, 2019). This allowed us to use the results of this survey to measure different factors of corruption.

For our research, we use the survey results for three regions of Russia – the Cis-Urals, the Urals, and Western Siberia – where the survey was conducted under the author's supervision. 1800 (N=600 in each region) respondents above 18 years old took part in the survey on low-level corruption. The method of this research was an individual formalized interview at the place of residence. 900 business representatives (N=300 in each region) completed an online questionnaire related to business corruption. The population of the regions varies from 1.5 to 4.3 million people. Regression analysis was used to investigate the factors of perception and experience of corruption. A detailed description of the variables is presented in the Appendix.

5 Results of empirical analysis

5.1 Low-level corruption

Hierarchical multiple linear regression analyses were performed to assess the relationship of experiences of bribery with different groups of determinants. The hierarchical modeling (Table 1) demonstrates increasing R^2 and F indexes, which indicates model stability.

Table 1 Results of hierarchical linear regression analysis of factors of bribery experience (B, β for each variable; R^2 , F for the model)

	B (β)
Age	-.108 (-.069)**
Gender	.060 (.012)
Urbanization	-.063 (-.021)
Education	-.054 (-.032)
Income	.125 (.052)*
Tolerance	.137 (.077)***
Perception of effectiveness of anticorruption efforts	.294 (.048)
Estimation of the dynamics of corruption	.079 (.036)
Perception of integrity	.016 (.028)
Perceived frequency of corruption	.089 (.422)***
R^2	.194***
F	39.766

Dependent variable: bribery experience

* $p < .05$, ** $p < .01$, *** $p < .001$.

The results show that except for age, the individual characteristics have a nonsignificant relationship with the experience of bribery. The younger a person is, the more often he or she encounters bribery. Attitudes toward corruption (tolerance) and perceptions of frequency of corruption show a significant relationship with bribery experiences. The more often people approve of corruption, the more often they encounter bribery. The more often people indicate a possibility of finding themselves in corrupt situations in their daily dealings, the more often they face pressure to pay bribes.

To evaluate the relationship of the determinants with experiences of low-level corruption, we performed hierarchical binary logistic regression analysis (Table 2).

Table 2 Results of hierarchical binary logistic regression analysis of determinants of experience of low-level corruption (B, ExpB, 95% C.I. for Exp (B) for each variable; Cox and Snell R², Hosmer and Lemeshow test, and -2 log-likelihood for the model)

	B (ExpB),	95% C.I. for Exp (B)
Age	-.069 (.933)	.860–1.012
Gender	-.024 (.976)	.762–1.250
Urbanization	-.063 (.939)	.805–1.095
Education	-.035 (.965)	.881–1.058
Income	-.169* (.844*)	.740–.963
Tolerance	.112* (1.118*)	1.019–1.227
Perception of effectiveness of anticorruption efforts	-.526** (.1692**)	1.236–2.316
Estimation of the dynamics of corruption	.157** (1.170**)	1.050–1.304
Perception of integrity	-.054** (1.032**)	.917–.979
Perceived frequency of corruption	.031*** (1.032***)	1.021–1.043
R ² (Cox and Snell)	.064	
Hosmer and Lemeshow test	$\chi^2 = 4.533$ p = .775	
-2 Log-likelihood	1545,423	

Dependent variable: experience of low-level corruption

*p < .05, **p < .01, ***p < .001.

According to the data, the role of individual determinants is nonsignificant, except for income, which has a positive link with experience of low-level corruption as the dependent variable. This model demonstrates that both attitudes and perceptions of corruption have a significant influence on experience of corruption. Tolerance of corruption has a significant positive relationship with the experience of low-level corruption. The variables measuring perception of effectiveness of authorities' anticorruption efforts, estimation of the dynamics of corruption, perceived integrity of institutions, and perception of the frequency of corruption demonstrate significantly influence on exposure to corruption.

The next stage of the research is to evaluate the determinants of perceptions of low-level corruption. We assessed them by performing hierarchical linear regression analysis. As a dependent variable, the perceived frequency of corruption was chosen (Table 3).

Table 3 Results of hierarchical linear regression analysis of determinants of perceptions of low-level corruption (B, β for each variable; R², F for the model)

	B (β)
Age	-.058 (-.008)
Gender	-.244 (-.011)
Urbanization	1.370 (.105) ^{***}
Education	.641 (.087) ^{**}
Income	-.438 (-.040)
Tolerance	-.008 (-.001)
Experience of bribery	2.834 (.112) ^{***}
Experience of low-level corruption	1.782 (.385) ^{***}
R ²	.211 ^{***}
F	49.785

Dependent variable: perceived frequency of corruption

*p < .05, **p < .01, ***p < .001.

Perception of corruptions are strongly related with the variables reflecting experiences of corruption. The more often people are exposed to corruption, the higher they evaluate the frequency of corruption. Urbanization level positively affects the perceived frequency of corruption with high significance (B=1.370, p=.000). Education is also significant; however, the significance is lower (p < .01). The most significant factors associated with perceptions of corruption are experiences of bribery and experiences of low-level corruption. People who engage in corruption are more inclined to perceive a high level of corruption in their country and in their region.

5.2 Business corruption

For the evaluation of the factors of experience in business corruption, a hierarchical binary logistic regression analysis was performed (Table 4).

Table 4 Results of hierarchical binary logistic regression analysis of determinants of business corruption experience (B, ExpB, 95% C.I. for Exp (B) for each variable; Cox and Snell R², Hosmer and Lemeshow test, and -2 log-likelihood for the model)

	B (ExpB)	95% C.I. for Exp (B)
Ownership (Private companies)	.651* (1.917*)	1.125 -3.267
Revenue	.238 (1.268)	.959 – 1.678
Size	.127(1.136)	.952– 1.355
Age	.197* (1.218*)	.980-1.514
Urbanization	.329* (1.389*)	1.005-1.920
Tolerance	.091 (1.095)	.894-1.342
Effect	-.131 (.877)	.644-1.193
Dynamics	.129 (1.137)	.970-1.333
Perceived frequency of business corruption	.237*** (1.268***)	1.158-1.388
Perception of forms of business corruption	.225* (1.252*)	1.034-1.518
R ² (Cox and Snell)	.220	
Hosmer and Lemeshow test	$\chi^2 = 7.524$ p = .481	
-2 Log-likelihood	562.859	

Dependent variable: business corruption experience

*p < .05, **p < .01, ***p < .001.

The results show that among the individual characteristics of organizations, ownership and the type of settlement are the most significant determinants. The level of urbanization and affiliation with private businesses positively influences the experience of business corruption. The attitudes of business representatives toward corruption (tolerance) do not significantly affect the experience of business corruption. The perceived frequency of corruption positively and significantly affects experiences of business corruption.

For the evaluation of the determinants of perception of business corruption, hierarchical linear regression analysis was performed (Table 5).

Table 5 Results of hierarchical linear regression analysis of determinants of perceptions of business corruption (B, β for each variable; R², F for the model).

	B (β)
Ownership (private companies)	-.820 (-.137) ^{***}
Revenue	.011 (.003)
Size	-.166 (-.096) [*]
Age	-.027 (-.012)
Urbanization	-.234 (-.060)
Tolerance	.403 (.151) ^{***}
Experience of business corruption	.843 (.442) ^{***}
R ²	.251 ^{***}
F	42.596

Dependent variable: perceived frequency of business corruption

*p < .05, **p < .01, ***p < .001.

The results show the high significance of the type of ownership (perceived frequency of corruption is higher in private companies than in other organizations) and the low negative significance of revenue. Tolerance of corruption and experience of it are the most significant determinants of the perceived frequency of business corruption. The more often business representatives are exposed to corruption, the higher they evaluate the frequency of corruption. As with low-level corruption, the experience of business corruption also significantly affects higher perceptions of corruption.

6 Conclusions

6.1 Individual determinants

This group of variables shows low significance. However, age displays a considerable link with citizens' experience of bribery. The most susceptible to corruption are citizens between 30 and 40 years old, as the most economically and socially active group of the population.

Income positively correlates with experiences of low-level corruption: wealthier citizens are more likely to report encounters with corrupt practices in their everyday lives. Income and education also positively influence the perceived risk of corruption. Under conditions of a high level of informality in the economy, members of the middle class find themselves pressured to solve problems by using illegal practices. However, both age and income show a weak impact on involvement in corruption.

As for the perception of corruption, education and level of urbanization are positively related to the perception of the prevalence of corruption. These two indicators may correlate with the level of awareness of corruption. More educated people and residents of large cities are more interested in economics and politics and use different sources of information. Opposition media, social media and the internet are more likely to publish news about corruption scandals and investigative journalism about corruption.

The level of urbanization relates to both experiences of business corruption and its perceived prevalence. In urban areas, entrepreneurship is more developed than in rural areas. Business representatives in urban territories interact with public and municipal authorities more often than in rural areas to solve their problems. Furthermore, there are considerable economic and social differences between types of settlement, especially between urban and rural areas, which hinder business activity in villages (Satarov, 2013). Despite government efforts to support regional and rural entrepreneurship, the business community still faces bureaucratic red tape, disadvantages in tax policy and other obstacles. For these reasons, informal ways of solving problems in business are very popular in Russia (Ivanova, 2013). The representatives of private and small companies are more prone to perceive frequent corruption in the business sphere. This implies lower legal protection of businesses in Russia against predatory officials and a lack of anticorruption, compliance, and whistle-blowing instruments in these spheres.

6.2 Attitudes toward corruption

People who justify corruption are more likely to report encountering bribery and other low-level corruption practices. Regarding the perception of corruption, justification of corrupt behavior is no longer a significant factor, but prior experience of corruption is significant in assessing its prevalence. For business corruption, tolerance of corruption shows a significant influence on perception of corruption but not with experiences of corruption.

Attitudes associated with corruption more significantly influence perceptions than experiences of corruption in the case of business corruption. The insufficiently stable relationship between justification of corruption and its perception and experience can be explained by social desirability bias, where people demonstrate condemnation of corruption as a socially unacceptable behavior. The theory of collective behavior can also explain the link between corruption and its justification as applied to Russia as a country, where many people justify behavior by the pressure of the social environment and the system as a whole. 16 per cent of respondents do not condemn any of the participants in corrupt transactions, and a quarter of them do not condemn the bribe-giver. The lack of anti-corruption education and the weak ability of civil society to control corruption lead to its normalization and even its perception as a subjective norm.

6.3 Perceptions and experiences of corruption

Perception of effectiveness of anti-corruption policy is negatively but weakly determined by experience of corruption. Perception of low-level and business corruption and its experience significantly affect each other.

Social learning theory and victimization theory can explain the interdependence of perceptions and experiences of corruption in Russian regions. Involvement in corruption may contribute to the perception of the prevalence of corruption. Social learning theory can also explain the influence of experience on corruption perception, since personal experience, along with other factors, can be a condition for people's perceptions of its prevalence.

The indicators of both perception and experience of corruption in the research can be used as indirect measures of corruption. Our research has shown a variety of ways of estimating corruption and underscored the necessity of conducting complex studies on this topic under specific social conditions. The results of the surveys help to adjust anti-corruption policy toward the development of public awareness, and the formation of anti-corruption values in the population. These areas are currently underrepresented in Russia.

The link between experiences and perceptions of corruption and the role of other factors are determined by specific features of countries and regions. The main limitation in our research is the representativeness of the three regions of Russia considered; our findings cannot be generalized to all of Russia because of some differences across regions. At the same time, the results reflect the situation in most Russian regions. However, these results need additional verification that would assess different social, attitudinal, or contextual factors. Social conformity bias, fear bias, and cognitive, socio-economic, political and cultural factors may play a significant role in perceptions and experiences of corruption.

Appendix

The description of the variables

Low-Level Corruption

1. To study the determinants of experience of low-level corruption, we chose two dependent variables: experience of bribery and experience of low-level corruption.
 - 1.1. The experience of bribery variable was created by summing up the answers to the following question: "In the past 12 months, did you happen to find yourself in a situation where obtaining a service involved bribery?" This question was asked regarding 16 types of public services for ordinary citizens. Each of them was evaluated as 0 ("I did not get such service and did not fall into such a situation"; "difficult to answer") or 1 ("I had to offer a bribe at least once"). After summing the answers related to each service, an aggregate variable taking values from 0 to 16 was derived (mean = 1.31, SD = 2.35, Cronbach's Alpha = .839).
 - 1.2. The experience of low-level corruption variable was created from the answers to the following question: "In the past 12 months, were you faced with a need to make an extra informal payment or offer a bribe or gift, regardless of whether you did it or not?" (1 = yes; 0 = no). The mean of this variable is 0.26 (SD = 0.51). This means that more than one-quarter of respondents encountered corruption in their interactions with public institutions and organizations.

These two variables were used as dependent variables in the regression models evaluating the different factors of low-level corruption.

As the independent variables for our regression model, we used three types of variables that may relate to experiences of corruption.

- 1.3. Individual factors include the social and demographic characteristics of respondents:
 - gender (0 = female, 1 = male);
 - age (1 = under 20, 2 = 21-30, 3 = 31-40, 4 = 41-50, 5 = 51-60, 6 = above 60);
 - education (1 = no schooling completed, 2 = high school diploma, 3 = vocational training, 4 = college degree, 5 = some higher education, 6 = higher education diploma [specialist, bachelor's, or master's degree], 7 = doctoral degree or higher);
 - type of settlement based on the level of urbanization (1 = rural settlement, 2 = small town, 3 = large regional center);
 - income (1 = very low, 2 = below average, 3 = average, 4 = relatively high, 5 = high).
- 1.4. Attitudes toward corruption include the tolerance of corruption (1 = I condemn both the briber and the receiver of bribe; 2 = I condemn only the briber and do not condemn the bribee; 3 = I condemn only the receiver of bribe and do not condemn the briber; 4 = I condemn neither the briber nor the receiver of bribe). The mean of this variable is 1.9 (SD = 1.375).
- 1.5. The perceptions of low-level corruption measures reflect respondents' evaluations of the level of integrity and prevalence of corruption in different sectors and institutions and include the following variables:
 - perception of effectiveness of anticorruption efforts (1 = authorities fight corruption effectively, 0 = there is no effect of the fight against corruption by governmental institutions);
 - estimation of the dynamics of corruption, operationalized as the sum of three variables that reflect perceptions of the changing level of corruption over the last year at the national, regional and municipal levels, where 1 is growing corruption and 0 is no change or decreasing corruption (the final value of the aggregate variable varies from 0 to 3)
 - perception of integrity, measured as the sum of variables that evaluate the integrity of 15 different sectors (1 = honest; 0 = dishonest) and varying from 0 to 15 (mean = 5.1, SD = 4.243, Cronbach's Alpha = .889).
 - perceived frequency of corruption in interactions with different institutions and organizations (16 situations), based on the answers to the following question: "How often in your place of living do people like you have to face bribery and corruption in the following situations and circumstances?" (0 = never, 1 = rarely, 2 = from time to time, 3 = quite often, 4 = very often; the aggregate variable for risk of corruption varies from 0 to 64; mean = 11, SD = 11.266, Cronbach's Alpha = .916).

2. To estimate the determinants of perceptions of low-level corruption, the abovementioned perceived frequency of corruption variable was chosen as the dependent variable. The independent variables are as follows.
 - 2.1. Individual factors include the social and demographic characteristics of respondents:
 - gender;
 - age;
 - education;
 - type of settlement;
 - income.
 - 2.2. Attitudes corruption measure includes the tolerance of corruption.
 - 2.3. The experiences of low-level corruption measure includes the two abovementioned variables:
 - experiences of bribery;
 - experiences of low-level corruption.

Business corruption

3. For the evaluation of the determinants of business corruption experience, a hierarchical binary logistic regression was used.
 - 3.1. As the dependent variable, the experience of business corruption indicator was used. This is a binary variable that was derived from answers to the following question: “During the last 12 months, was there any occasion when public officials asked your business entity for a gift, a counterfavor or some extra money?” (1 = yes, 0 = no). The mean of this variable is .21 (SD = .408).
As independent variables, the following three groups of factors were chosen.
 - 3.2. Individual factors (characteristics of an organization) (M1) include the following variables:
 - form of ownership (private = 1, other = 0);
 - revenue (1 = under 120 million rubles, 2 = from 121 to 800 million rubles, 3 = from 801 million to 2 billion rubles, 4 = over 2 billion rubles);
 - size of organization (1 = under 15 employees, 2 = from 15 to 100 employees, 3 = from 101 to 250 employees, 4 = from 251 to 500 employees, 5 = from 501 to 1000 employees, 6 = over 1000 employees);
 - age of organization (1 = under 1 year, 2 = from 1 to 3 years, 3 = from 3 to 5 years, 4 = from 5 to 10 years, 5 = over 10 years);
 - type of settlement based on the level of urbanization (1 = rural settlement, 2 = small town, 3 = large regional center);
 - 3.3. Attitudes toward corruption include the tolerance of corruption, created by using the answers to the following question: “In current conditions for doing business, does corruption help or hinder organizations like yours?” (1 = usually hinders, 2 = more often hinders than helps, 3 = does not hinder or help; 4 = more often helps than hinders, 5 = usually helps) (mean = 1.06, SD = 1.11);

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- 3.4. The perception of business corruption measures are as follows:
- Effectiveness of government anticorruption efforts, evaluated by the answers to the following question: “In your opinion, how effective are the authorities’ actions in preventing corruption?” (1 = worsen the situation, counterproductive, 2 = usually ineffective, 3 = neutral, 4 = usually effective, 5 = very effective);
 - Estimation of the dynamics of corruption, evaluated based on the sum of three variables that reflect perceptions of change in the levels of corruption at the national, regional and municipal levels over the last year (1 = decreasing corruption, 2 = no change, 3 = growing corruption (the final value of aggregate variable varies from 3 to 9));
 - The perceived frequency of business corruption variable, that is, the reported frequency of facing possible instances of business corruption, created by summing the answers to the following question for five variables that reflect different corrupt situations: “How often does a business entity in your field face the necessity of making an informal or hidden payment to public officials?” (0 = never, 1 = rarely, 2 = from time to time, 3 = quite often, 4 = very often). The resulting variable varies from 0 to 20 (mean = 1.06, SD = 1.11, Cronbach’s Alpha = .884).
 - The perception of different forms of business corruption, created from the sum of three variables reflecting three forms of corruption (giving a gift, bribe, or illegal favor) (mean = .175, SD = .58, Cronbach’s Alpha = .808).
4. For the evaluation of the determinants of perceptions of business corruption, the following variables were used.
- 4.1. As the dependent variable, the abovementioned perception of business corruption indicator was used. This is the frequency of facing possible instances of business corruption for different potential purposes.
As independent variables, the three following groups of factors were chosen.
 - 4.2. Individual factors (characteristics of the organization) include the following:
 - form of ownership;
 - revenue;
 - size of organization;
 - age of organization;
 - type of settlement.
 - 4.3. Attitudes about corruption include the tolerance of corruption measure;
 - 4.4. Experience of business corruption.

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Down the banking hole: Investigating the case of Slovenian banks

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Abstract

The aim of this paper is to analyse who was responsible for the deterioration of the Slovenian banking sector to such an extent that it was almost destroyed by the 2008 financial crisis, necessitating the consideration of an international bailout. A literature review focused specifically on reports from law enforcement agencies and commissions that investigated banking practices, complemented by a qualitative empirical study. In order to gain insight into the reasons why this situation unfolded, ten structured interviews were conducted. The interviewees included experts with experience in the fields of prevention, detection, investigation and prosecution of economic crime, bad credit management, central banking, parliamentary committee management, forensic investigations, investigative journalism, and experts with academic knowledge in law and economics. Five different investigations explored the behaviour of banking sector actors before, during, and after the 2008 financial crisis. These investigations revealed behaviours ranging from negligence to criminal acts. The interviews indicated that the perpetrators were individuals of high social status with significant influence, explaining why people are often not willing to testify against them. On the detection and prosecution front, the main challenges were fears among criminal investigators, prosecutors, judges, and others of retaliation from superiors, job loss, and being publicly lambasted in the media.

Keywords: financial crime; banking sector; investigation; white-collar crime

1 Introduction

In the wake of the recent collapses of one Swiss and two U. S. banks (Hooker, 2023), which underscore the credo that history repeats itself, it is wise to look for lessons that have been learned from the aftermath of the 2008 financial crisis. We concur with (Ruggiero, 2019) that situations similar to the one in 2008 are likely to reoccur. While some scholars argue that the 2008 financial crisis was a result of financial crimes deeply embedded within the global financial and especially the banking sectors, others view it as an unavoidable accident, akin to natural disasters, or merely a systemic slip (Hetzer, 2012; Pontell et al., 2014;

Sturc, 2023; United States Senate, Permanent Subcommittee on Investigations, 2011). This perspective is echoed in contemporary analyses of ongoing banking issues (see Pazzanese, 2023). Ironically, the economic crises typically reveal financial malpractices through post-event audits or when funding shortages expose fraudulent activities, such as the case of Bernard Madoff's Ponzi scheme, which only came to light due to the liquidity crisis. Similarly, financial misdeeds by Wall Street figures during the 2008 crisis might have been driven by funds originally intended for investment in Madoff's ventures.

Freeman (2010) highlights how the Great Depression uncovered the insider dealings and fraudulent activities of Wall Street's top financiers, while the 1980s Savings and Loan crisis was marked by extensive criminal looting, which consequently led to the imprisonment of as many as 3,500 bankers. The indicator of potential financial crimes, the instrument of suspicious activity reports gathered by the U.S. Department of the Treasury's Financial Crimes Enforcement Network from banks and other financial service businesses, has shown, similarly to the 1980s, that the number of mortgage frauds increased sharply from 2003, reaching almost ten-fold by 2009. According to Freeman, before the late 2000s financial crisis, in addition to mortgage frauds, in Ponzi schemes were proliferating.

The global economic crisis that erupted in the US in 2008, hit Slovenia's overheated economy hard. The Slovenian banking sector was particularly affected, as banks suddenly had very limited access to funds on international financial markets and had to repay the funds they had borrowed. They, therefore, wanted to get these funds back from companies, many of which did not have them, and at the same time, their revenues fell sharply as a result of the global financial crisis (Tajnikar, 2019). The ongoing developments resulted in sum, resulting in a serious capital shortfall in the banks. To prevent the collapse of the Slovenian financial system, Slovenian banks had to be recapitalized, but there was no interest from owners and foreign investors. The only solution to the situation was for Slovenia to recapitalize its banks with taxpayers' money. Kordež (2019) estimates that the rescue of the state-owned banks, together with the deficit coverage for the orderly liquidation of Factor banka and Probanka, cost around €4.5 billion. The public nicknamed the capital shortfall in the banks the 'banking hole' (*bančna luknja*). Soon the question arose if the poor conditions in which Slovenian banks have found themselves were also a by-product of financial crime. This paper addresses this line of thought and researches whether there was a link between the Slovenian banking hole and financial crime. It is structured in five parts. Following (1) the introduction, there is (2) a short description of the official causes of the poor state in which Slovenian banks found themselves after the 2008 financial crisis; followed by (3) descriptions of the investigations into the banking hole and (4) our research undertaking, carried out to deepen the understanding of the official causes of the banking hole and results of the investigations into the banking hole. The last (5) section summarises and combines the crucial information from all the sections and provides some suggestions for the prevention of such behaviour in the future.

2 The Slovenian banking hole

The post-EU accession economic boom and subserviating banks' willingness to extensively credit businesses, including managerial takeovers can be recognized as connected to the issues of post 2008 Slovenian banking crisis (Damijan, 2013; 2018; Guardiancich, 2016;

Tajnikar, 2019). More precisely and according to Tajnikar (2019), the roots of the Slovenian banking hole can be traced back to 2004–2008. He divides the roots into three categories: (i) the rapid growth of the Slovenian economy based on borrowing by companies and the state, (ii) the large public financial expenditures financed by economic growth and the state's borrowing abroad – the state's guaranteed debt to foreign countries rose from €2.9 billion in 2000 to €10.2 billion in 2008, and (iii) the managerial takeovers, which were based on the managers' borrowing from Slovene banks and were secured by the assets of the companies they were taking over. In 2008, the Slovenian economy was heavily indebted, especially abroad, with companies as the most indebted, followed by the state. The Bank of Slovenia total gross external debt rose from €9.5 billion in 2000 to €40.3 billion in 2008. Bank of Slovenia in its report about the capital deficit of banks, also lists three key segments that contributed to the development of the banking crisis in Slovenia (Banka Slovenije, 2015): (i) Rapid and unbalanced economic growth before the crisis; (ii) The over-indebtedness of non-financial firms and the ownership transformation model financed by borrowing and by burdening the future cash flows of the bought-out firms with debt repayments to carry out the ownership transformation; (iii) The factors behind the accumulation of non-performing loans in the crisis.

In contrast, Damijan (2013) provides five reasons for the rapid credit growth in Slovenia between 2005 and 2008: (i) Slovenia joined the EU in May 2004, which reduced the political risk premium to the Italian level. This made the sources of foreign funds for Slovenian entities much cheaper, Slovenian banks were able to borrow cheaply abroad and lend them at a premium; (ii) The Slovenian real estate market grew rapidly, and new projects were financed by bank borrowing; (iii) High global economic boom stimulated demand for Slovenian exports, Slovenian companies' profits grew rapidly and investment in new capacity was needed, for which companies also borrowed bank loans; (iv) As a result of the high conjuncture and profits, managers started to take out bank loans to acquire their own companies and thus consolidate their ownership; (v) About one-fifth of the credit boom was generated by households buying property and cars due to low interest rates.

Using (the Slovenian) bank(s) stability report, Damijan (2013), writes that the size of Slovenian banks' balance sheets more than doubled between 2004 and 2008, increasing by €23.8 billion. Of this, €20.5 billion was due to an increase in lending to the non-bank sector, of which almost €12 billion was to businesses and €4.2 billion to households. Over the period, the balance sheet total of banks increased by 43 per cent more than the GDP, whereas in the years before 2004, the balance sheet total of the entire banking system was only 85–87.5 per cent of GDP. It should be stressed that Slovenian banks were mainly financed by loans taken out from other banks. Thus, they took out around €15 billion in loans from other banks, of which around €12 billion from banks abroad, while deposits from the non-banking sector represented around €6 billion of additional resources for Slovenian banks (Damijan, 2013).

Due to liquidity problems in global financial markets, foreign banks and investors had demanded Slovenian banks to repay the money they borrowed which they did not have. As Slovenian banks were also the largest lenders to companies, they demanded repayment of loans, while hardly any new loans were granted. As a result, private sector indebtedness was reduced by €3.8 billion in 2009. However, more and more Slovenian companies had problems repaying their loans, as the global economy reduced demand for their goods from their trading partners by €4.4 billion in 2009 alone. The limited amount

of funds also forced Slovenian companies to cut investments by almost €4 billion in 2009. Slovenian exports have already rebounded in 2010 and 2011, and Slovenian GDP growth was positive in these years. However, this has not contributed to the positive economic climate and political optimism in Slovenia. The prevailing opinion in Slovenian society is that Slovenia is on the verge of bankruptcy. The unfavourable sentiment and tight liquidity in global financial markets influenced the deleveraging of the Slovenian corporate sector from 2009 until 2014. During this period, Slovenian banks significantly reduced corporate borrowing and avoided reprogramming existing loans. Commercial banks are co-responsible for the creation of the Slovenian banking hole, as they significantly reduced corporate borrowing while being unwilling to reschedule existing loans (Tajnikar, 2019).

So, because Slovenian banks had to repay the loans, they had taken out abroad, they demanded repayment from companies, and foreign consultancy firms started to value the assets of these companies at liquidation value, which made many companies capital-inefficient, and consequently insolvent and eligible for bankruptcy. Also, as a result of the new accounting standards, many operating companies no longer had access to financial resources and Slovenian banks suffered a significant deterioration in their position as a result. In their balance sheets, they recorded investments in these companies at liquidation value, which meant that they no longer had access to foreign investors or lenders. Slovenian banks themselves had become insolvent and faced bankruptcy. And as mentioned to prevent the collapse of the Slovenian financial system, Slovenian banks had to be recapitalized, but there was no interest from owners and foreign investors. The only solution to the situation was for Slovenia to recapitalize its banks with taxpayers' money. To make matters even worse, the establishment of the bad bank, which would take on the bad loans and other illiquid holdings was accompanied by a new set of problems, questionable acts and as managers of it, involved some of the same actors that were recognized elsewhere as those that caused some of the banking hole problems in the first place (Š., L., STA, 2019).

Guardiancich (2016) sees the reason why 2004-2009 crediting was done that such poor due diligence often includes almost no risk assessment and unsuitable collaterals in the fact that post-socialist transition was never completed fully. Returning to the debate of gradualism vs. shock therapy. While on the one hand, it is true, that privatization was done poorly (Stojan, 2014) as it, most often just rebranded the elites of the old regime. In the transition, the most powerful state-owned firms were 'bought' by those that were already in some sort of power or have been economically powerful. If they were not bought, then they were managed by the state or politically connected personas. And since this created strong (in)formal networks consisting of actors that managed state own banks, state own businesses as well as managers of private businesses (Dobovšek, 2008) the latter were given credits due to these informal connections. As Damijan (2013) puts it, the credits were given regardless of the political colour or political orientation, but if the project was risky, political connections helped. And all was done just that the economic growth hype would continue. Undoubtedly such usage of informal connections among Slovenia's political and economic elite worsens the banking crisis. On the other hand, the absence of due diligence, negligence, poor risk assessment and overall, extremely high-risk behaviours were present in financial sectors and banking all over the world. Even in those that did not have socialistic history. This returns us to the debate of slipped capitalism or criminal behaviour as the reason for the crisis.

3 Is the Slovenian banking hole also the result of financial crime?

As banks were seen as crucial contributors to the extreme post-2008 crisis worsening of the financial situation in Slovenia, several inquiries were deemed necessary. Besides journalistic exposé (MMC RTV Slovenija, 2018), undergraduate thesis (e. g. Pirnat, 2016) five insights are worth mentioning. Listed in chronological order – according to the year when inquiries started: (i) The comprehensive review of the Slovenian banking sector undertaken by the Bank of Slovenia in cooperation with the Slovenian Ministry of Finance over the period June to December 2013; (ii) Commission for the Prevention of Corruption, examinations of the operations of the two biggest banking groups, the NLB Group and the Nova KBM Group, in which the State of Slovenia had a majority shareholding or dominant influence; (iii) Investigation into the causes of the Slovenian banking hole by the Specialised State Prosecutor's Office of the Republic of Slovenia; (iv) Commission of Inquiry to determine the abuses in the Slovenian banking system and to determine the causes and responsibilities for the already second rehabilitation of the banking system in independent Slovenia. The Commission works within the National Assembly; (v) The Court of Audit of the Republic of Slovenia issued an audit on the Bank of Slovenia's supervisory functions.

(i) Review of the Slovenian banking sector by the Bank of Slovenia in cooperation with the Slovenian Ministry of Finance. The review was done over the period from June to December 2013. It consisted of the Asset Quality Review and Stress Test which were closely monitored by international organizations: the European Commission, the European Central Bank, and the European Banking Authority. This Asset Quality Review and Stress Test's specific goals were to determine whether the Slovenian banking system could withstand a three-year stress scenario of deteriorating macroeconomic and market conditions and to calculate the amount of capital that each participating institution would need in that scenario. The Bank of Slovenia chose eight banks, representing approximately 70 per cent of the total Slovenian banking sector in terms of end-of-year 2012 assets (NLB, NKBM, Abanka, UniCredit Banka, Banka Celje, Hypo Alpe Adria Bank, Gorenjska Banka and Raiffeisen Banka). Thus, after reviewing assets and performing stress tests in eight banks in Slovenia, the capital requirement was estimated at € 4.778 billion. Bad assets were transferred to the Bank Assets Management Company, while the recapitalization of banks was carried out from the budget of the Republic of Slovenia (Banka Slovenije, n.d.).

(ii) In 2011 and 2012, the Commission for the Prevention of Corruption examined the operations of the two biggest banking groups, the NLB Group and the Nova KBM Group, in which the State of Slovenia had a majority shareholding or dominant influence. The Commission for the Prevention of Corruption (2023) states that it 'is not a detection and prosecution body in pre-trial or trial criminal proceedings, but it does possess certain executive, supervisory, and investigative (administrative) powers.' The Commission frequently investigates behaviours in cases reported to it and sometimes self-initiates inquiries into specific high-corruption-risk fields (e. g. public procurements, elements of the healthcare system, etc.). Based on the inquiry specifics and inquiry outcomes, the Commission publishes various types of reports. In cases where it finds that an act under its investigation has signs of criminality, criminal charges are filed (Komisija za preprečevanje korupcije, 2020).

According to the Integrity and Prevention of Corruption Act (2011), which governs the work of the Commission, it can fine legal entities for violations of the Act or inadequate cooperation with the Commission.

As part of its systemic control, the Commission examined more than 40 transactions concluded by companies from the two banking groups in Slovenia, Croatia, and Bosnia and Herzegovina, covering the period from 2005 to 2011. In this context, the Commission examined loans granted, receivables, repurchases of receivables, project transactions, leases, and the purchase and sale of shares. Through a systemic analysis, the Commission detected and identified suspicious criminal transactions and corruption risks in the Slovenian banking system, classifying them into four areas (Komisija za preprečevanje korupcije, 2013). (a) The area of bank investment treatment and approval procedures: informal delegation of business, non-transparent implementation of investment approval procedures, exposure of bank managers and executives to investment approval risk based on personal, business, and political connections, a non-transparent system of keeping minutes of credit committees and bank boards, the existence of informal power centres within sectors and directorates within the bank, and powerful individuals outside the bank. (b) The area of conduct of members of banks' boards of directors and supervisory boards: members knowingly violated applicable laws and adopted codes of ethics, failed to address irregularities identified in audit reports, failed to take appropriate measures to establish liability for damages and criminal liability, and failed to recall or remove members of the board of directors. Additionally, members of management and supervisory boards are exposed to conflicts of interest. (c) The area of staffing of the banks' boards of directors, supervisory boards, and senior management levels within the banking group: high exposure to the risk of appointing persons with a history of controversial, unscrupulous, and unethical behaviour; exposure to appointing persons who lack professionalism and experience in banking; non-transparent selection and appointment procedures for senior management in banking groups; and political recruitment and clientelism. (d) The scope of the Bank of Slovenia's competencies: failure to implement legal options and measures to manage risks and non-performing investments of banks, inadequate responsiveness to irregularities identified in investment approval procedures, uncritical assessment of the professionalism of persons and disregard for past controversial behaviour in authorizing bank board members, conflicts of interest and bias in bank supervision, and ineffective supervision of bank operations.

The Commission's 2011 report describes the above-mentioned behaviours that show clear signs of corruption, noting that some actors did not cooperate with the Commission. However, the report does not mention whether any fines were issued (Komisija za preprečevanje korupcije, 2013).

(iii) Investigation into the causes of the Slovenian banking hole by the Specialised State Prosecutor's Office of the Republic of Slovenia. To establish the link between the Slovenian banking hole and banking crime, it is necessary to define banking crime. The Specialised State Prosecutor's Office of the Republic of Slovenia (Vrhovno državno tožilstvo Republike Slovenije, 2020) defines banking crime as offences against banks, where the perpetrator has a managerial or supervisory function and where significant damage has been caused or significant financial illegal gain has been obtained. The Specialised State Prosecutor's Office of the Republic of Slovenia states that the key dilemma concerning bank credit

transactions under examination is the distinction between a wrongful and harmful business decision. This means on the one hand, a business decision for which responsible bank staff cannot be held liable, either in damages or in criminal law, due to the circumstances in which it was made, and on the other hand, a decision that constitutes a serious and manifest breach of the standard of care of a conscientious and honest businessman, potentially leading to legal, civil, or criminal liability.

To investigate banking crime more effectively, a specialised investigation group was set up in 2012, including representatives from criminal investigators, the Commission for the Prevention of Corruption, the Office for Money Laundering Prevention, and representatives from the Bank of Slovenia, under the leadership of the Specialised State Prosecutor's Office of the Republic of Slovenia (Vrhovno državno tožilstvo Republike Slovenije, 2020).

To assist the police and prosecutors in identifying and investigating banking crime or irregularities in banking practices, the Bank of Slovenia established a special inspection group in April 2014. This group assisted in interpreting the content, identifying facts and circumstances, and recognizing forms of suspicion of criminal offences in banking, including violations of the Banking Act (ZBan-1, 2006), the decision on risk management, and other legal principles. Inspectors with expertise in credit risks and equity instruments were engaged, and a forensic scientist licensed as a bankruptcy trustee and company valuation appraiser was included. In 2016, the Bank of Slovenia changed the status of the special inspection group, integrating it into the banking supervision department (Banka Slovenije, 2016).

The special inspection group's work revealed 18 *modus operandi* or forms of bad banking practice, which could be defined as negligence or abuse of position, including: (a) takeover loans channelled through friendly companies or even suppliers, violating the Banking Act's maximum allowed exposure; (b) exceeding the permissible exposure of related companies; (c) increased lending activity to extended or close family members of those in management or supervisory boards; (d) repo or option contracts allowing banks to avoid acquiring a qualifying holding; (e) banks acting as share parking lots for acquiring companies, enabling them to avoid submitting a takeover bid; (f) loans to seemingly unrelated companies, with an option agreement to assume credit obligations of the target company; (g) inappropriate recapitalization forms through clauses for repurchasing subordinated instruments or equity securities, misleading the supervisor; (h) failure to exercise due diligence in lending processes; (i) manipulations of insurance valuations; (j) manipulations in real estate transactions, granting loans for overvalued properties or land without clear spatial plans, potentially causing damage if the land doesn't become building land; (k) misuse of credits; (l) bank management decisions beyond professional services, credit committees, and risk management committees; (m) abuse of the institute of personal bankruptcy; (n) moral hazard in connection with purchasing bad debt receivables sold by the Bank Assets Management Company, risking former owners buying their debts at a discount; (o) abuse of compulsory settlement, where debtors propose settlement while draining the company; (p) issues with commercial banks showing the will of the injured party; (q) allegations identifying related transactions, exemplifying bad banking practices.

The special inspection group stressed that criminal denunciations must contain all the necessary elements crucial for identifying criminal offences, as it makes no sense to burden the Specialised State Prosecutor's Office with criminal charges that do not meet this criterion.

The quality, not the quantity, is what matters (Preiskovalna komisija, 2018). Not every act of bad banking practice is a criminal offence, as all the elements of a specific offence must be fulfilled. In the Republic of Slovenia, the economic crimes with the highest material damage are abuse of position or trust in economic activity, economic fraud, abuse of official position or rights, detriment to creditors, fraud, tax evasion, detriment to creditors and causing bankruptcy by fraud or dishonesty (Policija, 2023).

The Specialised State Prosecutor's Office of the Republic of Slovenia identified controversial lending practices by commercial banks, characterized as follows (Vrhovno državno tožilstvo Republike Slovenije, 2019): (a) The granting of credit contrary to the standards and principles of acceptable bank lending practices. (b) The granting of multi-million or tens of millions of euros of credit to ad hoc companies set up by managers as acquirers, registered solely for carrying out management takeovers with minimal start-up capital, even though they knew these borrowers would never repay the large loans. (c) An incomprehensible policy of securing loans contrary to the principle of mandatory provision of two exits, where some loans were secured only by pledging non-marketable securities or not secured at all. (d) Several loans for management takeovers granted solely based on a promise to secure the loan with shares of the target company A and to merge it with company B, which would then repay the loans, exposing banks to a scissors effect, diminishing company cash flows and collateral values, while misleadingly claiming project financing. (e) Lending to managers for large private projects without collateral or personal guarantees. (f) The rescheduling of credit transactions on increasingly unfavourable terms to the bank, particularly in financial holding companies for corporate takeovers. (g) Management ignoring qualitative assessments of bank analysts regarding clients' solvency and creditworthiness, adjusting credit ratings for loans that otherwise would not have been granted. (h) Granting credit to favoured representatives of political, corporate, and banking elites, supposedly to preserve national ownership or interest. (i) Disregarding professional judgments on assets pledged as collateral for credit exposure, uncritically accepting valuations made in the client's interest.

From 2013 to the end of 2018, 97.8 per cent of banking crime offences were investigated (Policija, 2019). In 2020, the National Bureau of Investigation completed the investigation into the last so-called banking crime reported between 2013 and 2019 (Policija, 2021). The Joint Annual Report on the work of the Public Prosecutors' Offices states that 'By the end of 2020, 16 judgments had been handed down in banking cases, 14 of them convictions, against 23 people, 18 of them bankers. 9 convictions for 12 persons have become final' (Vrhovno državno tožilstvo Republike Slovenije, 2021). 'The total damage or benefit value in court cases amounts to around €367 million' (Vrhovno državno tožilstvo Republike Slovenije, 2022).

In 2016, the former director of the Slovenian Criminal Police's specialised department for detecting and investigating the most complex forms of financial crime stated that 230 suspected bank fraud crimes had been detected, mostly involving state-owned banks, with an estimated damage of around €783 million (Ba. Pa., STA, 2016). However, not all suspected crimes have been confirmed. The Specialised Public Prosecutor's Office reported that by 2020, damage caused or proceeds obtained in court cases amounted to €305 million, with 16 judgments, 14 convictions, against 23 people, 18 of them bankers (Vrhovno

državno tožilstvo Republike Slovenije, 2021). According to official figures, approximately 5 per cent of the Slovenian banking hole is due to banking crime, but as said, we may never know the true proportion.

(iv) Parliamentary commission within the National Assembly of the Republic of Slovenia inquired into abuses in the Slovenian banking system and the causes and responsibilities for the second rehabilitation of the banking system in independent Slovenia.

A working body, the Commission of Inquiry to determine the abuses in the Slovenian banking system and to determine the causes and responsibilities for the already second rehabilitation of the banking system in independent Slovenia, was established within the National Assembly of the Republic of Slovenia in 2015. It concluded its work in 2018 when it issued its final report. The main findings are as follows (Preiskovalna komisija, 2018): (a) The Bank of Slovenia had neglected the credit risks accepted by banks into their portfolios during the period of expansionary credit growth. (b) NLB's management and credit committees bear objective and subjective responsibility for taking too slow and inadequate action in the management of bad investments. (c) NKBM's management and credit committees bear criminal and tort liability for bad banking practices, criminal offences, inadequate supervision of banking operations, non-compliance with professional warnings, and inadequate supervision of subsidiary operations. (d) The supervisory boards of NLB and NKBM did not perform supervision in accordance with the due diligence of the Banking Act. Several conflicts of interest and excessive cohesion between bank management boards and supervisory bodies were found, leading to inadequate supervision of bank management operations, and increasing the cost of rehabilitating the banking system for taxpayers. (e) Successive governments of Slovenia have shown a lack of political will to find those responsible for the first banking hole, which contributed to the second banking hole, as bad banking practices and those responsible went unsanctioned. Consequently, abuse thrived in the post-rehabilitation period. This blame lies with the governments from 1997 to 2002, while the government also failed to complete the privatization of NLB between 2004 and 2008, allowing structures to continue bad banking practices and relocate to branches and subsidiaries outside Slovenia, where another banking hole emerged.

(v) The Court of Audit of the Republic of Slovenia issued an audit on the Bank of Slovenia's supervisory function on December 9 2020 (Računsko sodišče, 2020). It audited the effectiveness of the Bank of Slovenia's supervisory practices that led to Slovenia's budget expenditures from the beginning of 2008 to November 4, 2014. The audit has two main parts.

In the first part, auditors examined whether the Bank of Slovenia had a control system in place between 2008 and 2013 to ensure the effective supervision of banks' operations, particularly capital adequacy and credit risk management. The objective was to assess the adequacy of the supervision's planning, implementation, measures imposed, and monitoring. The Court of Audit considers that the Bank of Slovenia was partially successful in this component.

In the second strand, auditors examined whether the Bank of Slovenia based the imposition of extraordinary measures for bank recovery in 2013 and 2014 on adequate

grounds. The objective was to determine whether due diligence, the Asset Quality Review (AQR), stress tests, and asset valuations for banks assuming a going concern provided an adequate basis for imposing extraordinary measures. In the Court of Audit's opinion, the Bank of Slovenia did not perform well in this strand.

Regarding the second strand, the Court of Audit considered that: (a) The methodology for the AQR had not yet been agreed upon at the time the AQR contract was concluded. (b) The Bank of Slovenia was unsuccessful in ensuring that the methodologies between the AQR contractors were harmonized, as there were significant methodological differences in the implementation of the AQR. (c) The collection of information on properties placed as collateral using drive-by and desktop approaches did not allow for achieving the required International Financial Reporting Standards' criteria. (d) The Bank of Slovenia did not obtain from the AQR providers all the materials and calculations that would have enabled it to carry out checks on the implementation of the additional impairments required, the purpose of the AQR being, *inter alia*, to provide input data for the stress tests. (e) Even after completing the bottom-up stress tests, the Bank of Slovenia did not have a comprehensive document describing the entire bottom-up stress test methodology. (f) The total expected capital shortfall of the banks in the adverse scenario amounted to €4.779 billion and was calculated as the difference between the expected loss of €10.364 billion and the absorption capacity of €5.586 billion. (g) In December 2013, the Bank of Slovenia imposed on NLB, NKB and Abanka an extraordinary measure to terminate all the banks' qualifying liabilities and an extraordinary measure to increase the share capital. (h) The Bank of Slovenia justified the failure to provide the minimum capital on the basis of the banks' statements of financial position assessments through the identification of negative (accounting) capital, while the Court of Audit could neither confirm nor deny that the banks' statements of financial position assessments were prepared in accordance with the Decision on loss assessment (including compliance with the International Financial Reporting Standards).

From all five inquiries, it is clear that not only bad business practices but also behaviour with heavy signs of criminality were present for an extensive period. The report from the Commission for the Prevention of Corruption also shows that even though a person exhibited unethical and unsuitable behaviours, they were still permitted to be part of decision-making bodies (Komisija za preprečevanje korupcije, 2013). While law enforcement reports (Policija, 2019; 2021; Vrhovno državno tožilstvo Republike Slovenije, 2020; 2021; 2022) show that some actors were convicted in criminal trials, it is unclear how many received prison sentences and are in prison and more importantly, how many were top management and not middle or lower management scapegoats. This is a question asked in other countries when prosecuting crimes in banks (Pontell et al., 2014; Sturc, 2023). Research into the Slovenian banking hole was conducted to gain needed insight.

4 Research and methodological framework

A pilot study comprising 10 structured interviews with ten experts experienced in exposing, investigating, researching, and preventing economic crimes was conducted between 28th September and 7th November 2018. The characteristics of the interviewees are presented in Table 1.

Table 1 Characteristics of the interviewees and information about the interviews*

Interview Serial No.	Position/job/area of activity	Duration of the interview
1	a member of the National Assembly and president of its working body the Commission of Inquiry to determine the abuses in the Slovenian banking system and to determine the causes and responsibilities for the already second rehabilitation of the banking system in independent Slovenia	41:41
2	The Commission for the Prevention of Corruption	26:17
3	an advisor to the President of the Republic of Slovenia/The first Governor of the Bank of Slovenia/former CEO of a commercial bank	43:17
4	a bad-debt manager	34:17
5	The National Bureau of Investigation	47:00
6	a full Professor of International Economics and Business	29:54
7	a full Professor of Economics	46:07
8	a journalist, an editor of the Delo newspaper	36:21
9	The Specialised State Prosecutor's Office of the Republic of Slovenia	25:29
10	a forensic investigator	44:37
AVERAGE INTERVIEW TIME		00:37:30
TOTAL DURATION OF INTERVIEWS		6:15:00

* All interviews were done in person. To safeguard the anonymity of some of the interviewees, the precise date of the specific interview is omitted from the table, but the data is available with the first author of the paper.

The aim of the research was to find out (i) the reasons for the emergence of the banking hole in Slovenia, (ii) how effective the investigation of the banking hole was, (iii) where the biggest problems were, and (iv) what needs to be done to make the detection and investigation of financial crime more effective in the future.

We wanted to gather all interviewees' views on the material under discussion, despite their diverse backgrounds. We aimed to understand how economists and financiers view financial crime, how criminal investigators perceive the financial and economic situation, and how journalists view the investigation of financial crime. Through the responses of all interviewees, we sought to bring together views of experts from different institutions and go beyond institutional constraints.

To analyse the interview transcripts, we used MAXQDA Analytics Pro 2022, a software tool for analysing interviews with capabilities for coding, commenting, and color-coding based on previously defined concepts and codes prepared from a literature review. All interviewees were asked the same five questions: (i) The introductory question asked for their opinion on Slovenia's current economic and financial situation compared

to Europe and worldwide. (ii) The second question focused on the reasons for the emergence of the banking hole in Slovenia and how relevant institutions dealt with it. (iii) The third question asked about the effectiveness of detecting and investigating crimes linked to the banking hole. (iv) The fourth question asked for their personal experience regarding the banking hole, including opinions on shortcomings and problems during criminal investigations. (v) The fifth question sought to understand what commercial banks, the Bank of Slovenia, the police, the prosecutor's office, courts and other state bodies need to do to prevent a repeat of the banking hole and make detection and investigation more effective.

The analysis results are presented in five sets, according to the questions asked. For reporting purposes, where several interviewees had the same or similar answer, their responses are grouped together, while individual responses are included only when they differ from the rest.

From the answers to the first question, we conclude that the financial and economic situation in Slovenia in the last quarter of 2018, when the interviews were conducted, was favourable and comparable to countries in the Western world. However, in such favourable economic conditions, banks usually relax their lending criteria, which leads to an increase in borrowing and a rise in the prices of real estate and financial products. This behaviour, without adequate internal supervision by commercial banks and regulatory supervision by the banking market regulator, risks a resurgence of bad loans and a crisis in the financial markets. Thus, it is important to consider how much commercial banks and the banking market regulator have upgraded their systems for supervising and preventing abuses and irregularities in credit granting. The economy was already overheated by the end of the year, increasing the risk of a new financial and economic crisis in the years to come. Somewhat more than a year later, the global Covid-19 pandemic occurred, which affected not only the economic and financial markets but also transformed global society.

From the answers to the second question, we see that the interviewees consider the reasons for the Slovenian banking hole to be: (i) External or International: High liquidity on international financial markets in the years before the global financial crisis. (ii) Internal or State-Level: Granting credit without adequate collateral and not meeting minimum approval conditions, and personal acquaintances between entrepreneurs and bank managers. (iii) Combination of International and Internal: Slovenia joined the EU, and commercial banks operating in Slovenia paid lower interest rates for credit, resulting in higher profits for them when granting credit to forward companies, thus relaxing their credit-granting criteria.

Abuses and financial crime also occurred. The banks' internal controls failed or were inadequate and insufficient, which allowed this to happen. The state's and banking regulator's responses to the financial crisis were inadequate and untimely. This led the public to place its hopes in the criminal police, expecting them to investigate all suspected crimes as soon as possible. When this did not happen, it was all the more disappointing.

For the third question, interviewees stress that detecting and investigating financial crime requires specialized knowledge in banking, finance, and forensic investigation. Experience and practical knowledge of banking transactions, a passion for investigative work, and a desire to establish the reality of the situation are also crucial for complex forms of financial crime. The criminal police quickly started investigating the financial

crime after receiving initial information and reports and cooperated with other institutions that could provide useful information and assistance. To this end, a specialised investigation team was set up to investigate banking crime. However, questions remain about the capacity of competent authorities to investigate complex forms of derivative financial transactions, carry out sophisticated forensic investigations, and deal with interconnected banking transactions. The investigation of crimes related to the Slovenian banking hole showed that investigation and prosecution practices in banking crime are modest, with no clear lines drawn between bad banking practice and criminal offence. A major obstacle in investigating financial crime is the collection of evidence, as the perpetrators are usually intelligent people with influence in their business environment who leave no trace. Additionally, the delayed nature of financial crime consequences poses difficulties for investigations. The more distant the time, the harder it is to obtain evidence, as documentation is destroyed or lost, and people with relevant information may forget it or be unwilling to recall past practices, leading to delayed investigations or unconfirmed suspicions.

In answering the fourth question, interviewees had varied levels of experience with financial crime. Criminal investigator and prosecutor had the most practical experience, explaining how their work involved investigating and prosecuting financial crime. The journalist encountered it while monitoring managerial takeovers and analysing links individuals on boards of companies and banks, noting the problem of the same individuals moving between positions in different companies and banks, carrying bad business practices with them. A forensic investigator with practical experience in investigating financial crime has also detected suspected financial crime through her work.

From the answers to the fifth question, we conclude that a specialised court with judges trained in the most serious forms of financial and economic crime is needed to combat financial crime more effectively. Criminologists, prosecutors, and judges should receive regular additional training in banking, finance, and economics. In cases of complex financial crime, external experts with specific skills and experience should be engaged more frequently. Prevention is also crucial, and both commercial banks and the banking market regulator need to be more aware of their responsibilities in preventing abuse. Preventing and containing financial crime also mitigates the direct and indirect damage it causes. Criminal investigators detect and investigate financial crime that has already occurred, but proving suspicions of crime is time-consuming and difficult.

5 Discussion and conclusion

The Slovenian banking hole refers to the capital shortfall in the Slovenian banking system due to bad loans, which amounted to more than €7.1 billion at the end of 2012. The bulk of the bad loans, around €6 billion, originated in banks directly owned by the state. This was the amount of taxpayers' money used to recapitalize the banks.

We note several reasons for the Slovenian banking hole, which are interlinked. During the global financial and economic crisis, liquidity in global markets was reduced, and Slovenian banks found it much more difficult to borrow on international markets and had to repay the loans. Lacking the financial means to repay, the banks did not extend credit

to clients but demanded repayment of funds lent. Some companies faced financial difficulties due to the global economic crisis, which sharply reduced demand for their products and services, making them unable to repay their loans to the banks. Many companies that had taken out short-term loans for a long-term purposes extended these loans as they matured during favourable economic and financial conditions. They were caught by surprise by the financial crisis and did not have the financial means to repay their loans, which were insufficiently secured or not secured at all. The bulk of the loans used to finance management takeovers were also inadequately secured.

Responsibility for this lies with the internal control departments, credit committees, and the banks' managements, which allowed bad business practices to occur. Part of the responsibility also lies with the central bank, which, despite rapid balance sheet growth, did not react quickly and decisively enough to supervise credit collateralization adequately. The state, as an owner, also bears responsibility for failing to prevent such behaviour.

The study's findings echo those of others (Damijan, 2013; Komisija za preprečevanje korupcije, 2013). In most cases, this was bad business practice linked to banks' desire to attract new customers and maximize profits. Banks proved to be economic actors prone to high-risk behaviours, losing sight of the damage this can cause. Yet, the unanswered question is whether banks, especially state-owned ones, should be bound to a model of corporate social responsibility. Calls for such managerial models typically arise after crises caused by big businesses, though scholastic works on the issue seem unpopular (de Bakker et al., 2020). As Sturc (2023) notes for the United States and Slovenia, no law prohibits bad business practices. This reinforces the idea that the main purpose of business is business, not solving social issues. This returns to Adam Smith's (1776) idea of the invisible hand of the market, successfully advocated by Friedman (2002), suggesting that in pursuing self-interest, society benefits. However, Smith's idea includes integrity and ethics, which are absent from present-day and 1980s neoliberal discussions. If some pre- and post-2008 banking problems were the result of crimes, they cannot also be ethical. The Slovenian and global bad loans significantly result from financial crime, as these loans would not have been granted otherwise. In the Slovenian case, only after all judgments on banking crime that predate the financial crisis become final, we will have an indication of how much of the banking hole is due to banking crime. However, the true proportion may never be known.

Indeed, criminal investigators face difficulties in detecting and investigating financial crime, especially its complex forms. Perpetrators are influential, intelligent people with good connections, who ensure no trace is left, and people hesitate to testify against them due to fear of reprisals, including loss of employment, business opportunities, and damage to their reputation and loved ones. This makes it difficult for criminal investigators to gather initial information and documents related to transactions suspected of banking crime. Additionally, it often takes a long time to uncover the first clues, complicating proving suspicions. An active role from regulators is crucial. Pontell et al. (2014) note that when regulators alert institutions about problematic behaviour in economic sectors, perpetrators are caught and brought to trial. This did not happen in Slovenia or elsewhere regarding the latest economic crisis.

Criminal investigators must be guaranteed to work independently, regardless of political developments in the country, and must receive continuous training in financial

instruments, IT systems, and cybercrime. Prosecutors and judges also need additional skills in these areas. The courts' work should be reorganized so that specific judges handle only the more serious forms of economic and financial crime, instead of all judges addressing all types of crime. This would make it easier for them to receive professional training and to upgrade their knowledge in these areas.

On the other hand, preventive measures must be put in place. Stronger regulation and oversight are crucial, something learned after every economic or financial crisis and even implemented. Yet, as soon as things improve, state financial regulators seem to loosen regulations (Pazzanese, 2023). For Slovenia, due to strong informal networks and revolving door phenomena, business transparency must be increased, accompanied by further development of ethical codes (Komisija za preprečevanje korupcije, 2013). The revolving door phenomenon, or the fact that those most responsible for the banking problems of 2008 remain in power, is not limited to Slovenia. Larry Summers, a former Treasury secretary, led the charge to deregulate the derivatives market and played a known role in the processes leading to the 2008 financial crisis (Hirsh, 2013). Even more interesting is the story of Barney Frank, one of the authors of the Dodd-Frank Act, created after the 2008 financial crisis to restore regulation and consumer safeguards omitted in the 1980s deregulation. Frank, after leaving Congress, joined the Signature Bank board and endorsed changes to the act, raising the \$50 billion threshold for intense bank oversight to \$250 billion. This reduced the number of banks subjected to scrutiny from a few dozen to just one dozen (Enrich, 2023). While the Signature Bank collapse cannot be solely attributed to this, it still 'helped'. Although Frank did not change his mind about the Dodd-Frank Act, the threshold change he supported aided the act's opponents. Even though no evidence links Frank's board position to this change, it led to a conflict of interest due to the revolving door phenomenon.

Crime in the financial sector will not disappear, as this sector is a natural breeding ground for criminal behaviours, offering high reward and low personal risk (Pontell et al., 2014; Ruggiero, 2019). Since many banking actors 'are too big to fail', this aligns with what Sturc (2023) noticed – that investigations into banks could damage their reputation, trigger bank runs, and financial problems to solve, thereby protecting their behaviour from prosecution. The financial sector's uncertainty (Ruggiero, 2019) almost mimicking the idea of the fog of war (Clausewitz, 2022) or as Kiesling (2001) notes, uncertainty in war and combat. Sturc (2023) also observed such narratives, and this uncertainty makes it hard to blame someone for a lack of due diligence. All is fair in love and war, and seemingly, in big business too.

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The participatory budgeting
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at the Hungarian local government level

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Abstract

This paper provides a comprehensive analysis of participatory budgeting (PB) practices in Hungary by offering a general overview of the evolution across the country and exploring the deeper experiences of three local governments. The research specifically investigates the environmental conditions conducive to PB adoption, internal organizational factors influencing its success, and the short- and long-term outcomes of the process. While well-developed democracies with active local communities have a long tradition of participation and cooperation between government and citizens, the Hungarian context offers a unique examination of PB due to the fragmented structure of the local government system, its developing civil sector and historical mistrust between government and civil society. However, during increasing governmental centralization, local initiatives advocating for citizen-driven budgets are emerging. Based on recent data and by confronting interviewees with their original expectations, this research explores whether the PBs under review were successfully implemented as a collaborative process in this challenging environment. The low participation rate of Hungarian PB (3–5 per cent) indicates significant challenges in fostering community collaboration in highly participatory practices. However, the year-to-year increasing trends in both the number of submitted ideas and the number of votes reflect a promising trajectory. The research relies on desk research, analysing secondary data on PB practices (participation, implementation), as well as interviews with six stakeholders who are ‘owners’ or facilitators of the projects.

Keywords: participatory budgeting; co-creation; Hungary; local government; cost and benefit

1 Introduction

Civic engagement and co-creation are popular tools employed by governments to improve transparency, efficiency and effectiveness of policy formulation, service provision and monitoring (Rodrigo & Amo, 2006; Bovaird, 2007; Pestoff, 2012; 2018; Nemeč et al., 2016;

Mikusova Merickova et al., 2015; Osborne et al., 2016). This study investigates a specific form of co-decision making through presenting and analysing the practice of participatory budgeting (PB) with a special focus on the Hungarian practices at the local level. This article aims to explore how PB supports and shapes the public policy process in Hungary by examining the environmental conditions conducive to PB adoption, the internal organizational factors influencing its success, and the short- and long-term outcomes of the process on policies and stakeholders.

PB is a process in which citizens take part in the decision-making and allocation of public funds. This approach empowers citizens, who are often closer to the day-to-day problems of their community than government authorities. Community members are devolved to exercise direct control over resources and this allows them to prioritize policies that are most needed in their environment by deciding together how to allocate part of a municipal or public budget (Shah, 2007). In other words, PB is a form of collaborative governance in which active community members work together with the government to make decisions about public spending.

The Hungarian case presents a compelling and unique context. Hungary, as a post-socialist country, exhibits a relatively weak or developing civil sector. The lack of trust from state entities in any form of civil initiatives can be traced back to socialist traditions and roots. Simultaneously, Hungary demonstrates a notably low level of citizen trust in governmental organizations, coupled with one of the lowest political participation rates in the European Union.

Additionally, the government structure and politico-administrative context also present a unique situation marked by fragmented local governance and significant centralization, particularly since the Covid-19 pandemic. This centralization trend has intensified with the central government increasingly taking over local authorities' tasks and re-appropriating local resources.

Despite these circumstances advocating for citizen-driven budgetary decisions is surfacing in various local government contexts.

The research utilizes a qualitative approach to investigate the implementation of PB in three local governments (Budapest 3rd District – Óbuda, Budapest 6th District – Terézváros, and Szentendre) within this extreme environment. The data collection process involves conducting six in-depth interviews with key stakeholders, including one head of the urban planning office, two project managers of PB, one mayoral advisor, one elected representative (the mayor), and representatives from Transparency International, an NGO facilitating and coordinating the initiatives. Additionally, documentary analyses are performed to complement the interview data. The interviews were conducted over a period of two months, from October to November 2022. The research also incorporates additional qualitative data by collecting nationwide data on initiated PB practices and municipality-specific data, including the number of inhabitants and details about political leadership. Furthermore, data on the PB practices themselves are gathered, such as the number of voters, the number of proposals submitted, and the allocated budget for these initiatives. This comprehensive data collection aims to provide a detailed understanding of the factors influencing the successful implementation of PB initiatives in the given environment.

2 Analytical framework

2.1 The precondition and success criteria

Attention must be drawn that certain preconditions are required to implement collaborative governance. That is why the analysis is structured around three relevant analytical dimensions, identified by Bartocci et al. (2023) in their longitudinal study based on reviewing a wide selection of PB practices, investigating the external environmental, internal organizational factors and the outputs and outcomes of the practices.

Among the external environmental factors, this study examines how the politico-administrative context, including government structure and autonomy of the local government influence the adoption and success of PB. It also aims to investigate the role of political factors (support or opposition) and formal as well as informal rules and the legal background of civic engagement in shaping the PB landscape.

The second crucial external environmental factor is society. The paper aims to explore the impact of the cultural and civic engagement context on PB and analyse how the size and diversity of the population affect the dynamics of PB adoption. The positive contribution of vibrant civil society to implementing successful participatory budgeting (PB) is widely recognized. Conversely, in societies with weak civil engagement, the prevalence of governing bodies and technocrats often results in suboptimal PB outcomes (Krenjova & Raudla, 2013).

Under the internal organizational factors, the paper aims to investigate the relevance of four factors: assess the significance of leadership in the initiation of PB; explore the role of financial resources in successful PB practices; analyse the role of elected officials and administrative staff in PB implementation; and explore the role of NGOs and external consultants as intermediaries.

2.2 Outcomes of collaborative creation: Exploring the impact of participatory budgeting

Co-creation is a key concept in the development of public policy and delivering public services. As a shift from traditional public administration (Brandsen et al., 2018; Bovaird & Loeffler, 2012) which mainly relies on bureaucratic structures and direct exclusive/monopolistic delivery of public services, where the members of society were primarily viewed as passive clients or receivers of public services towards a more complex system of network based collaborative governance, also called as New Public Governance (NPG) (Osborne, 2006; 2009). According to NPG, public policies are developed, and public services are delivered in a compound co-creation of government and civil society (Pestoff, 2018). Co-creation is a process through which inputs and resources from civil society are transformed into the process of creating public goods and services and where citizens are expected to play an active role in some aspects of the policy cycle (Ostrom, 1996; Osborne, 2006). Currently, this practice has received increasing attention due to citizen engagement, co-production, and democratic governance. Co-creation has proved to be a valuable com-

ponent to enhance public service quality and the efficiency of public policies (Pestoff, 2012). Participation is also seen as adding political value to a government experiencing a crisis in the traditional model of representative democracy and it helps to meet community needs and tackles diverse societal challenges (Michels, 2011; Bartocci, 2018). Therefore our third analytical dimension focuses on the output and outcome of the process. Output can be measured based on the (1) the degree of citizen engagement, (2) and the successful implementation of selected projects. But there are less tangible, sometimes longer-term outcomes of the PB, such as (3) political benefits including increased political legitimacy (Holdo, 2016), a more educated public, equal access to a public decision-making process or greater transparency and accountability (Sintomer et al., 2008), (4) strengthening the sense of community and (5) policy related outcomes including increased efficiency and effectiveness in public policymaking and implementation (cf. Carroll et al., 2016).

Table 1 Presenting the analytical framework for investigating participatory budgeting practice

Analytical framework for investigating participatory budgeting practice		
External Environmental Factors	Politico-administrative context	Governmental structure and autonomy
		Political dynamics
		Formal and informal rules, norms, legal framework
	Social Factors	Culture of participation and civic engagement
		Population size and diversity
Internal Organizational Factors	Leadership	The level of initiation and commitment
	Financial Capability	% spent on PB
		Stability of financial capacity
	Commitment and Capacity	The role of elected officials and administrative staff in PB implementation
Professional Connectors	The role of NGOs or consultants	
Results	Output	Degree of citizen engagement
		Number of implemented projects
	Outcome	Political/democratic outcome
		Community related outcome
	Policy related outcome	

Source: Own edition

3 Exploring the environmental landscape: A contextual analysis of participatory budgeting in Hungary

In the past few years, since 2019, PB has become a growing practice for local governments (LGs), aligning with the recent municipal election cycle. It is considered one of the most significant innovations in local governance during this period.

Despite its novelty, the number of PB practices in Hungary remains relatively low compared to other countries in the region. There are only 22 active practices in 3150 municipalities varying in their success rates. In contrast, in Poland in 2022, 43.5 per cent of municipalities with populations greater than 5,000 had introduced PB processes, and in the Czechia, almost 20 per cent of the population could participate in project-oriented municipal participatory budgets by 2019, with more than 60 municipalities running PB initiatives (Nemec et al., 2022, p. 302).

However, it is important to note the structural barriers in Hungary: fewer than 10 per cent of Hungarian municipalities have populations over 5000 inhabitants. In these smaller municipalities, there is often neither the capacity nor the perceived necessity for such practices. Additionally, when PB gained popularity and many municipalities, particularly those led by opposition parties, decided to introduce PB to enhance transparency and direct democracy following the local government elections, the onset of COVID-19 posed significant challenges. These challenges included political barriers, marked by political unwillingness, and economic barriers, related to the limited financial resources of municipalities (cf. Sedmihradská et al., 2022).

Previous research suggests that another hindering factor in Hungary is that smaller municipalities do not necessarily require formalized community engagement methods like PB (Kocsis, 2018). Local issues are often resolved through informal and personal consultations between local decision-makers and stakeholders, reducing the need for a formalized and structured approach. Additionally, the high administrative costs associated with PB, which can consume a significant portion of the allocated budget – in one case in Hungary (Miskolc), one-third of the PB budget –, make it less efficient for small towns with limited resources. Despite the above, PB was adopted by three smaller local governments.¹

Seven mid-sized municipalities² seem to find a balance between the benefits of formalized citizen engagement and the resources required to manage such processes. Twelve larger municipalities³ introduced these structured community involvement methods, possibly due to the complexity of reaching and engaging a larger population. They face greater challenges in reaching and engaging their residents (Kocsis, 2018). In these cases, PB, which can include online voting – half of the PB initiatives in Hungary allow for online participation in some form – an effective solution for broadly-based citizen involvement.

¹ Bordány, Jászárokszállás, Pilisborosjenő

² Budakalász, Törökbálint, Hatvan, Gyöngyös, Szentendre, the 6th and 7th Districts of Budapest

³ The 2nd, 3rd, 8th, 9th, 10th, 11th, 13th, 19th, 22nd Districts of Budapest, Pécs, Miskolc, and the Capital City of Budapest

Table 2 Evolution of participatory budgeting in Hungary by size of local government

Size of Local Governments initiated PB		Starting Year of Initiating PB					Overall Number of LG initiated PB
		2016	2020	2021	2022	2023	
Smaller Fewer than 10,000 inhabitants		0	0	1	1	1	3
Mid-size municipalities 10,001 – 50,000 inhabitants		0	0	3	2	2	7
Larger municipalities	50,001 – 100,000 inhabitants	1	1	0	4	0	6
	More than 100,000 inhabitants	0	2	1	1	2	6
Total		1	3	5	8	5	22

Source: Own edition

For a deeper analysis, the Hungarian case of PB presented in this study offers an illustrative example of multi-stakeholder cooperation. Two mid-sized and one larger size municipality – the 3rd District and the 6th District of Budapest, and Szentendre, a suburban town near Budapest – participated in a project led by the NGO Transparency International Hungary (TI). Funded by the US Embassy, the project ran from November 1, 2021, to September 15, 2022, with the final vote in one municipality organized in October 2022.

3.1 Politico-administrative factors: Governmental structure, local government autonomy and political dynamics

In general, local governments play a pivotal role as the extended arms of governance, facilitating community engagement, consultation and the cultivation of societal relationships. Positioned closer to the citizens, local decision-makers exhibit a notable capacity to respond promptly to community needs and feedback, a characteristic underscored by Folke et al. (2007). Additionally, they have the flexibility to establish formal and informal institutions that align with local interests and behavioural norms (Ostrom, 2006).

In Hungary PB was introduced in a context where the financial, economic and administrative autonomy of local governments had significantly diminished due to escalating centralization and political favouritism (cf. Hajnal et al., 2021; Reszkető et al., 2022). This practice has emerged as a pivotal tool mainly for local governments led by opposition or civic political actors, offering an approach to bolster transparency and citizen engagement, which are relatively low in EU comparison. Hungary ranks in the EU's bottom third

(23rd place) for transparency of government⁴ with a score of 41.6 out of 100, and in the bottom third (24th) place for maturity of open data⁵ with a score of 58 per cent.

In Hungary, participatory budgeting has primarily been embraced by left-wing politicians, aligning with international trends observed in Southern and European countries.

Before the LG elections of 2019 three NGOs⁶ advocating for transparency and integrity in government launched a campaign programme called ‘This is the minimum,’ which summarized the basic principles for transparent decision-making in LG in six fields.⁷ During the election campaign many local politicians and mayors – only opposition party politicians or independent/civil candidates⁸ – committed to the programme and promised that if they got elected, they would implement the programme in their own LGs by the end of their term in 2024. But at the beginning of the pandemic and the declared ‘state of emergency’ this topic was relegated to the background and LGs were put under extreme pressure by initiating lockdown measures and social and healthcare services in the local community (cf. Hajnal & Kovács, 2020; Baranyai et al., 2021). At the same time the Government initiated several measures in 2020, leading to a further weakening of Hungary’s LG competences and capacities. While the formal structure and remit of local self-government has not changed *de jure*, its autonomy has radically decreased *de facto*. Whereas some measures affected all municipalities, the most important ones were rather selective, affecting only the larger cities and, most prominently, the capital city Budapest. As a result of financial restrictions, many LGs were forced to implement layoffs, budget cuts, or delay/cancel local development projects (Siket, 2021). Another, rather local political characteristic in the investigated municipalities is the political fragmentation of the population and the destructive presence of the opposition. From the interviews, it emerged that opposition forces often attempt to question the legitimacy of local government’s decisions or reverse already made decisions, aiming to sway public opinion against the mayor. The collaborative governance approach might be effective against strong political resistance, as noted by interviewees. The mayor of Szentendre (interviewed in 2022) suggests ‘involving key political influencers and allowing residents to voice their concerns at community events to counteract this resistance [...]. This inclusion promotes consensus, strengthening collective action. The “political sting” can be removed or dulled from policy issues.’

⁴ European Commission eGovernment Benchmark, 2019 data.

⁵ European Commission, European Data Portal, 2020 data.

⁶ The three NGOs who launched the ‘This is the minimum’ were Átlátszó, K-Monitor and Transparency International Hungary.

⁷ These are the following: Transparent operation (agenda and minutes of the local committee are published, trackable discussions), freedom of information (openness on requesting public data), transparent budgeting, contracts and public procurements are published, transparent operation of companies owned by the LG, accountable decision makers (transparency on asset declarations). The webpage of the programme is available at: <http://ezaminimum.hu> (accessed: 16.09.2022).

⁸ The list of the politicians or local representatives who joined the programme is available on the programme’s website: <http://ezaminimum.hu> (accessed: 16.09.2022)

3.2 Legal framework

This section focuses on the institutional features – formal and informal rules, norms and strategies that structure human interactions (Ostrom, 2006) – enhancing or hindering the functionality of PB systems. From a formal and procedural standpoint, consultation with community members can occur through various methods. The first and least cooperative form represents a rather one-way notification, in which the government provides information on policy decisions to the public. The second means is consultation, which allows two-way communication and interaction. In the third, more complex form, including PB as well, participation requires an active involvement of interest groups in the formulation of policy objectives, prioritizing between different alternatives and selecting the right programme.

Research by Kocsis (2018) shows that community engagement in local policymaking is often rudimentary and non-systematic in Hungary, with comprehensive public consultations occurring mainly when required by external funding sources, such as EU funds. Public engagement faces several limitations, including a lack of capacity due to tight financial frameworks, insufficient human resources, and the absence of the necessary knowledge for conducting formal surveys. In smaller municipalities, personal communication is often deemed sufficient for information exchange. National regulations do not strongly encourage local governments either to engage with the public, giving them broad autonomy in choosing the forms and intensity of public consultation. The Local Government Act mandates a one-way public consultation through an annual public hearing in which community members can ask questions and make proposals. However, new legislation⁹ from September 2023 further restricted public consultation rights, allowing public hearings without personal appearances and shifting information dissemination to online platforms. Politically divided environments also affect public engagement, with local governments in high-tension areas often favouring one-way communication to avoid criticism and opposition feedback. In such environments, consultation opportunities are often biased towards local government-friendly interest groups.

3.3 Society and traditions matter

Participatory budgeting does not occur in a vacuum: cultural and social factors significantly impact citizen engagement and co-creation in the public sector.

3.3.1 Culture of participation and civic engagement in Hungary

Howard (2003) argues that the legacy of the communist experience of mandatory participation in state-controlled organizations, the development and persistence of vibrant private networks, and the tremendous disappointment with developments since the collapse

⁹ Act CLXXXIX of 2011 on Local Governments of Hungary 53 § – 54 §

of communism have left most post-communist citizens with a lasting aversion to public activities. These phenomena dramatically diminished the capacity of the civic sphere to regenerate itself, even after the transition (Ekiert & Kubik, 2017). As another study from the post-socialist region has shown (Boc & Lazăr, 2022), the very limited developments in participatory budgeting can be explained through one critical path-dependency element: the historical heritage from the communist era, which has kept citizens at a distance from any decision-making regarding public life. This legacy of centralized control and lack of public involvement has had a lasting impact, creating a cultural and psychological barrier to active citizen participation in governance. The residual effects of this era continue to shape contemporary attitudes, making it challenging to foster a participatory culture in public budgeting and decision-making processes (Boc & Lazăr, 2022).

Civil society and advocacy in Central and Eastern European (CEE) countries, including Hungary, are generally weak due to loose linkages between civil society and state institutions. Previous studies (Guasti, 2016; Kopecký & Mudde, 2003; Szalai & Svensson 2019) highlight significant shortcomings in CEE civil society's participation and co-creation functions. The state-society relationship remains cumbersome. There is no long tradition of bottom-up cooperation and active political citizenship in these countries (Plaček et al., 2023). According to the EIU Political Participation Index (2022),¹⁰ Hungary has one of the lowest political participation rates in the EU, partly due to its post-socialist trajectory. Under communism, citizens were seen as subordinates of the state, and non-party-organized civic activities were often suppressed. Howard (2003) argues that the legacy of mandatory participation in state-controlled organizations and disappointment with post-communist developments have led to a lasting aversion to public activities. Ekiert and Kubik (2017) note that this legacy has dramatically diminished the capacity of the civic sphere to regenerate itself. As earlier research shows from the post-socialist region, the residual effects of this era continue to shape contemporary attitudes, making it challenging to foster a participatory culture in public budgeting and decision-making processes (Boc & Lazăr, 2022).

Despite Hungary's higher-than-average trust in local government (63 per cent) and public administration (62 per cent) compared to the EU-27 average (EC, Standard Eurobarometer), an earlier study (Oross & Kiss, 2023) examining the motivations of politicians to introduce participatory budgeting (PB) in Budapest revealed that public participation was advocated both as a response to mistrust in local political decisions and as a means to build trust in democracy and democratic institutions. Our research similarly confirmed that trust-building played a crucial role in all three local governments studied. As one interviewee noted, 'Of course, the main driver is that trust in public offices in Hungary is still low... Therefore, the first step in introducing PB is building trust.' (Interviewee from District 3, 2022)

¹⁰ Economist Intelligence Unit (2023), Economist Intelligence Unit (2021) via gapminder – processed by Our World in Data: <http://www.gapm.io/dxlsdemocrix> (for the years 2006-2020)

3.3.2 Community and local identity

Aside from the variables at the national level, several local-level factors can impact the suitability of various participatory budgeting models within a specific context (Krenjova & Raudla, 2013). Although the investigated three local governments worked closely together and shared their practices during the process the three projects show different features when it comes to citizen engagement due to the local characteristics. Based on the interview evidence, the most important characteristics that had to be considered during planning were the specific composition of the local community, the fragmentation of interest groups and society, the commitment and loyalty of the people towards their community and the territorial size of the municipality.

Table 3 Population and territory of the local governments

Local Government	Population (inhabitants)	Territory (hectares)
Budapest District 3	129,609	3970
Budapest District 6	38,158	238
Szentendre	27,534	4382

The municipalities of the 3rd and 6th Districts have different authorities and responsibilities compared to the town of Szentendre, and the population of the two districts may represent a weaker, more fragmented local identity than the town. Two LGs out of the three had already had one- or two-years practice in PB, while it was new for the 6th District. During the project, the LGs supported each other by mutually sharing their experiences, good practices or even working and project planning methods.

The functioning of PB varies significantly across municipalities. Some systems adopt an inclusive approach, allowing anyone to propose ideas. These ideas then undergo a feasibility examination by experts and are subject to online and/or in-person voting by residents. Typically, these proposals will pass through preliminary screening. These mechanisms may involve dedicated committees composed of representatives from the local community and experts from the LG office, as seen in District 6 and in Szentendre. Alternatively, the screening process might be carried out solely by experts from the LG office, often members of the City Development Council. After this initial screening, a selected set of ideas is presented for public voting.

As was confirmed by the interviewees in all three municipalities the successful implementation of community budgets is heavily influenced by the population composition. Citizens often lack awareness of the costs associated with specific public tasks and the potential administrative and management expenses involved (Interviewees from District 6 and Szentendre, 2022). They may also not fully understand the obstacles that can impede implementation (Interviewees from District 3). According to our interviewees, higher levels of education among citizens are presumed to make it easier for them to comprehend complex information related to public expenditures and administrative intricacies.

Secondly, individuals who have a connection with the local government, receive social benefits, are member of a social housing programme and attend LG institutions or care centres – are the primary target groups for participatory budgeting. Initially, the older population, often closely linked to the local government, actively engaged in these initiatives (e.g. in Szentendre and District 3). Engaging the younger population poses more challenges, but events organized by the local government, such as markets or flower distribution in District 3, attract people of all ages. Families are reached through interactions with schools and daycare institutions. Schools and kindergartens play a significant role in advocacy, effectively mobilizing parents and colleagues to support proposals.

Thirdly, in the districts of the capital city Budapest, the high ratio of commuters and non-permanent residents significantly impacts community commitment to public affairs due to the high fluctuation of residents (renters and commuters).

4 Internal dynamics: Analysing organizational factors shaping participatory budgeting

As mentioned earlier, LG election campaigns emphasized transparency and community engagement, particularly through the introduction of PB. As a result, all three local governments have strong leadership support for PB practices. This commitment is crucial for overcoming bureaucratic resistance within local governments and ensuring that PB is not just a one-time initiative. In Szentendre, for instance, in addition to mayoral support, elected representatives also assume personal responsibility for the success of the project. Representatives are responsible for promoting PB in their districts, and each representative personally evaluates the incoming proposals, which are made public and accessible to the residents.

Considering the *financial capability*, introducing PB in the context of declining financial resources required a strategic approach from local governments. The proportion of the municipal budget allocated to PB in Hungary is generally small, often less than one percent, with a few exceptions. However, this aligns with the practices of other countries in the region (Nemec et al. 2022, p. 302).

Table 4 Budget allocated to PB between 2020–2023

Local Government	BUDAPEST DISTRICT 3				BUDAPEST DISTRICT 6		SZENTENDRE		
	2020	2021	2022	2023	2022	2023	2021	2022	2023
Budget allocated (EUR)	132.275	198.412	264.550	264.550	79.365	132.000	132.275	158.730	184.696

The patterns observed indicate that municipalities, on average, allocate approximately 0.1–0.2 per cent of their total budget for community decision-making processes. Notably, in the first pilot year, municipalities tend to allocate a smaller sum for community decisions, gradually increasing the amount entrusted to the public's decision-making as the programme matures.

While financial constraints pose difficulties for local governments there are several ways local governments can benefit from citizen engagement and address municipal resource shortages e.g. by announcing co-financed programmes. In District 3, citizens can co-finance tree planting and a programme focusing on creating green areas and they can decide where new trees should be planted. Another way for resource generation involves exploring external funding, grants, or partnerships with non-profit organizations or other governmental entities. An illustrative example of this collaboration is the professional network facilitated by the Transparency International Hungary (TI) and financially supported by the US embassy. This cooperation aimed to foster communication between local governments, encouraging the sharing of best practices. TI also offered professional expertise and knowledge to design and implement PB in the three municipalities. Leaders and managers from all involved LGs underscored the crucial assistance, emphasizing the value of learning from one another. Regular consultations, visits, and conferences dedicated to PB allowed these local governments to exchange experiences and refine their approaches.

Bureaucratic commitment and administrative capacity of LGs seem to be also a crucial factor for implementing PB. In different phases on the PB process (the planning, promoting, feasibility assessment of proposals, voting, moderation of public forums and implementation) many organizational units need to collaborate. The programme must be disseminated throughout the organization and involve departments such as information technology, communication, and urban planning. Initially, civil servants were sceptical. Civic participation stands in contrast to the entrenched bureaucratic ethos inherent in the Hungarian local governance structures and tradition. As the deputy mayor of Szentendre noted (2022) ‘...there is a vast bureaucratic gap between everyday office culture and participatory governance. This gap stems from the rigidity of administrative procedures and the fact that civil servants are not conditioned or experienced in such participatory processes... they are also overloaded with their everyday tasks.’ Although office workers were less enthusiastic, openness and a cooperative attitude are necessary from the side of the office, but this requires time.

5 Results

Active citizen participation is believed to have a positive impact on various political, social, and policy outcomes. This section presents the summary about the PB cost and benefits in the investigated local governments through the three major dimensions.

5.1 Political/democratic outcome

Under the politico-administrative circumstances presented in Section 3 citizen engagement addresses municipal resource shortages by mitigating financing difficulties and alleviating resulting public dissatisfaction in the examined municipalities. Every local government’s experience indicates that PB enables citizens to realistically perceive the local

government's financial situation and funding, bureaucratic and legal constraints. Consequently, they are more understanding when a programme lacks funding, providing stronger legitimacy to local leadership and to the local programmes themselves. As the Interviewees from Szentendre and District 3 insisted, this increased legitimacy, in turn, supports the survivability of decisions over time, as they are backed by a broader base of public input and approval.

Furthermore, political polarization is mitigated by involving even the 'most vocal opposition figures' in decision-making and sharing responsibility with citizens through decision delegation (Interview with the deputy mayor of Szentendre, 2022). As the interviewees from Szentendre and District 3 stated, it becomes challenging for opposition parties to question a decision that has received public support; therefore it acts as a shield against political attacks. The inclusivity of PB helps build resilience against potential challenges, ensuring that decisions withstand scrutiny and enjoy continued support from the community.

On the other hand, PB has introduced political costs and potential threats as well, notably in limiting the power of elected politicians and undermining the reputation of traditional democratic institutions. The delegation of decision-making responsibilities to citizens may lead to a deficit in democratic institutions, as elected officials may face challenges in holding decision-makers accountable for their performance (Interviewee from District 3). Our interview evidence highlights instances where citizens in certain municipalities rejected participation in PB. They argued that 'they elected representatives due to their superior knowledge of social problems, expressing a preference for relying on their elected representatives' decisions' (Interviewee from District 3).

Additionally, issues arose with citizens as less-informed decision-makers, often laypeople, proposing unrealistic projects. In response to rejected proposals, all local governments reported allocating significant time and effort to enhance transparency, explaining the reasons for rejecting certain proposals. The evidence from interviews also underscores that the quality of decisions can be influenced by powerful interest groups or processes captured by political parties or coalitions. Certain interest groups, such as families with young children or pet owners, demonstrated greater mobilization capabilities, securing more votes for their projects despite representing minority interests.

Addressing the unequal representation of citizens, some local governments attempted to mitigate disparities by organizing forums specifically for the most vulnerable citizens, including those living on social benefits or residing in social houses. These efforts aimed to foster a more inclusive and equitable participatory budgeting process.

From the viewpoint of democracy and state role, 'PB represents a delicate balance of combining representative and direct democracy' (Interview with the deputy mayor of Szentendre, 2022). As our interview evidence stated delegating power and authority to the citizens presented a significant challenge for local government officials, including politicians and bureaucrats. It required a fundamental shift in mindset, urging representatives and office staff to transcend the traditional notion that decisions should solely rest with the local governments and politicians, considering them the sole expert authority. In Hungary contextualised with paternalistic state approach, this proved to be exceptionally difficult. The prevailing norms often emphasized a top-down decision-making structure,

where expertise and authority were concentrated within the local government. Breaking away from this established paradigm and embracing a more inclusive, participatory approach demanded not only a reevaluation of roles but also a departure from ingrained political practices.

According to previous research, PB could increase voter turnout in local elections, and PB might be an ideal instrument to foster civic participation (cf. Kukučková & Bakoš, 2019), but in the Hungarian case there is not long enough practice to verify this finding.

Table 5 Political and democratic outcome

Political and democratic outcome	
Benefits	Costs
<ul style="list-style-type: none"> • Restoring the trust in the LG and local politicians • Greater transparency and accountability • Direct democracy and increasing political culture and representation • Mitigating the power of local oligarchs • Educating the community • Strengthening legitimacy of decision - shields against political attacks • Pressure on politicians to deliver • Bottom-up process – involves stakeholders whose opinions are unavailable or unknown 	<ul style="list-style-type: none"> • Not always well-informed decision-makers / the problem of laypeople • Unequal representation of citizens • PB can be captured by political parties or by a coalition • Limits the power of elected politicians • Weakening the reputation of traditional democratic institutions

5.2 Community and culture related outcome

All interview evidence supported that high scepticism prevails among citizens towards any government initiatives. As our interviewees noted it takes years of consistent positive feedback for citizens to perceive that their input truly influences decisions, that they are also responsible for their environment and that the local government effectively executes and implements projects. Citizen engagement was empowered by repeated affirmations over time. It is underpinned by our finding that there is a gradual increase in community participation over time. As the community becomes more familiar with the process and gains confidence in the effectiveness of their involvement, a growing proportion of the population actively engages in the community voting process. Despite the initial stages typically seeing lower participation rates, it is observed that, over time, the percentage of the total population actively participating in the community voting process steadily rises. On average, participation rates typically range from 3–5 per cent of the total population.

PB also serves as a catalyst for the creation of social capital and trust within a community. It achieves this by facilitating gatherings such as public meetings and workshops that bring together citizens from diverse backgrounds and with seemingly irreconcilable differences. For instance, individuals representing conflicting or competitive interests, such as those of cyclists vs drivers or pet owners vs those without pets, are seated together at a table. These forums, typically lasting 3–4 hours of conversation, play a pivotal role in

bridging perspectives and fostering understanding among citizens facing distinct life situations and challenges. Through open dialogue and shared decision-making, PB reconstructs a sense of community by building commitment and reducing feelings of alienation. It transforms conflicting viewpoints into opportunities for collaboration and helps residents appreciate the diverse concerns and needs of their fellow community members.

Table 6 The implementation of PB in the three local governments

Local Government	BUDAPEST DISTRICT 3				BUDAPEST DISTRICT 6		SZENTENDRE		
	2020	2021	2022	2023	2022	2023	2021	2022	2023
Budget allocated (EUR)	132.275	198.412	264.550	264.550	79.365	132.000	132.275	158.311	184.696
Number of submitted proposals	1530	1619	2478	3766	90	NA	715	389	451
Citizen engagement: number of voters (ratio to the total population)	4485 (3.8%)	6389 (4.9%)	7290 (5.6%)	12976 (10%)	NA	NA	748 (2.7%)	763 (2.8%)	943 (3.4%)

Source: Zeisler (2022) Report of Transparency International Hungary Foundation and own edition from LGs' websites

Table 7 Community and culture related outcome

Community and Culture Related Outcome	
Benefits	Costs
<ul style="list-style-type: none"> • Creating social capital and trust • Understand the different viewpoints of several interest groups representing conflicting, competitive interests 	<ul style="list-style-type: none"> • Some strong interest group might capture the PB process, mobilizing community to serve their own interest

5.3 Policy related outcome

The neo-classical economic theories of decision-making offer rational insights into the choices made by government entities to cooperate, suggesting that economic and political incentives trigger such collaboration. Collaborative governance, as outlined in the literature, can yield various positive effects (Bartocci, 2018). One notable outcome verified by our interview evidence is the enhancement of administrative performance and adaptability within public organizations. This involves the development of new techniques and procedures, enabling organizations to renew and improve their administrative performance and operations.

Cooperation is also identified as a means to achieve cost savings by dividing the construction and operating costs of public service delivery infrastructures (Garlatti et al., 2019). Overcoming resource scarcity, it creates opportunities for innovative and cost-effective service delivery. Interviews with two municipalities revealed that PB projects have indirect positive outcomes, such as the creation of a 'problem map' highlighting local issues identified by the community. Proposed issues not addressed by PB are added to the municipalities' 'to-do list' for future handling in Szentendre and in District 3.

Additionally, PB is recognized for its ability to adapt to real social and ecological needs and changes more effectively than centralized forms of government. According to the interviewees, personal meetings play a pivotal role, offering a platform to comprehend community needs and understand the diverse viewpoints of interest groups representing conflicting or competitive interests. Instead of creating strict hierarchical systems LG proposes arenas that can engage in rapid discovery of conflicts and effective conflict resolution (Ostrom, 2006). As many interviews pointed out, one of the most important impacts of PB is that citizens became more aware of the real nature of community problems and the complexity of implementing certain programmes (e.g. creating a pedestrian crossing is not 'drawing' lines, but it requires the cooperation and permission of several authorities).

On the other hand, as Feiock (2009; 2013) pointed out, there are transactional costs of negotiating, monitoring, and enforcing an agreement that are necessarily required for achieving joint actions. Transaction theories of organizations focus on uncertainty and four types of transaction costs as barriers that prevent government entities and authorities from reaching cooperation and co-actions. The first called 'information costs' limit the range of options being considered by bounded rational actors, while the second type refers the 'negotiation costs' that limit the number of alternatives for actors during the decision-making process. The third type of cost are 'external decision costs' that limit autonomy in conforming to collective decisions, and the fourth type of cost is related with the decision enforcement, because the joint action limits the ability to make credible commitments (Feiock, 2013). One should also note that participation also entails a cost for the citizen, in terms of the dedication of time and energy, and does not provide for any form of remuneration; the potential benefits associated with participation are not immediate. As our interview evidence shows, the implementation of such programmes requires a tremendous amount of resources. Beyond the financial resources the need to mobilise significant capacities and develop new competences on both sides – both from public administration, politicians, and the citizens – in order to have a positive and sustainable impact. The LG should allocate a few people as experts (urban development) and project managers; however, the LG's HR capacity is limited and overloaded. Secondly the LGs have very limited financial capacity to launch any new development or innovative investment. They can hardly finance the provision of the basic public services due to the central government's financial cuts. Thirdly the LGs also need more time to shift from the more bureaucratic, authoritarian way of thinking about government – customer relations and adopt and integrate the culture of cooperative governance and civic engagement. The key factor of sustainable cooperation is building trust by providing evidence and good examples of how the programme reached its goal and ideas coming from the community have been realized. But it is a decades-long process to make cultural changes on the government side and in the individuals' awareness.

Table 8 Public policy and administrative outcome

Public Policy and Administrative Outcome	
Benefits	Costs
<ul style="list-style-type: none"> • Increased the efficiency and effectiveness of public policymaking processes • Adapting to real social and ecological needs and changes better than more centralized forms of government • Higher acceptance and voluntary compliance with policies • Citizens got more aware of the real nature of community problems and the complexity of implementing certain programmes • Networks create new, additional resources for the government, such as financial resources, knowledge, expertise and experiences 	<ul style="list-style-type: none"> • Budget • Transaction costs of negotiating, monitoring, and implementing the PB – mobilise significant capacities and develop new competences • “External decision costs” that limit autonomy of bureaucracy in conforming to collective decisions

6 Conclusion

In Hungary, the introduction of PB appears to be driven by the current political environment and the budgetary challenges faced by local governments. The purpose of implementing PB is threefold. Firstly, it serves a political purpose.

Our study reinforces the findings of Oross and Kiss (2023), showing that local political leaders implement PB to increase the transparency of public institutions and restore trust in municipal organizations by fostering more effective communication and connection with citizens. Additionally, our research demonstrates that PB is an effective tool for enhancing political education at the local level through practices such as discussion and voting. It also acts as a response to overly centralized governance and political favouritism, as community-supported projects carry strong legitimacy and reinforce local political leadership. However there seems to be a political risk as well: by combining direct and indirect form of democracy the division of responsibilities between community members, interest groups, elected local politicians and LG bureaucrats in a governance system can make it challenging to hold decision makers and the LG accountable for their performance.

Secondly, PB plays a crucial role in strengthening local community cohesion, which is particularly important in a politically polarized society like Hungary. However, as our study also showed, there is a risk that interest groups may mobilize the community to push through their own agendas, potentially skewing the larger community interest.

Thirdly, from a policy perspective, participatory budgeting (PB) helps address budgetary constraints by engaging citizens in generating new resources, whether fiscal capital or knowledge. Furthermore, it aids in communicating to the public why certain projects cannot be realized by the municipality. However, the effectiveness of PB in addressing real social needs and representing stakeholders' interests is questionable, given the relatively

low participation of citizens. The implementation of PB also incurs high costs, including significant transactional costs associated with coordination and facilitation. These costs encompass human resources, facilitation and negotiation expenses, time, specialized expertise from urban development specialists and technology expenses.

Several critical issues for the future of PB are evident. One significant gap in the PB process is the relative weakness of the state-citizen relationship. Additionally, the application of PB is often unstable, rarely lasting more than a few years due to the fragility and volatility of political commitment, financial stability, and the lack of regulation.

There are also risks to democracy associated with PB. It can be captured by political parties or coalitions, and in some cases, people tend to over-identify PB practices with certain figures or political coalitions that have promoted its use. This can create a dangerous connection between the political arena and PB practice, which is intended to serve the co-creation of policies.

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RUDOLF METZ

'Sympathy for the devil': The strategic use of the populist repertoire in Viktor Orbán's politics

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Abstract

Populist politicians such as Viktor Orbán are masters at harnessing intense and polarizing moral emotions: they stigmatize the enemies of the people, offer their community protection as self-proclaimed heroes, and at the same time, othering and moral transgressing trigger emotional overreactions from opponents. This article draws on a new analytical framework that incorporates theories of social labeling (moral panic and euphoria, moral entrepreneurship) and heroic/charismatic leadership to explore this multifaceted and antagonistic emotional relationship associated with populists. The theoretical reasoning suggests that these emotional dynamics define the moral cornerstones and boundaries of populist identity politics. Based on an analysis of four illustrative Hungarian cases – the migration crisis, anti-gender politics, the Authorisation Act during the coronavirus pandemic, and Fidesz's expulsion from the European People's Party – the article shows that populists can follow different paths to become charismatic heroes in the eyes of his supporters, while others still see them as folk devils due to their controversial moral entrepreneurship.

Keywords: populism; charismatic leadership; moral panic; moral euphoria; moral entrepreneurship; Viktor Orbán

[T]he opposition must be constantly attacked, an image of the enemy must be built up, a threat must be formulated, a hoofed devil must be drawn on the horizon, and then this enemy [...] must be accused of the most absurd charges. (Viktor Orbán, 2006; cited by Herczeg, 2017)

1 Introduction

Whereas in 2006 Viktor Orbán criticized the left-wing government for fearmongering, by 2015, he was one of the right-wing populist leaders on the front page of *The Economist* accused of playing with people's fears. Today, the Hungarian prime minister's (PM) appeal to fear has become quite extreme: he wants to save the country from 'mixing races' (Orbán,

2022) or possible nuclear war (Orbán, 2024a), blaming these threats on his political opponents. Othering or scapegoating is one of the most visible elements of populism that stirs up fierce emotions in society. Populist negative communication only makes sense when accompanied by a strong commitment to the people or the nation that the leader wishes to protect. Orbán deliberately uses populism as a set of stylistic and strategic tools:

[T]here is just one inescapable, non-negotiable, and immovable force, one power factor: the Hungarian people. As Lincoln said, ‘of the people, by the people, for the people’. Today, of course, we must not say such things because that is populism. But when a party understands this, realises its opening, finds a way to serve not just a guiding ideology but people – the people, the nation – and is willing to act accordingly, that party will itself become an ineluctable force. That is us today. (Orbán, 2021a)

In this sense, populist politics is a radical redefinition of the friend-enemy dichotomy, in which other political actors are portrayed not merely as opponents but as enemies of the people. Therefore, populists deliberately repel their opponents. They transgress moral and democratic boundaries to provoke strong emotional reactions from those around them, while they can turn these attacks on the people. This self-victimization helps leaders to act as the sole defenders of the people, delegitimizing all criticism.

This theory-driven article examines these emotional dynamics and the populist strategies that generate them, defining two aims. The overall aim is to expand the discursive-performative approach to populism by linking it to theories of social labeling (moral panic and euphoria, moral entrepreneurship) and heroic/charismatic leadership. The populism literature has long argued that strong emotions feed populism, but scholars of the discursive-performative approach (Ostiguy et al., 2021) have gone further in conceptualizing these relational aspects, defining populism as a particular mode/logic/style of political action and communication. From this perspective, only those politicians who use a specific stylistic repertoire to establish and manage certain political relations can be considered populists (Brubaker, 2020; Moffitt & Tormey, 2014, p. 387). Some researchers focus on specific elements of the populist toolbox (Brubaker, 2020; Moffitt, 2016; Ostiguy, 2017), while others describe the different roles of populists (Casullo, 2019). While this approach accepts the thesis of the conscious and strategic deployment of populist appeals to gain political support (Ostiguy et al., 2021, pp. 3–4), it does not address how leaders use the populist repertoire to mobilize their followers, arouse emotions and become moral agents and entrepreneurs.

To fill this gap, I turn to moral panic theories, which explicitly describe precisely the populist emotional dynamic directed against the ‘dangerous other’ or the political elite. Early moral panic theorists recognized this conceptual relationship (Cohen, 2011, pp. xx, xxxi, xxxix; Goode & Ben-Yehuda, 2009, pp. 57–58), but two weaknesses are particularly striking in the literature. First, the role of moral agency/entrepreneur (Becker, 1963; Sunstein, 2000), which can polarize society by shaping norms and generating moral outrage that directs negative emotions towards ‘folk devils,’ remains undertheorized. Second, little is also said about how this moral agency becomes the focus of heightened expectations and positive emotions. Only one article recognizes the phenomenon of moral euphoria as a parallel dynamic of moral panics that culminate in the deification of ‘folk heroes’

(Flinders & Wood, 2015). Research on the figure of the charismatic hero also emphasizes the emotional ties of followers to their leaders and their worthy opponents (Joosse, 2014, 2018b; Klapp, 1954). However, charisma researchers draw attention to another element: negative or counter-charisma (Tucker, 1968, p. 746; Willner, 1985, p. 7). Operating as a form of counter-demonization, some people recognize the special abilities of those embodied with charisma, but they are filled with fear and suspicion, attributing malicious intent to these leaders. After putting these theoretically loosely related concepts into an analytical framework, the article interprets the stylistic and strategic repertoire of populism through it.

The second aim is to differentiate populist strategies that may create a 'magnetic field' around leaders, with negative and positive poles. In the second half of the article, I present a typology that enables the differentiation of four strategies based on the leader's moral position and the direction of demonization. Hungarian politics offers numerous examples of populist strategies for generating emotions. Four well-known cases are chosen to differentiate and illustrate these strategies, namely witch-hunting (anti-gender politics), self-victimisation (the Authorisation Act during the coronavirus pandemic), barricading (migration crisis), and quarantining (Fidesz's expulsion from the European People's Party). These cases are magnified populist othering, the moralization of political conflicts, the formation of emotional communities, and, more importantly, the polarizing effect of emotional provocation and counter-demonization. The article does not intend to provide general explanations of Hungarian populist politics at the regime and ideological levels (see an overview in Körösenyi et al., 2020) but to contribute to works that focus on populist polarisation (Enyedi, 2016; Palonen, 2009; 2018), communication (Csehi & Zgut, 2021; Lipiński & Szabo, 2023), governance. (Bartha et al., 2020), leaders and their followers (Metz & Plesz, 2023) as well as on moral panics (Barna & Koltai, 2019; Geró & Sik, 2020) in Hungary.

Studying populism through the strategic use of repertoires suggests two useful implications. First, as Brubaker (2020, p. 80) underlined, 'the populist repertoire is chronically available in contemporary democratic contexts, it is not chronically deployed.' Traditional leaders use some elements of populism but apply them only occasionally or minimally in contrast to others' radical approaches. According to this perspective, populism is not a black-or-white category but a matter of degree; thus, analyzing the populist repertoire allows us to detect its elements anywhere in modern democracies. Second, the populist repertoire is flexible and adaptable to different ideological, cultural and social circumstances (Brubaker, 2020, p. 79). Although the present study deals with issues specific to right-wing politics, the emotion-generating populist repertoire is also applicable to left-wing populism (Moffitt & Tormey, 2014, pp. 392–393). The conscious use of moral panics can be seen in the magnification of perceived/real (structural) inequalities (e.g., Occupy, #metoo, Black Lives Matter, and Just Stop Oil movements) and dangers (e.g., nuclear energy, capitalism, climate change, illiberalism/ authoritarianism) that are used to describe the moral state of society. However, it is irrelevant for scientific analysis whether these emotions behind the moral panic and euphoria are empirically and objectively justified. Researchers must let the case define the normative labels and categories to strengthen their explanatory power and versatility. This perspective helps to overcome the normative biases inherited from populism (Aslanidis, 2017) and moral panic studies (Cohen 2011, pp. xxxix–xliv).

2 Elite-engineered moral panic/euphoria and counter-demonization

The concept of moral panic refers to a volatile state or situation in which society reacts emotionally to a group or individuals perceived as a well-defined threat along ethnic, religious, or lifestyle lines. The term became popular due to Cohen's (2011) seminal book on how these social reactions have shaped social policy and perceptions of danger. The exaggerated emotional responses focus on deviant outsiders, or 'folk devils,' who are seen as a threat to the building blocks of society – social order and consensus around values and norms – which had previously seemed unassailable. Cohen (2011, p. 2) puts it bluntly: they are 'visual reminders of what we should not be.' This perceived deviance stimulates fear and triggers a process of attribution that we call 'demonization' (Goode & Ben-Yehuda, 2009). The literature mainly focuses on the content (demonization) or the subjects (folk devils) of moral panics, paying much less attention to the positive side of collective emotions and to the agency (the leader) that generates emotional waves in society.

Deviance researchers have acknowledged the positive emotions behind moral panic but failed to provide a deeper explanation. Cohen only used the 'folk hero' as a label once¹ while explicitly referring to Klapp (1954), who explored social categories such as the 'hero' and the 'villain' (see Cohen, 2011, p. 4). Elsewhere in the literature (Cohen, 2011, pp. 11–12; Goode & Ben-Yehuda, 2009, p. 38), the stereotypical figure of the hero is only mentioned in relation to the moral struggle between good and evil in passing. Flinders and Wood (2015, p. 644) were the first to go further in developing mirror concepts:

- *Moral euphoria*: 'the momentarily intense, disproportionate, and dramatic manifestation of joy, relief, and hope within society concerning the presumed morally righteous behavior of "folk heroes."'
- *Folk hero*: 'the agent of social concern (group, community, individual) that is loved and held in awe by society due to the presumed moral fortitude of its behavior.'
- *Deification*: 'the process of symbolization, framing, and discursive commentary through which certain agents become associated with almost God-like qualities.'

Folk heroes embody aspirations and moral values but also personify everything people consider 'good.' They are 'ascribed certain qualities that are deemed so remarkable or exceptional that they immediately assume an almost superhuman or God-like status' (Flinders & Wood, 2015, p. 645). This formulation is very similar to Weber's (1978, p. 241) definition of charisma, although the authors carefully avoid this term. According to his main thesis, charismatic relationships and leadership are based on an attributional process in which followers bestow exceptional qualities on leaders (Willner, 1985, pp. 14–15). Similarly, Klapp (1954, p. 135) explicitly drew on Weber to explain the social role of the hero: 'defined as a person, real or imaginary, who evokes the appropriate attitudes and behavior' and thus 'the fame of a hero is a collective product.' In short, charisma is produced by people's belief in the heroism of the leader.

¹ Cohen (2011, p. 120) described Dr. George Simpson, chairman of Margate magistrates during the trial of the 1964 Mods and Rockers' riots, as a folk hero who 'personalized the forces of good against which the forces of evil were massed.'

Moral panic and euphoria always occur in parallel, interacting with each other: the construction of the folk devil implies the emergence of the protective hero (Joosse, 2018a; Klapp, 1954). In other words, the role of the charismatic hero is crystallized by contrasting the out-group opponents. Joosse (2018a) translates the social construction of villains described by Klapp into the charismatic counter-role of colossal players who fit with the charismatic leaders' ambitions. These figures help to dramatize a situation that calls for and emphasizes the importance of heroism. As a result, these worthy opponents are endowed with 'negative charisma' or 'counter-charisma.' Smith (2000, p. 103) describes negative charisma in terms of the demonization that goes hand in hand with the deification of the charismatic leader: 'Love of the charismatic leader often seems to be predicated on hatred of the evil against which they fight, and, indeed, will be magnified as this perceived evil intensifies and is incarnated in a specific "folk devil."'

However, charismatic leaders can easily find themselves targets of counter-demonization, whereby they become folk devils for those who perceive them as a moral threat to society and democracy. As Tucker (1968, p. 746) accurately put it:

[A] leader who evokes a positive charismatic response from some is likely to evoke a negative one [...] from others. The same leader who is charismatic in the eyes of people in distress, for whom salvation lies in change, will be counter-charismatic in the eyes of those who see in change not salvation but ruination.

Later, Willner (1985, p. 7) came to a similar conclusion, pointing out that while charismatic leaders may be treated as God-like or larger-than-life figures by their followers, those who are immune to their appeal are not neutral towards them either, describing them as 'diabolical.'

The literature has undertheorized the role of agency (the leader) that pushes the 'moral panic button' to generate emotional waves in society. While Cohen (2011) does not discuss the nature of moral agency in detail, he mentions the activity of right-thinking people (agents of social control) who stand on the moral barricade and determine who should be considered deviant in society. Goode and Ben-Yehuda (2009, p. 135) also identified an 'elite-engineered' mode of moral panic in situations where 'a small and powerful group [...] deliberately and consciously undertakes a campaign to generate and sustain fear, concern, and panic on the part of the public over an issue'. They argued that a moral panic is an effective tool for distraction in political leaders' hands, but others also show that it is crucial for legitimizing the latter's policy responses and decisions (Bonn, 2011). Cohen's seminal work also draws on Becker's (1963) theory of moral entrepreneurship, arguing that some individuals, groups, or organizations feel responsible for persuading people of the need to develop and enforce a particular set of norms and values. Moral entrepreneurs are crucial for attaching/removing positive/negative labels from/to certain individuals. In short, moral entrepreneurs can change the moral structure of society, shaping the boundaries of the normative system and defining who counts as an insider or an outsider. Charismatic leadership works in exactly this way: Leaders as emotional or moral agents can evoke, revoke, and reframe the emotional rules of how members of society should (not) feel about themselves, others, and events (Wasielewski, 1985).

Even traditional leaders often exploit moral panic and euphoria, as we have seen with George W. Bush, Tony Blair, and Barack Obama (Bonn, 2011; Flinders & Wood, 2015). However, these leaders lost their heroic status over time as the high expectations led to disappointment (through abuse of power, misleading the public, and stillborn reforms), culminating in counter-demonization directed at them. As a result, elites can indeed lose their monopoly on the moral barricade, opening the door to new moral entrepreneurs such as populist leaders. A striking difference emerges here: populist politicians, relying on their charismatic appeal, are able to manage and exploit these inverted moral panics. Some empirical analyses (Andrews-Lee, 2021) have shown that these leaders can enjoy a ‘Teflon-like’ protection that prevents followers from blaming them for poor performance or immoral action.

3 Populist politicians: folk heroes or folk devils?

Populist politicians consciously create and maintain a ‘magnetic field’ around themselves that attracts followers and alienates others. Three emotional dynamics determine this field: (1) a moral panic that serves to label the political elite and dangerous others; (2) a moral euphoria in which populists can appear as charismatic folk heroes; (3) a counter-demonization of anti-populists that populists incite towards themselves (Figure 1).

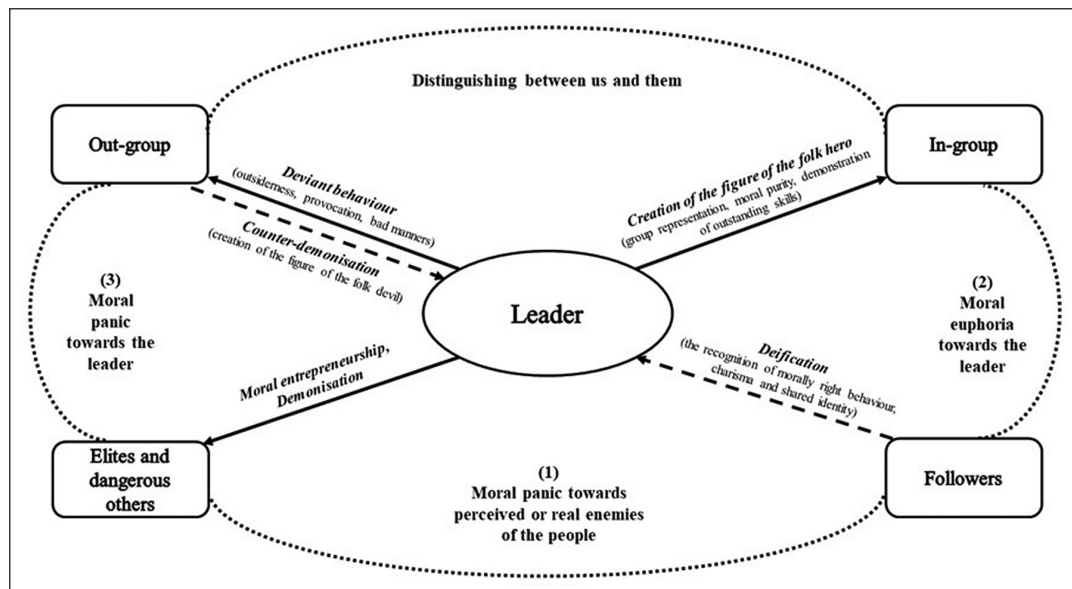


Figure 1 Strategic Use of Moral Panic and Euphoria in Populist Politics

(1) Linking moral panic to populism is nothing new: populist rhetoric can easily catalyze a sudden surge of negative sentiment towards certain groups or individuals perceived as deviant. The sharp identity-based dichotomy between ‘them and us’ in populist politics is

an important element of this moral struggle. Several studies have examined this empirically: Trump's 2015–2016 presidential campaign (Joosse, 2018b), as well as the political responses to immigration in Hungary (Barna & Koltai, 2019; Geró & Sik, 2020), Slovakia (Androvičová, 2017) and Poland (Krzyżanowski, 2020). This emotional dynamic is at the heart of the perpetual crisis narrative created and fuelled by populist politicians. Similar to what Moffitt (2016) highlighted about crisis performance, the generation of moral panics is an attempt to create an emotional and moral state of society as a favorable environment for political action and heroic leadership (see also Körösényi et al., 2016). The moralizing interpretation of the crisis by populist politicians often leads to moral panics. In other words, it is not the presence of the crisis that is important but the impression that a moral deficiency or immoral behavior of others is causing it. Researchers have called this labeling process a populist 'performing staging of a wrong.' (Ostiguy et al., 2021, p. 3), pointing to the exaggerated and constant moral struggle between good and evil in populist politics.

(2) Moral euphoria and folk heroes have received less attention. While positive expectations focused on populist leaders are often emphasized (e.g. Laclau, 2005; Moffitt, 2016; Pappas, 2019) few studies have examined the attribution of charisma to populist politicians (Andrews-Lee, 2021; McDonnell, 2016; Metz & Plesz, 2023). Laclau's (2005) theory complements the Weberian theory of charisma, presenting the attribution-like process in populism. In his theory, the populist leader is an 'empty signifier': a blank page onto which people can project their specific meanings and desires, antagonistically creating 'the people.' But 'who would identify with an empty signifier?' Ostiguy and Moffitt (2021) ask in their critical essay. They argue that the actual leaders as 'overflowing signifiers' are oversaturated with meanings. Leaders always offer something – their mediated identity, character and personality, bodily and rhetorical performance – which may meet the different expectations that people have in their minds about leaders. In short, the notion of 'leader' is never entirely empty or blank. Ostiguy and Moffitt extend the original theory with a relational aspect and an agency perspective, assuming leadership is co-created. Casullo (2019) condenses the different qualities into specific context-based roles, but the image of the populist is determined by particularities, as Ostiguy and Moffitt (2021) stressed. More precisely, their leadership status depends on how much they represent and embody the people's core characteristics, aspirations, values, and norms and become the 'champions of us' (Uysal et al., 2022). Intertwining the populist leader's personality with the social identity of the people protects them from external attacks and criticism (Andrews-Lee, 2021).

(3) By transgressing the moral boundaries of liberal democracy (Aiolfi, 2022), populist leaders also want to consciously and deliberately generate anti-populist sentiments (Stavrakakis et al., 2018) to stress their importance, resulting in counter-demonization. They act like 'polarisation entrepreneurs.' (Sunstein, 2000) who seek to build like-minded communities, strengthen political frontlines, and push the camps into more extreme positions. Recent empirical evidence (Harteveld et al., 2021) has shown that identity-based affective polarisation is greater among supporters of populist parties than other non-populist parties. Supporters of populist parties have an overt antipathy towards mainstream political forces and their supporters, but they elicit similar antipathy from their opponents. These findings are not surprising, as populists constantly provoke their opponents by transgressing moral boundaries and written/unwritten norms of liberal politics

(e.g., political correctness) to maintain polarized conflicts. This strategic use of transgression is a fundamental component of populism (Aiolfi, 2022) described as ‘bad manners’ (Moffitt, 2016). Ostiguy (2017) introduced the concept of ‘flaunting of the low’ to describe populist behavior that is culturally considered deviant, in contrast to high political norms. Similarly, Moffitt (2016, p. 60) also suggests that transgression helps to distance populists from other political actors. These conflicts and attacks help the populists portray the people as victims and themselves as defenders of the people.

Violating norms is not the goal but the means to fuel the outrage and resentment of their opponents and trigger anti-populist counter-mobilization. Stavrakakis and his colleagues (2018) are among the few researchers who have emphasized that we cannot understand populism without understanding anti-populism. This is particularly true in our case: this counter-demonization is a definitive element of populism. Their study also argues that anti-populists demonize populist politicians, as do the latter the enemies of the people. For anti-populists, norm-breaking politics represents the moral state of society and the political system. But populist leaders also have something else: the competence and political skills to damage liberal democracy (counter-charisma). However, the picture is more complicated when populists reach governing positions. Then, the distinction between anti-populism and new populist appeal can disappear altogether, as we can see in Hungary.

4 Strategies for generating moral panic

Populist politicians can achieve the desired emotional impact differently (Table 1). Two key dimensions can be distinguished. The first relates to the nature of leadership. According to this dimension, political leaders may seek to create a moral panic by provoking opponents. At other times, leaders may find themselves in a ready-made situation, which they interpret reactively. The second dimension focuses on the purpose of the strategy. On the one hand, leaders may demonize certain groups or individuals; on the other, their aim may be to force increased counter-demonization, forming the role of victim in the moral struggle. In both cases, the leader emerges as a hero in the eyes of their followers, but as a result of different emotional dynamics. Four strategies are distinguished: witch-hunting, self-victimisation, barricading, and quarantining. The Hungarian examples provide illustrations of these strategies, but they can hardly be separated in their effects. Moreover, while populist/anti-populist strategies may be easy to map, their emotional impact is more difficult to measure, so in this case, we must infer from voters’ behavior and attitudes.

Table 1 Populist repertoire for creating, forming and sustaining emotional relations

Nature of the leadership	The aim of the strategy	
	Demonization	Counter-demonization
Proactive	<p>Witch-hunting Objective: launch an attack on the moral basis of the alleged deviance. Direction of demonization: the folk devil is revealed within society. Nature of demonization: proactively creating an image of the enemy. Example: anti-gender politics in 2020–2021</p>	<p>Self-victimisation Objective: present deviant behaviour to opponents, creating a defensive moral position in which criticisms and attacks seem underserved and undignified. Direction of demonization: demonization is primarily directed at populists. Nature of demonization: the desired consequence of a seemingly unjustified/unintended proactive strategic decision. Example: Authorisation Act in 2020</p>
Reactive	<p>Barricade-building Objective: to protect the community on moral grounds against previously unknown deviant behaviours. Direction of demonization: the perceived threat stems from outside the community. Nature of demonization: reactively creating a moral barricade pointing to the people's enemies. Example: anti-migration policy in 2015–2016</p>	<p>Quarantining Objective: to describe moral quarantine as deliberate isolation from groups labelled as deviant. Direction of demonization: demonization is primarily directed at the populists. Nature of demonization: getting outside of moral barricades and becoming folk devils as an unintended consequence of their previous decisions and statements. Example: Fidesz's 'voluntary' excommunication from the EPP</p>

4.1 Witch-hunting

Witch-hunting is a classic example of generating moral panic. Here, the demonization process is proactive, with leaders targeting a well-defined group identified as norm violators. This strategy can be detected in Fidesz's anti-gender politics in 2020–2021, which mobilized attitudes against sexual minorities (Takács & Swart, 2021). As a result, these groups became a central enemy in the ruling party's communication (Barát, 2022; Kováts, 2022). The proactive nature of the strategy is also indicated by the fact that the moral struggle was taken from a Western context, adopting the interpretative frameworks and deterrent examples that appeared there. This moral conflict, although periodically coming to the fore (especially during the counter-protests held in parallel with the annual Budapest Pride festival), never dominated the political agenda and public discourse to the extent that we have seen since the 2020s.

The moral panic was not triggered until 2020, during the coronavirus pandemic, when sex reassignment therapy was banned, and adoption rules for homosexual couples

were tightened. The ninth constitutional amendment, passed on December 15, was a symbolic move that emphasized biological sex over gender, adding the following texts: ‘The mother is a woman, the father a man’ and ‘Every child has the right to such protection and care as is necessary for its physical, mental and moral development.’ The goal was to protect the right of children to identify themselves according to their sex at birth and provide an education based on the values of Hungary’s constitutional identity and Christian culture. The Fundamental Law defines the moral boundaries of the community, and the PM also formulated the issue of deviance as a moral entrepreneur:

[The] laws relating to homosexuality [...] are based on an extremely tolerant and patient approach. [...] So we can safely say that as regards homosexuality, Hungary is a patient, tolerant country. But there is a red line that must not be crossed, and this is how I would sum up my opinion: ‘Leave our children alone.’ (Orbán, 2020)

The demonization culminated in the anti-pedophile Child Protection Act, which treated the LGBTQ+ communities at the same levels as pedophiles and banned the promotion and display of homosexuality and gender reassignment to children under 18.

In support of the Act, the government launched a national consultation campaign with biased questionnaires. It later held a referendum on April 3, 2022, the same day as the general election, making the ‘defense of normal life’ against ‘homosexual propaganda’ a central issue in the campaign. These pseudo forms of participation allowed the government’s supporters to engage in the moral struggle and experience the moral euphoria of the landslide electoral victory and the technically invalid but politically successful referendum. Since the law was passed long before the referendum, it had no political stakes and was used only for strategic purposes. But Orbán’s role was indispensable to the moral euphoria: he wanted to defend the core values of the conservative Christian family model and way of life.

However, the government’s main goal was not to win an ideological conflict but to divert attention from certain policy failures (e.g., the establishment of the Chinese Fudan University campus in Budapest, the negative economic developments caused by the epidemic, the state of public education and health care) and scandals that called into question the government’s effectiveness and moral credibility. On February 9, 2020, a scandal broke out when it was revealed that Gábor Kaleta, the government-appointed ambassador to Peru, had pornographic images of minors on his computer. The second scandal was even more troubling. József Szájer, the party’s founder and a member of the European Parliament (MEP), was arrested on December 1 for violating epidemiological regulations, attending a gay orgy in Brussels and possessing drugs. He resigned following the incident.

The provocation of the opposition was blatant, as the government had touched on a taboo subject, but their reactions were less so. The attack on sexual minorities fed into anti-populist sentiments (e.g., fear of vulnerable groups and democratic norms), and the counter-demonization focused on the PM and the ruling party. The opposition and concerned groups described the Child Protection Bill as discriminatory and hateful. They organized a demonstration in front of the Parliament Building on June 14, 2022, but failed to garner wider social support. The law also provoked a serious international backlash and led to an infringement procedure in the European Union (EU). The opposition used these international reactions as political ammunition and proof of their moral superiority.

The right-wing politicians in the opposition coalition took a different tack. The populist right-wing Jobbik voted in favor of the law. Péter Márki-Zay, the opposition coalition's candidate for prime minister, also used a similar populist repertoire: he questioned the credibility of Fidesz's position in this conflict, assuming the homosexual orientation of some cabinet members and one of Orbán's close relatives. Moreover, the radical right-wing Our Homeland Movement not only supported the government's anti-gender politics but further fuelled the moral panic with a number of provocative actions. These norm violations were also strongly criticized in the opposition media.

4.2 Self-victimisation

Populists may not only name the enemies of the people directly, but they can also point to them by pitting them against the real representatives of the people. The purpose of self-victimization is not primarily to create an image of the enemy but to force the enemy to attack. This strategy works as a reverse witch-hunt or counter-demonization: populist politicians try to create a moral position in which attacks on them can be described as undeserved and undignified. The primary dynamic of demonization is directed at the populist leader, and the triggering decisions and policies are often mere provocations.

Since 2010, the Hungarian opposition has been driven by anti-populist fears that the country's liberal democracy is under threat. The government's reforms, such as the new Fundamental Law, constitutional amendments, and extensive reforms in various fields (culture, science, media, and justice), helped to concentrate political power and establish a new political regime in its own image (Körösényi et al., 2020), provoking outrage and anger among the opposition. These emotional reactions usually manifested themselves in unconventional parliamentary performances, rhapsodic waves of protest, and intellectual petitions. The opposition's reaction and strategy fit with the dynamics of voter attitudes, which are extremely polarized over the content and perception of democracy (Susánszky et al., 2021), but they lost their mobilizing power and newsworthiness over time.

In 2020, the first Authorisation Act triggered such a negative emotional dynamic. The Act empowered the government to govern by decree due to the need for managing the adverse effects of the pandemic. However, this was not a new development in the Orbán regime, as constant crisis leadership backed by exceptional constitutional powers had already existed since the migration crisis (Antal, 2023). Moreover, the government's intentions seemed pointless since the governing parties had a two-thirds majority, so there were no political constraints on lawmaking during the epidemic. Orbán's main aim was to provoke those around him. Although the opposition would have supported this kind of crisis leadership conditional on time limits and parliamentary control, critical voices also emerged, stressing the danger of the excessive concentration of power. However, the opposition's ability to counter-demonize was very limited due to the lack of concrete political and parliamentary means. The similar accusations and narratives lost their power because they had been part of the public discourse for years, and the pandemic situation made wider mobilization impossible. Nevertheless, this narrative emerged. For example, the president of the liberal party, Momentum, said that 'democracy cannot be quarantined'

(Fekete-Győr, 2020), while another prominent opposition politician has spoken of a ‘constitutional coup’ (Hadházy, 2020). In this narrative, Orbán once again ‘proved’ himself to be autocratic (folk devil).

Moreover, Orbán set a communication trap by which the opposition was seen as irresponsible, concerned only with its own power and ideological goals rather than with the welfare and health of the people. In his demonization narrative, the opposition was either power-hungry, malicious, interested only in their power, or anti-life and anti-vaccine, questioning the use of Chinese and Russian vaccines, or incompetent, unable to handle the crisis in their decision-making positions in local governments. At the same time, the stakes were raised, with wartime rhetoric stressing the critical epidemic situation and the need for cooperation (national consensus). Orbán presented himself as a hero, emphasizing his abilities, calmness, and determination to act alone with his majority in the face of provocation, discord, and irresponsibility. The more violent the attacks, the more the government could play the role of the moral victim, subjected to unethical attacks despite its good intentions and policies. The appearance of moral euphoria was strong even though, as a populist leader (in contrast to Bolsonaro and Trump), Orbán did not question the official version of details about the pandemic and enacted the standard measures to deal with it. He has managed to keep public confidence stable and even growing, showing signs of the rally-around-the-flag effect (Metz & Árpási, 2020) through the constant communication of successes, including a focus on military mobilization, procurement of vaccines and medical equipment (respirators), increasing vaccination coverage and periodic easing of epidemic measures. Overall, this strategy has been effective in diverting attention from the concentration of power and the failures of crisis management (e.g., high death rates and the purchase of unnecessary and expensive medical equipment).

4.3 Barricade-building

Since the traditional political elite has lost its monopoly on the moral barricades, populist leaders, as ‘the moral conscience of the people,’ have erected new barricades in society, separating those who may be full members of the community from those who may not. In contrast to witch-hunts, the aim here is not simply to find an enemy from within but to ward off a threat from without. In such cases, leaders are often faced with a *fait accompli*.

The migration crisis in Central European states between 2015 and 2016 is a striking example of this strategy (Androvičová, 2017; Gerő & Sik, 2020; Krzyżanowski, 2020). Migration was an unknown problem for these states. From the beginning of 2015, the Orbán government saw an opportunity to address the issue. His strategy had two important elements: dramatizing and moralizing the issue. In the first half of the crisis, the emphasis was on portraying refugees negatively. The government allowed mass spectacles to develop at public transport hubs as a deterrent. A temporary camp was set up at Budapest’s Keleti railway station, from where a mass convoy set off for Austria on September 3, 2015. This culminated in the clash between refugees and police at the southern border fence on September 16, which became known as the ‘Battle of Röszke.’ The situation was further dramatized by images of various terrorist attacks in Europe, and these events became a visual reminder of migrants as folk devils.

The government deliberately created a so-called 'securitizing' interpretation of events in which the refugee wave threatened the existential and economic security of the population. The centrality of this interpretation was underlined by the way political actors and the media framed the phenomenon and the people involved (migrant vs. refugee), which supported the demonization process itself. For Orbán, however, demonization did not stop there. The PM also painted a picture of a sinister coalition of people smugglers, human rights activists, Brussels bureaucrats, and the domestic opposition, backed by George Soros. This narrative dominated the public debate, thanks to the national consultation on the issue, six consecutive billboard campaigns, and the anti-quota referendum. Although the government's crisis management (closing the southern border, tightening the law) received cross-party support and the level of xenophobia increased during this period (Barna & Koltai, 2019; Geró & Sik, 2020), the referendum on October 2, 2016, was invalid. However, the referendum still served its political purpose of thematizing political discourse and engaging supporters in this moral struggle. The moral euphoria was manifested in the experience, the demonstration of a strong common Christian European and national identity, and the economic prosperity that Orbán pledged to defend.

Although fear of intolerant rhetoric was present in the public discourse, the opposition's response was divided and limited. Jobbik took a similar position on the issue, criticizing the effectiveness and intention of the measures taken. However, the party found it difficult to deal with Fidesz's encroachment and capture of its interpretive frames. In contrast, the parties on the left framed the crisis in humanitarian terms. Orbán's policies seemed to deviate from this perspective: he used demagoguery, incited xenophobia, and excluded people in need with wire fences. However, such an interpretation was not entirely clear at the level of the political elite, as in 2015, some opposition parties began to refer to security threats. Moreover, the opposition seemed to adapt to the popularity of the government's policies over time, accepting (or simply not attacking) certain measures (e.g., border closures). The counter-demonstration, therefore, had its limits, mobilizing the solidarity of intellectuals, which was dwarfed by the overwhelming support for the government's policies. In this way, the left-wing opposition watered down its humanitarian stance over time, but the government's communication on the issue continued to emphasize pro-migration positions to its detriment.

4.4 Quarantining

Rising populist forces often hit the moral barricade of political quarantine, which isolates them from the parties, the government, and the public. This scenario can also happen to establishment politicians after a scandal, radical turn, or statement. Even in this situation, populists seek to demonstrate and maintain their moral superiority by interpreting these attacks as a moral struggle in which they are forced to defend themselves.

Since 2011, the transformation of the Hungarian political system and corruption scandals have gradually sharpened Orbán's Eurosceptic populist rhetoric (Csehi & Zgut, 2021), involving demonizing the idea of the United States of Europe and the left-liberal bureaucrats in Brussels. At the same time, he offered a vision of Europe of sovereign nations that resonated in Hungarian society, whose pro-European and Eurosceptic attitudes form

a strange mixture (Bíró-Nagy, 2022). The vagueness and ambiguity of European values gave Orbán the opportunity to fight with the EU to define what it means to be a 'good European' (Mos, 2020). In this moral struggle, Orbán can present himself as a folk hero, the 'defender of Europe' who can 'make Europe great again' (Orbán, 2024b).

The driving force behind the counter-demonization was the European Parliament (EP). The first significant emotional-moral reactions were summarised in the 'Tavares Report' in 2013, which criticized the state of fundamental rights and democracy in Hungary. In 2018, accepting the 'Sargentini Report,' the EP launched an Article 7 procedure against the country for systematic violations of the EU's fundamental values. For a long time, however, no progress was made. The various political actors in the EU did not act as moral entrepreneurs. Thus, the Commission was only able to activate the Rule of Law Conditionality mechanism of budgetary restrictions against Hungary and Poland in 2022. In the same year, MEPs adopted another report stating that Hungary was no longer a full democracy but a 'hybrid regime of electoral autocracy.' Although these reports were limited in their political impact, they unleashed strong emotions as MEPs gave them a standing ovation, creating the illusion of victory over the folk devils.

The moral panic seems insoluble without neutralizing the folk devil. In 2024, after the necessary reforms and the change of government, the mechanism was suspended for Poland. At the same time, Hungary has been able to access some EU funds, but there are still strong conflicts around Orbán. Most recently, the European Parliament issued a condemnation of the Protection of National Sovereignty Act, but the idea of a next step in the Article 7 procedure has also been raised, which would withdraw Hungary's voting rights in the Council in 2024.

The EPP also had difficulty acting as a moral agent in relation to triggering and sustaining the counter-demonization in motion within its political community. The conflict gradually led to a split. While the EPP still supported Orbán during the vote on the Tavares Report and Jean-Claude Juncker, then President of the Commission, jokingly welcomed him saying 'Hello, Dictator!' in 2015, a sizeable number of party families voted for the Sargentini Report in 2018. A few months later, Donald Tusk, then President of the EPP, constructed the figure of the folk devil who could not belong to their community, without openly naming Orbán:

If you are against the rule of law and independent judiciary [...] If you don't like the free press and NGOs, if you tolerate xenophobia, homophobia, nationalism and anti-Semitism [...]. If you place the state and the nation against, or above, the freedom and dignity of the individual [...]. If you support Putin and attack Ukraine, if you are in favour of the aggressor and against the victim [...]. If you want to replace the Western model of liberal democracy with an Eastern model of 'authoritarian democracy', you are not a Christian Democrat. (Tusk, 2018)

By 2019, the government's Eurosceptic campaign had turned against the EPP elite. In that year, the government's campaign put the Commission President on a poster with George Soros, suggesting that the latter was the one really pulling the strings in the EU from behind the scenes. This campaign provoked strong protests in the EPP, which led to the suspension of Fidesz's membership. However, the appointment of the 'three wise men' (Herman Van Rompuy, Wolfgang Schlüssel, and Hans-Gert Pötering) and Manfred Weber's compromise-oriented approach did not result in moral agency.

The conflict escalated in late 2020 when Hungarian MEP Tamás Deutsch compared Weber to the Gestapo and Hungary's communist secret police. Fidesz did not wait to be expelled; it quit the EPP on March 3, 2021 (while a representative of the small governing party, the Hungarian Christian Democratic People's Party, remained in the alliance). Orbán interpreted this as a moral decision:

It is widely known that we Hungarians wanted to return the EPP – which is in continuous retreat, jettisoning its political values, as if from a sinking airship – to its former position as Europe's leading intellectual and political force. We wanted to return it to being a large, strong, democratic formation of the right, which could bring together centrist, conservative and traditional Christian democratic parties and their voters into a great shared political home. Yesterday this opportunity was lost. The EPP has finally become an annex of the European left. On the issues of migration, family values, and national sovereignty [...] there is no longer any difference between the EPP and the European left. (Orbán, 2021b)

As Tusk and Orbán stressed, the moral conflict at this level is not about what it means to be a good European but who counts as a true Christian democrat. Although political quarantine is becoming increasingly evident at the EU level, it has been most visibly manifested in the excommunication from the EPP.

5 Conclusion

The populists' approach to emotional politics is like throwing pebbles into still water, whose waves, both large and small, they try to ride and control. The current article was intended to explain and illustrate these 'generated' emotional relationships. We argue that populist politicians as moral agents (charismatic leaders and moral entrepreneurs) create an emotional magnetic field around themselves, generating and maintaining moral panic and euphoria: they label the dangerous others from which the people should be protected, while for anti-populists, their transgressive politics are just as deviant as violating norms of liberal democracy. It is important to stress that while the social problems or political threats at the heart of the moral panic, or the political achievements and successes behind the moral euphoria that populists used to exploit, may be real, the socio-emotional responses are certainly exaggerated. As the Hungarian case studies showed, populists may employ various strategies – witch-hunting, self-victimisation, barricade-building, and quarantining – to achieve the desired emotional response from their environments.

The emotional waves that are generated have serious consequences. Moral panics and euphoria justify leaders' actions and decisions, diverting the public's and opponents' attention from real issues or problems and focusing it in different directions. Heightened emotions can also distort citizens' judgment of policies and political actors, as shown by in-group favoritism and out-group prejudice. In this way, populist leaders can create their anti-populist or even new populist challenges and polarize voters by defining the boundaries of political camps. Moreover, the emotions surrounding populist politicians can motivate action. For some, moral panics inspire supportive or even extreme behavior, as when Trump supporters attacked the United States Capitol in 2021, claiming that the presidential election was a fraud. At the same time, for others, Trump was the 'real' devil of the

people, leading them to counter-mobilize or resist, declaring ‘he’s not my president’ in 2016. Populist and anti-populist/counter-populist emotional clashes can determine party competition but can also sustain populist governance.

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Understanding right-wing populists' anti-abortion politics in Turkey: The symbolic violence of the state

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Abstract

This study investigates how symbolic violence is shaping anti-abortion stances associated with legitimising right-wing populist policies. The prominent questions are as follows: What are the institutional and politico-administrative mechanisms that are impacting anti-abortion politics in terms of material and symbolic violence? How and to what extent does anti-abortion politics influence the interplay between symbolic and material state violence? The study argues that reproduction-centred policies and material and symbolic violence have intensified through anti-abortion politics in the discursive context of the social reproduction crisis in Turkey. It explores the institutional actions and the legitimisation mechanisms of anti-abortion policies in relation to the penetration of right-wing populist politics after the authoritarian turn of 2010. This qualitative case study uses critical discourse analysis. It interprets the public speeches of representatives of the government and documentary data concerning the ruling party's programmes, development plans and relevant legislation. The research provides a gendered perspective on the anti-abortion policies that anchor right-wing populism in terms of the crisis of social reproduction. It also contributes to critical state theory and feminist scholarship on right-wing populism.

Keywords: right-wing populism; symbolic and material violence; crisis of social reproduction; anti-abortion politics; Turkey

1 Introduction

Recently, there has been much talk globally about the dangers of right-wing populism, reflecting persistent and rising authoritarianism¹ in political practices.² A major feature of right-wing populism is that it rends new cleavages based on values, beliefs and traditions

¹ It can be stated that right-wing populism, which should not be discussed separately from rising authoritarianism, relies on short-term and variable strategies in order to avoid addressing the underlying causes of the actual crisis of neoliberalism.

² For a conceptual distinction between left-wing and right-wing populisms and its implications for problem definition and policy-making, see Gandesha (2018).

in addition to the existing ones of class, ethnicity and gender. These cleavages are mobilised by emotional appeals that elevate fear, insecurity and anxiety about the future of the nation, society and family (Öniş & Kutlay, 2020; Kotwas & Kubik, 2019; Ádám & Bozóki, 2016). Right-wing populism has affected daily social life by penetrating these microspheres built upon the legitimacy of electoral representation. It has integrated nationalist, racist, sexist and anti-freedom views into government policy discourses (Ádám & Bozóki, 2016; McCoy & Somer, 2019).

Previous research has identified certain common features of right-wing populism in relation to gender and sexuality: it supports the heteronormative nuclear family as the model of society, attacks reproductive rights and gender studies, questions sex education, rejects same-sex marriage and seeks to re-install the biological understanding of binary gender differences. In addition, right-wing populists depict opposing stances as obstacles to family and demographic goals (Dietze & Roth, 2020; Sauer, 2020; Cosar & Yeğenoğlu, 2011; Yazar, 2020).

This study focuses on anti-abortion politics, one of the prominent issues of right-wing populism. In Turkey, anti-abortion campaigns of right-wing populists directly target reproductive rights. There is an increasing prevalence of traditionalist and anti-abortion policies, such as restricting and banning access to abortion services (Paternotte & Kuhar, 2018; Bogaards, 2018; Czerwinski, 2004). In the United States, laws restricting abortion, which began their current rise in the 2000s, have intensified with anti-abortion politics in recent years (Edgar, 2020). In Hungary, a new period of anti-abortion politics began in 2010, while in Poland, abortion has been completely banned by laws regulating the life of the unborn (Hussein et al., 2018; Koralewska & Zielińska, 2022). In Italy, the ruling right-wing party supports anti-abortion politics and hints at expanding these in the future. In Turkey, abortion has been de facto banned in public hospitals and has not been a public service since 2012 (Erkmen, 2020; O'Neil & Çarkoğlu, 2019).

Previous research, mainly in the fields of social policy, reproductive rights and social movements, has mainly discussed the political context of religion and conservatism in relation to the foetus and women's equality rights. This study argues that anti-abortion politics has been used for the legitimisation purposes of right-wing politics. It claims that right-wing abortion politics is a response to a perceived crisis of social reproduction. Hence, it focuses on the motivation for anti-abortion politics in the discursive context of the social reproduction crisis, what kind of political practice it envisages, and why and how this political practice transforms the female body into a political or public object. Turkey is a genuine example of right-wing populism and how the alleged crisis of social reproduction has crystallised in anti-abortion politics. In the context of persistent authoritarian politics and the spread of anti-abortion policies in Turkey, the study explores how right-wing populism is trying to penetrate the capillaries of society with its anti-abortion politics.

2 The crisis of social reproduction and the case of Turkey

The concept of social reproduction³ understands the gendered nature of social relations and labour power – thus the reproduction of life – and the production process of commodities as two sides of the same coin (Hülagü, 2021). Social reproduction requires workers who are able and willing to perform everyday labour and a generational flow of replacements for workers who retire or die. This requires a significant amount of unpaid care and reproductive work, including pregnancy, childbirth and child-rearing (Bhattacharya, 2017; Fraser, 2017).

The crisis of social reproduction⁴ refers to how the current social reproduction policies were triggered by the economic, social and political crisis of neoliberalism following the 2008 financial crash and how the state re-established the gender-based social order. The fundamental tool of right-wing populism for addressing the crisis of social reproduction is the reproduction of ideals, thought patterns, cultural imaginaries and values accompanied by gender-based social relations and domination of the female body in its symbolic cultural order: the heterosexual, nuclear family (Luxton, 2014; Weeks, 2011), which can legitimise right-wing politics.

In Turkey, the crisis of neoliberalism since 2008 has implied a shift in capital accumulation to domestic sectors that prioritise a young male workforce, and in response to rising demographic concerns,⁵ the government has changed its social reproduction policies. According to claims in government party programmes, Turkey is on the verge of experiencing an ageing population yet needs a young, dynamic workforce; therefore, fertility rates should not fall below a certain level. With the Protection of the Family and Dynamic Population Programme (2014–2018),⁶ the government aimed to protect and strengthen the family institution and intergenerational relations, reconcile work and family life and increase the total fertility rate. Accordingly, new incentives were announced to protect the family and motherhood, promote women's flexible employment, and support working mothers with more children. These incentives include an early retirement option

³ The focus of this study is not the field of social reproduction itself but rather how it has been restructured by right-wing populism and, more broadly, by the state, apropos of abortion politics. For a comprehensive study on social reproduction, see Bhattacharya (2017).

⁴ Two main dynamics shape the political context of the crisis of social reproduction: i) The persistent struggle of feminist movements that criticise both the gender-based expectations that a woman should become a mother and wife and gender-based, racialised sexual forms and advocate concerning daily issues in life such as lack of access to birth control and abortion (see Fraser, 2017; Luxton, 2014; Sears, 2017). ii) Right-wing populist ideas, especially when incorporated into governmental positions, attempt to resolve the crisis of masculinity resulting from the political struggle between traditionalist and critical stances on social reproduction and the socioeconomic crisis of neoliberalism. On the crisis of social production perceived through the lens of the 'male problem' of the capitalist state and violence against women, see Hülagü (2021). On the framework of masculinist restoration, see Akkan (2021).

⁵ For the government, the main concern about the low fertility rates relates to the Western provinces. The total fertility rate has stabilised at the level of replacement, ranging from 3.41 children per woman in eastern Turkey to 1.93 in the western regions (UNFPA, 2013) <https://www.unfpa.org/sites/default/files/portal-document/Turkey> (Accessed: 07-10-2022)

⁶ Development Ministry (2015) <https://dSPACE.ceid.org.tr/xmlui/bitstream/handle/1/247/ekutuphane3.4.6.22.pdf?sequence=1&isAllowed=y> (Accessed: 10-10-2022)

for mothers of five children and the right to a pension for mothers of eight children. Among the most notable incentives are the option of part-time work for working mothers and a lump sum payment for each birth.

In fact, there is still a considerable imbalance in women's participation in the labour force⁷ and the family is still the main unit engaged in unpaid care work,⁸ while the size of the population has not changed significantly. And yet, the government aims to restore the patriarchal family⁹ by readjusting the work-life balance of families and supporting unpaid care for children, the disabled and the elderly (Güneş-Ayata & Doğangün, 2017; Akkan, 2021). Furthermore, it strives to reproduce the young workforce, thus supporting economic growth through the ideal of competitiveness that stems from neoliberalism (Özkan Kerestecioglu, 2014; Korkman, 2015).

The government's pro-natalist and pro-family stance has escalated right-wing political ideals and restored gender hierarchies. The restructuring of social reproduction has intensified family- and women-centred policies in all policy areas, but with the fundamental transformation of these policies. The new policies put pressure on the female body to bear and raise children, care for family members and maintain the reproduction of households and the wider community. In this context, the right-wing populist understanding is that the crisis of social reproduction stems from previous changes to the patriarchal gender contract. The new changes should, therefore, abandon the idea of gender equality and annul the previous changes made in favour of women (Hülagü, 2021). This raises the question of how these new family- and women-centred policies are used to legitimise right-wing populist politics. The empirical section of this study examines this question in the context of anti-abortion politics in Turkey.

3 Conceptual and analytical framework

3.1 Symbolic violence

Using the concept of 'symbolic violence' developed by Pierre Bourdieu, this study explores how symbolic sources are instrumentalised to legitimise right-wing populist politics. The concept of symbolic violence can be used to explain the mechanisms of state interventions in political practice. Bourdieu (1979) sees politics as a field with its own rules, interests and aims, played out by politicians to gain mass support. He refers to symbolic violence while pointing to the ritual characteristics and emotional appeal of elections, public speeches and campaigns. Accordingly, social actors are not merely 'pieces' which are moved by material forces but actors who are the bearers of cognitive-symbolic structures and have

⁷ According to the Time Use Survey (2014–2015), women spend 4.17 hours per day on household and family care, compared to only 0.51 hours for men. See TÜİK (2015) <https://data.tuik.gov.tr/Bulten/Index?p=Zaman-Kullanim-Arastirmasi-2014-2015-18627> (Accessed: 08-10-2022)

⁸ Fifty-five per cent of women who are not in the labour force cite being 'busy with housework' as the reason for not being in the labour force, and the share of flexible working among women is more than three times that of men (TÜİK, 2016) <https://data.tuik.gov.tr/Bulten/Index?p=Istatistiklerle-Kadin-2017-27594> (Accessed: 08-10-2022.)

⁹ For an example of how the Islamic media is reporting this, see Bulaç (2013). 'Men are pushed to murder because women work outside the home,' <https://t24.com.tr/haber/ali-bulac-kadin-calistigi-icin-erkek-cinayete-italiyor,221639>

agency (Bourdieu, 2014). Symbolic violence, ultimately, refers to the types of constraints that occur between objective-material structures and mental-symbolic structures, which, at the same time, rely on unconscious agreements (Bourdieu, 1979, p. 80). For Bourdieu, the logic of subordination is to believe and obey, while the dominant actor ensures belief and obedience through mechanisms of legitimacy. Symbolic structures, a principle in the construction of social reality, constitute the primary sources of this legitimisation.

It should be noted here that without a broader consideration of the state as a form of social relations, the discussion of right-wing populist leaders and symbolic violence as a populist legitimising device will mask the complex social relations that extend beyond the form of the state and its distinctive capacities. Bourdieu, who placed symbolic violence at the conceptual centre of his research, attributed the monopoly on this violence to the state. In the current form of the state, symbolic violence manifests itself as state practice. For this reason, the concept of the 'institutional materiality of the state' can be applied in line with the framework of Poulantzas' (1978) relational state approach. Thus, the organisation of social reproduction can be interpreted through the Bourdieusian view of this relation in daily practice through the relational analysis of the state (Bourdieu, 1994).

The following section addresses how the state, as an area in which material and symbolic violence crystallises, organises social reproduction and how material and symbolic violence interact with legitimate right-wing politics in relation to the female body. This section seeks to answer the following questions: What are the institutional and politico-administrative mechanisms that shape anti-abortion politics in terms of material and symbolic violence? How does the broad institutional and social penetration of symbolic violence legitimise right-wing policies?

3.2 Social reproduction is a sphere of the interplay between the material and the symbolic

Poulantzas understands that the state's presence in production relations has evolved throughout the history of capitalism. In other words, the forms that the state takes depend on the transformations in production relations and social class struggles. One of the most important features of this is that the capitalist state appears to be separate from production relations, but at the same time, it forms the basis of the institutional structure of these relations (Poulantzas, 1978, p. 15). This means that the state takes different legitimate forms depending on its conflicts and contradictions with social classes, and the related processes depend upon material and symbolic violence.

Material violence, in its barest form, is understood as violence done to bodies. One of the main manifestations of power, and the main condition for its establishment and survival, is the coercion, threat and punishment of bodies because the body is a political institution. Therefore, the state shapes bodies, subjugating, moulding and squeezing them into institutions and apparatuses. Symbolic violence comes into play in the process of realising the relationship between coercion and consent and in the process of creating and maintaining consent. Symbolic violence functions as a form of legitimation in a set of political-economic material practices that extend to the customs, manners and lifestyles of those who rule (Poulantzas, 1978). While Poulantzas captures the material and symbolic power of the state in terms of social relations, Bourdieu explains how this symbolic vio-

lence is organised in concrete processes and how it penetrates daily relations. That is, he deciphers the mystery of the state on a practical level.

For Bourdieu, symbolic violence is a condition for implementing the monopoly of material violence. The process of symbolic violence takes place in a community through actors-perpetrators who have a certain habitus. This ensures legitimacy in the maintenance of the social order, the continuity of authority and the construction of consent (Bourdieu, 2014). The use of symbolic forms and power in social reproduction involves the imposition of dominant social groups' vision of society through struggles and conflicts. The systems of meaning, classification and interpretation ensure the maintenance of power either by masking the arbitrary nature of that power or by the (mis)recognition of the subordinated. Symbolic violence is a hidden and polite, gentle version of violence and is based on the automatic acceptance of already existing postulates and axioms in the world we are born into, without the need to implant them (Loyal, 2017). Bourdieu does not see language as an autonomous area of communication but correlates it with power. According to him, the power of words does not come from the words themselves but from the institutions that give a person the authority to speak. Words are expressions of dictums and rituals, and they are part of the symbolic struggles in everyday life. They represent symbolic authority, and they involve the socially recognised power to impose a certain vision of the social world and its division (Bourdieu & Wacquant, 2016).

In fact, the state as a political form of social relations represents a functional practice for maintaining a masculinised political rationality related to competitive power in neoliberalism and a symbolic order based on gender. The institutions of the state reproduce, in different forms and at different levels, the gender-based hierarchies of capitalism and the nation-state in which capitalism developed. Thus, state power and gender relations are institutional and material intensifications of social power (Poulantzas, 1978). The development of the gender-based organisation of the modern state, together with patriarchal relations, shapes the division of labour between public and private spheres and between production and social reproduction functions based on gender (Wöhl, 2014). State institutions, normative heterosexual family life, the gender-based division of labour and the gender selectivity of institutions shape gender relations distinctively. Accordingly, women and men embody socially different gender identities and interests, and the relations between them are institutionally and symbolically structured in an asymmetrical way. The state is one of the main actors that defines and mobilises institutional mechanisms and symbolic practices at material and discursive levels in the processes of transforming, maintaining and reproducing these power relations (Jessop, 2004).

These symbolic practices are imprinted in social structures in forms expressed in the division of labour between genders, bodies and minds. They are constructed within cognitive structures and assumed to be impeccably natural. Gender differentiation in the social organisation of time and space provides women and men with different familiarities. The embodiment of cultural arbitrariness, namely the permanent construction of the unconscious, occurs through the masculinisation of the male body and the feminisation of the female body (Bourdieu & Wacquant, 2016). In this way, the state defines the basis for the rational and normative convenience of the social world which creates unity and consensus. It creates the hidden principle of the orthodoxy which manifests itself in social and public order. Thanks to the direct agreement of people who have similar categories of

ideas and perceptions that the state has created and imprinted on things in the social world, state power as a symbolic power ensures the unity of belief, subordination and thinking among subordinates (Loyal, 2017).

Therefore, the state oppresses not only through its ideological or legal, institutional means but also through its symbols and identities and the process of creating subject formations based on gender. If, for example, the exploitation of existing gender differences is found to be 'profitable', the division of labour becomes structural and organisational. State rulers and politicians can abuse gender differentiation by politically exploiting this socially constructed differentiation without being questioned (Wöhl, 2014). The existing gender regime, therefore, on the one hand emphasises the abstract equality of women as citizens before the law, but on the other constantly dissolves this equality to the detriment of women in practice.

Such dissolution and restructuring mainly occur in crisis situations. The area of social reproduction is a key factor in the reproduction of social life and its stabilisation. In the area of labour reproduction, stability requires the working population to increase or decrease according to the needs of competitive capital accumulation. This includes biological reproduction, the care and rearing of the next generation, and the provision of a labour surplus or control for population planning, and as such, the 'gender difference' becomes an established social institution for the capitalist system (Weeks, 2011).

3.3 The context of right-wing populism in Turkey

The population policies of capitalist states tend to rely on the gender-based social reproduction crisis framework, which exerts material and symbolic pressure and reinforces the regulatory role of a gender regime based on gender differences in capital accumulation (Hülagü, 2021). In Turkey, where right-wing populism has become prevalent since 2010, the government has taken radical steps back from the regulations implemented in its first period (2002–2007), which favoured the position of women in social reproduction and aimed to increase the well-being of female citizens.¹⁰ The relative improvements for women resulted from struggles for social reproduction that challenged gender-based divisions of labour and hierarchies. This process, which empowered women and left men less able to fulfil their traditional roles, unsettled patriarchal relations and began to dissolve the family, leading to an increase in material and symbolic violence. Although it was not new for the family to occupy a politically important place in the neoliberal social formation, the AKP placed the family at the centre of the political agenda. In this context, the family appears as the ideal institution through which to frame and address the crisis of social reproduction and, at the same time, to build and maintain hegemony in a conservative and Islamist society. The family is important as it supports men with care work, resolves their crisis of masculinity, and meets the needs of production by caring for and maintaining the population.

¹⁰ The first period of the AKP (2002–2007) witnessed both regulations that challenged the gender-based division of labour between women and men and also practices that opposed these regulations (see Hülagü, 2021; Erkmen, 2020; Güneş-Ayata & Doğangün, 2017).

These right-wing populist and family-centred policies can use two types of incentives to overcome the social reproduction crisis: promotions and sanctions (or carrots and sticks), both materially and symbolically. The basis of both is the role attributed to the family in regulating society and building the social power of the state, especially in times of crisis. Particularly on the right and in conservative circles, crisis frames are highly functional in the penetration of the state into the capillaries of society through the reproduction and strengthening of family structures and in the application of symbolic violence (Yılmaz, 2018; Coşar & Yeğenoğlu, 2011). These incentives support the reproduction of the neoliberal-patriarchal family and are embedded in development programmes based on national and religious foundations. For example, the Development and Democratisation Programme explicitly stated that the family was the basis of society and that family-centred policies would be prioritised (AK Parti, 2002). In 2005, the Family Guide, supported by the Prime Minister's Office, aimed to provide information on sexuality, reproduction and family life to couples about to get married (Başbakanlık, 2005). Since 2010, reproduction has been given a prominent place in the government's population and family policy documents.

These strategies, which the AKP has used with varying intensity throughout its rule by placing the family at the centre, need to be understood as gendered cultural practices and as gendered norms of capitalist relations built on the symbolic order of these practices. In this way, gendered political subject-object formations and the effects of material and symbolic violence can be traced. Considering anti-abortion politics as a response of right-wing populism to the social reproduction crisis, we can explore how symbolic violence is manifested in daily life. It can be shown how material and symbolic violence is crystallised in women's bodies and how right-wing populist politics transforms the female body into a public object. Returning to Bourdieu and bearing in mind the complex social relations behind this practice, we can ask what the sources of the symbolic are and how practice creates the symbol.

The following section addresses how right-wing populist leaders attempt to overcome the crisis of social reproduction through anti-abortion politics and how, in the Turkish context, they legitimise their authoritarian policies through symbolic violence. It seeks to answer the following question: How and to what extent does anti-abortion politics influence the interplay between symbolic and material state violence? The analysis of relevant policy documents and public speeches (Burnham et al., 2004) reveals the historical dynamics of the issue and will provide crucial insights into how symbolic violence is effectively used to reinforce the wider social acceptance of authoritarian policies.

4 Anti-abortion politics as a sphere for the crystallisation of material and symbolic violence

Based on the crisis of social reproduction, the rise of anti-abortion politics in Turkey is directly related to family and population policies and means prioritising the right to life of the foetus over that of the mother. The programmatic book of AKP, entitled *Conservative Democracy*, explicitly states that a 'conservative democratic' government must pursue family-centred, anti-abortion, heterosexist policies:

Today's conservatism is opposed to state financial support for abortion and gender reassignment surgeries out of concern for the protection of the family or on religious grounds. The AK Party also believes that individual preferences and acceptance should be protected within the framework of human rights and freedoms and that the rights of babies should be protected even when they are in the womb. The AK Party believes in the importance of protecting rights as well as respecting preferences. (Akdoğan, 2004, p. 13)

Family-centred and anti-abortion politics, which played a minor role during the AKP's first term (2002–2007), became a more central issue after the 2008 crisis of neoliberalism in the context of deepening economic, political and ideological cleavages. Two main motivations for the family-centred and anti-abortion politics of the AKP can be identified:

i) Concerns about the new demographic trends, such as lower fertility rates, the ageing of the population and the need for a young labour force.¹¹ These concerns accelerated family- and reproduction-oriented material and symbolic incentives that were mainly framed in economic policy terms – increasing the population, protecting the family,¹² paying for care services – and pointed to the importance of women's existence for the future of the country. Especially since 2010, this explicit link between sexist conservative reproduction policy and neoliberal economic productivity has been observed in government development programmes (Development Ministry, 2013).

ii) Expanding the scope of legitimacy through symbolic violence in the transformation of the hegemonic struggle between the oppositional and Islamist power blocs. By declaring itself the representative of 'the survival of culture' against 'the death of culture', the AKP has redefined the family and the 'acceptable woman' in it. It has infiltrated the most private spheres of daily life, naturalising violence through speeches, campaigns and slogans in the media and before the public. Symbolic forms have been used to emphasise the importance of the family and the woman within the latter for society and the state, referring to the nation, the family, religion and sacred motherhood. The AKP's ideal woman is portrayed as a Muslim Turkish woman who is a 'mother' who works but does not neglect the home, who takes primary responsibility for caring for children, the elderly and the disabled, and who knows how to behave and dress on the street, and who fulfils her public duty of child-rearing (see Erkmén, 2020, pp. 110–111).

The intensification of anti-abortion politics has been reflected in the public statements of political leaders since 2012 and has meant the radicalisation of discourses on population, gender and social reproduction policies and a deepening of material and symbolic violence against the female body. In his speech at the Programme of Action of the

¹¹ The targets of the Tenth Five-Year Development Plan (2014–2018) differed from the previous ones in that they strongly emphasised the need for a young labour force population. Accordingly, Turkey is among the countries that can benefit from the demographic window of opportunity. However, it is stated that health expenditure may create pressure on public finance unless measures are taken due to the increasing proportion of the elderly in the population (2013, pp. 1–12). https://www.sbb.gov.tr/wp-content/uploads/2021/12/Onuncu_Kalkinma_Plani-2014-2018.pdf Accessed: 01-02-2022.

¹² An example of an incentive intended to prevent divorce: www.t24.com.tr (2013). The Ministry of Family will give another four chances to couples who want to divorce. <https://t24.com.tr/haber/aile-bakanligi-bosanmak-isteyen-ciftlere-4-sans-daha-verecek,244293>. Accessed 09.10.2022. According to TÜİK data, since 2010 there has been an increase in the divorce rate compared to the marriage rate (2021). <https://data.tuik.gov.tr/Bulten/Index?p=Evlenme-ve-Bosanna-Istatistikleri-2021-45568> Accessed: 06-10-2022.

International Conference on Population and Development, the prime minister criminalised abortion by saying:

I consider abortion as murder. No one should have the right to allow this. You either kill a child in the womb or you kill it after birth. There is no difference. (Erdoğan, 2012a)

At the congress of the women's branch of his party, he again evoked campaigns such as family planning, but this time he went a step further by emphasising that abortion is murder and also an international conspiracy:

I know that these [family planning campaigns] were planned, and I know that these are steps taken to prevent the country's population from increasing. In this way, the population of this country is being stopped somewhere. I see abortion as murder... I also address some circles and members of the media who oppose my statements. You go to bed, you get up, you constantly say 'Uludere'. Every abortion is an Uludere.¹³ [...] We have to fight against this together. We are in a position where we know that there is an insidious plan to erase this nation from the world stage; we should never give credit to these games. (Erdoğan, 2012b)

One after another, various politicians within the AKP expressed their support for these speeches of the prime minister. For example, the health minister at the time said that between 'women's choice' and 'the baby's right to life', the government considered the baby's right to life to be more important and that even if a woman was raped, the state could take care of the baby (Akdağ, 2012). The statement was backed by the mayor of Ankara Metropolitan Municipality at the time. Referring to pregnancies resulting from rape, he said: 'What is the fault of the child, the state will look after it' and 'The body belongs to you, the soul belongs to God'. Regarding pregnancies outside of marriage, he said: 'What is the child's fault in the wrongdoing of the person who will be its mother? Let the mother suffer, let the mother kill herself, no one has the right to have or perform an abortion' (Gökçek, 2012), thus characterising extramarital sexuality as a crime for which the woman is responsible. The chairman of the Turkish Parliamentary Human Rights Commission stated that while rape is a crime, the termination of a pregnancy resulting from rape is a greater crime and a tragedy, and emphasised that abortion should be punished, that the idea that a baby's life begins after a certain number of months is wrong, that killing a baby because it will be disabled is also a crime, and that the baby's right to life cannot be taken away (Üstün, 2012). The chairman of the Parliamentary Health Commission, claiming that 'Abortion is something worse than Uludere', stated that children's rights cover the 0–18 age range, but since rights begin in the womb, he announced that he had submitted a request to the World Health Organization, UNICEF, the Turkish Ministry of Family and Social Policy and the Ministry of Health to extend the age range to begin at one year prior to birth (Erdöl, 2012). The president of religious affairs also joined the discussion, stating that miscarriage and abortion are considered 'haram and murder'. Emphasising that abortion counts as murder in all religions and that our body does not belong to us but is something we are entrusted with (by God), he also stated that this is a scientific reality (Görmez, 2012).

¹³ As a result of the bombs dropped by the Turkish Armed Forces on villagers crossing the Iraqi border in the Uludere district of Şırnak on 28 December 2011, 34 people lost their lives.

Public statements by political and administrative leaders thus crystallised symbolic and material violence and were followed by legal-institutional regulations. One of the first items on the agenda was a bill to reduce the legal time limit for abortion from 10 weeks to 4 weeks. Eventually, the 10-week period remained unchanged in the bill after medical experts argued that at four weeks, a viable pregnancy could not be distinguished from an ectopic pregnancy, that abortion could be dangerous at this early stage of pregnancy, and that the four-week period was tantamount to a ban on abortion.¹⁴

However, many new regulations were envisaged that would make abortion both materially more difficult and symbolically more strongly deterred: Doctors were given the right to withdraw from performing voluntary abortions. Women were given 2–4 days of reflection time before an abortion, and counselling was offered to pregnant women or couples. Only training hospitals and health boards were allowed to carry out abortions after ten weeks gestation, studies were carried out on not getting married, not having children or having few children, and abortion was made an exceptionally used intervention. In addition, the sentence for women who deliberately caused a miscarriage after ten weeks of pregnancy was increased from 1 to 3 years imprisonment, and permission for abortion for women/girls under the age of 15 who had become pregnant as a result of rape was granted only by a judge.¹⁵ Another regulation on birth control¹⁶ was the ban on the sale of two drugs containing Misoprostol, which is used in medical abortions, outside hospital pharmacies.¹⁷

The opposition to abortion, birth control and caesarean section was followed by practices aimed at limiting and preventing contraception: The prime minister, at a wedding he attended, said that those who asked for birth control were wiping out their generation, describing birth control as treason:

We will increase our offspring; we will increase our generation... [whether it] is population planning, birth control, no Muslim family can have such an understanding. Whatever God says, whatever our prophet says, we will follow that path. We'll look into that. (Erdoğan, 2016)

¹⁴ The article was also removed from the draft due to the reactions of women's organisations, some media outlets, and medical associations. The issue was dropped due to contradictions with current law and the reaction of women's and health organisations (Istanbul Bar Association, 2013). Press release on the draft reproductive health law. <https://www.istanbulbarosu.org.tr/HaberDetay.aspx?ID=7675> Accessed: 25-12-2021.

¹⁵ According to news articles in 2014, a court did not give permission for an abortion to a girl who became pregnant as a result of rape at the age of 16 and learned that she was pregnant in the 16th week on the grounds that the legal period of ten weeks had passed and the foetus's right to life would be violated (Bianet.org, 2014). Court: Abortion is violation of foetus' right to life. <https://m.bianet.org/bianet/kadin/152892-mahkeme-kurtaj-ceninin-yasam-hakkinin-ihlalidir> Accessed: 25-12-2021.

¹⁶ Habertürk (2012). Reproductive health services draft law. <https://www.haberturk.com/polemik/haber/759732-kurtaj-yaptiran-kadina-hapis> 18.07.2012. Accessed: 25-12-2021.

¹⁷ Milliyet, (2012). Prohibition of the drug causing miscarriage protested. <https://www.hurriyet.com.tr/kelebek/saglik/dusuk-yaptiran-ilaca-yasak-isyan-ettirdi-21450707> Accessed: 25-12-2021.

In another speech on birth control, the prime minister stressed the importance of the future of the nation and the continuation of each generation:

We will not neglect this, and if we want to rise above the level of modern civilizations, this nation must be strong. There is a rule in the economy that 'being young means being dynamic'. In this country, for years, they betrayed [us] with birth control and tried to dry [up] our generation. The importance and power of the generation is as important [for] the economy as it is [for...] spiritual [life]. (Erdoğan, 2014)

Following the prime minister's statement that he was against caesarean sections because they reduced the desired number of children (Erdoğan, 2012c), regulations were also introduced in this area. It was envisaged that caesarean sections would only be performed when there was a medical need for this because of the status of the woman or the baby.¹⁸ This took caesarean sections out of the hands of women and doctors and increased control. Various projects and training courses, such as 'Claim your birth', have tried to prevent and dissuade women from having caesarean sections. On this topic, the minister of family and social policies stated:

Birth is already a normal process, and there is no such thing as additionally normal. There is such a thing as normal birth; birth itself is already normal. This is a capability and a talent that comes from nature and creation and that Allah has given to all mammals. Caesarean section is an intervention when this normal process cannot take place under normal conditions. (Ramazanoğlu, 2016)

While material and symbolic incentives have focused on family and reproduction, material and symbolic violence against contraception, caesarean sections, and abortion became widespread. The shift from a family planning framework to a reproductive health framework has significantly reduced women's access to contraceptives, which were supposed to be provided free of charge by the state (Erkmen, 2020). Furthermore, government officials, with their monopoly on material and symbolic violence, have described abortion as murder, an international conspiracy and a religious sin. The use of the words 'baby' and 'child' instead of 'foetus' in public discourse has made it commonplace to refer to pro-abortion activists, women who have had abortions and doctors who have performed them as 'baby/child murderers'. Accordingly, although the law could not be changed to ban abortion outright, the state's violence was concretised through legal amendments such as granting doctors the right of conscientious objection to performing abortions and increasing the prison sentence for exceeding the time limit for the latter set by the law. Due to these amendments and doctors' fears of being condemned for performing abortions, combined with the procedure's low 'performance score',¹⁹ abortion became de facto inaccessible in public hospitals and largely relegated to the realm of private health care. The pres-

¹⁸ Resmi Gazete (Official Gazette) (2012). Amendment to Law No. 6354 concerning health legislation. 63542012: Article 1. <https://www.resmigazete.gov.tr/eskiler/2012/07/20120712-12.htm> Accessed: 25-12-2021

¹⁹ Referring to a performance system brought in by the neoliberal Health Transformation Programme, put into practice in 2003, which designates scores for different procedures according to which health service funds are allocated. Subsequently, the number of low-scoring procedures declined.

ident of the Turkish Gynaecology and Obstetrics Association has stated that abortion services, which should be provided free of charge for up to 10 weeks in public hospitals under social security, have been terminated without any legal basis (Demir, 2014). According to a survey of public hospitals conducted by the Gender and Women's Studies Centre of Kadir Has University, only 7.8 per cent of 431 public hospitals reported providing abortion on demand (O'Neil, 2017, p. 150).

The anti-abortion discourse generated by the government and the related legal-institutional regulations imply a perception of abortion as legal but not legitimate and mean serious difficulties in access. The governmental anti-abortion discourse has gradually transformed the perception of abortion in Turkish society: the proportion of those who believe that abortion should be banned for religious and national reasons – emphasising tradition and defending the right to life of the foetus – has increased from year to year (O'Neil & Çarkoğlu, 2019, p. 39). And in street interviews conducted in Ankara in 2017, when women were asked whether abortion was legal, the majority said it was banned. When asked when it was banned, they claimed this had occurred within the last few years, since 2012.²⁰

These discursive and regulatory features of anti-abortion policies are codes of the organised material and symbolic violence of the state (Poulantzas, 1978). As seen in anti-abortion politics, the reproduction of doxa/belief and the everyday, micro-scale naturalisation and internalisation of state discourses are shaped by the interplay of laws, regulations, campaigns and public speeches. By transforming the symbolic order, the state has naturalised and institutionalised many of its practices so that they are accepted without reaction. The interrogation of many issues that might challenge the foundations of institutions has been suspended, and questions are not posed at all (Bourdieu, 2014, p. 112).

According to Löffler (2020), when political leaders change the rules of the game in their favour, they strategically use symbolic forms such as the nation, religion and the sacred. AKP leaders have mobilised the symbolic gender order to support their ideational preferences by combining hegemonic and oppositional, authoritarian and democratic politics and changing the formal and informal rules of policy-making. In order to legitimise such state practices, they have resorted to populist, nationalist and religious discourses of varying resonance. They have legitimised anti-abortion politics by deploying symbolic forms of nation-religion-family in discourse that opposes women's right to choose and advocates the right to life of the foetus. Through this discourse, which has criminalised abortion and regards it as an international conspiracy and a sin, they have reproduced the doxa/belief in the need for control over female sexuality, women as sinful and the preference for the life of the foetus over that of the mother. These symbolic forms have polarised society into 'us' and 'them', with 'them' (for example, those who advocate abortion) being criminalised and marginalised. This division is designed to protect the 'cultural essence' of the person, society and state from external threats. Within this framework, the future of the nation is entrusted to women, who are given the role of building national belonging and development through procreation, child-rearing and caring for the whole of society.

²⁰ Ekmek ve Gül (2017). The discussions on abortion in the world and Turkey. <https://ekmekvegul.net/file/turkiyede-ve-dunyada-kurtaj-tartismalari> Accessed: 09-10-2022.

Thus, the state/society becomes seen as more like a family, and the family more like a state/society, with the female body as the bearer of all of this.

Right-wing populism's pretence of knowing and defending the 'real' interests of 'the people' has intensified patriarchal symbolic violence in politics by appealing to popular doxa about natural differences between the sexes. The AKP has thus developed a new model of political habitus that has reorganised gender practices. Women who conform to men's, society's and the state's ideals of sacred motherhood and what it means to be an acceptable woman have retained their symbolic value. In this context, patriarchal, paternalistic, nationalist and religious discourses have played a key role in mystification and naturalisation. The deepening of patriarchal gender politics has made those who do not conform to 'acceptable womanhood' more vulnerable to material and symbolic violence at home and in the public sphere.

4 Conclusions

This study has explored how right-wing populism used symbolic violence to seek legitimacy in the context of anti-abortion politics in Turkey. It has argued that anti-abortion politics is a response of right-wing populism to the crisis of social reproduction. This means that one of the most visible sites of symbolic violence is the female body. The analysis used various concepts, including right-wing populism, the crisis of social reproduction, and symbolic and material violence, and empirically linked them to the discursive and legal-institutional mechanisms of contemporary authoritarian states. The theoretical framework linked right-wing populism and anti-abortion politics, locating them within existing social relations, and the empirical research discussed the state practices of material and symbolic violence used to legitimise anti-abortion politics. The study emphasises that the case of Turkey is analytically generalisable: the motivation behind anti-abortion policies is not only related to the personal choices of conservative, right-wing populist leaders but also to the crisis of social reproduction. Taking these complexities into account, we see why anti-abortion politics are on the rise in this period of history and how right-wing populism legitimises violence embedded in the female body as an object of family-centred reproductive politics.

The study has also made some theoretical contributions. It has connected Poulantzas' concept of the institutional materiality of the state to gender-based policy mechanisms. Bourdieu's concept of symbolic violence was applied to decipher the mystery of the state at a practical level by exploring how state mechanisms operate in conflictual ways. The theory of social reproduction was used to understand the intersectionality of race, class and gender with which the dynamics of power are intertwined and to explore how material and symbolic violence directed at the female body takes shape through conflicts and contradictions. In other words, the cultural sphere is not an area of independent, authentic existence but one where inequalities are manifested according to the varieties of state formation. Revealing the dialectic between the symbolic and the material should not mean deploying a descriptive institutional approach but undertaking a concrete relational analysis of the capitalist state. From this theoretical perspective, the root of the anti-abortion politics that transform reproduction and population policies is the crisis of social reproduction.

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LUDMILA BÖHMOVÁ

**We are civil society! Strategic practices
of the Croatian Feminist Movement in response
to growing conservatism**

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Abstract

The study expands on the current debate about post-socialist civil society and social movements, specifically in Croatia. Taking the strategic practices of the Croatian feminist movement in relation to the right to abortion in the last decade as the research unit, it employs the conception of post-socialist civil societies, focuses on the practices of civil society, and differentiates between contentious and compliant practices regardless of the form of organisation or engagement. The study examines whether the strategic practices of the Croatian feminist movement have changed in the last decade and, if so, which factors have played the most significant role. The study is based on a critical content analysis of interviews with the actors themselves and draws on their interpretations of the strategic practices. It finds that the Croatian feminist movement has, in the last decade, rethought the dominant compliant strategic practices inherent in the nonprofit sector and the organisations within it and has turned more towards contentious practices. The research described in the paper finds that there are three dominant factors behind the rethinking of the strategic practice: two external – the growing prominence of the conservative movement and the new expected abortion law – and one internal: a generational shift.

Keywords: post-socialist civil society; strategic practice; feminist movement; Croatia; right to abortion

1 Introduction

The 2013 referendum on the definition of the family, initiated by the neoconservative civic organisation In the Name of the Family, was a crucial event regarding the growing influence of the neoconservative movement in Croatia (Petričušić et al., 2017). Its goal was accomplished, and the legal regulation of marriage remained purely heteronormative (Juroš et al., 2020, pp. 1523–1524). This event marked a change, with new arguments and strategies entering the debate in Croatia. The conservative movement abandoned its morally oriented argumentation and shifted to framing its agenda in terms of human or civil

rights, democracy, the promotion of pluralism and, last but not least, arguments based on science (Juroš et al., 2020). The literature uses the term 'neoconservative movement' to refer to the change in conservative mobilisation over the last decade. Since the 1990s, civil society has been perceived as the domain of liberal, secular initiatives and organisations. Many intellectuals who opposed the ruling authoritarian conservative HDZ party found a place in the civil sector where they can hide and realise themselves (Petričušić, 2015, p. 26). Over the last decade, voices challenging the status quo have started to emerge, with disagreement that civil society involves only the liberal stream. At the same time, several neo-conservative civic initiatives that classified themselves as part of civil society began to appear. This change was cemented in 2017 when the National Foundation for Civil Society Development awarded grants to the first organisation categorised as a part of neoconservative civil society (Sutlović, 2019, p. 40).

Over the last decade, we have seen an escalation of culture wars across Europe. Neo-conservative movements around the world have received increasing attention within social science studies (Kuhar & Patternote, 2017; Datta, 2017). Several authors have analysed the development, form, instruments and strategies of the neoconservative movement in Croatia (Petričušić et al., 2017; Čepo, 2017; Juroš et al., 2020; Lavizzari & Siročić, 2022). Contrariwise, my research aims to contribute to the debate on the Croatian feminist movement and to complement pre-existing studies about post-Yugoslav feminism. Branka Galić (2018) and Jadranka Anić (2015) focus on the culture wars and the rise of clericalism in Croatian society and the role of (religious) feminist mobilisation in it. Leda Sutlović and Jill Irvine (2019) focus their attention on the changing dynamics of the women's movement in relation to broader political processes from the 1990s to the economic crisis of 2008. Zorica Siročić (2015), who has produced a comparative analysis of the women's movement in Croatia, Slovenia and Serbia between 1978 and 2013, argues in her study (2019) about the particularities of the feminist mobilisation of the millennial generation in the post-Yugoslav space, similarly to Leandra Bias (2019), that research on contemporary feminist movements (since 2000) in the post-Yugoslav space is limited.

In her study, Sanja Kajinić (2015) traces the activity of the Croatian women's movement from the 1990s until 2013, when domestic violence was removed from the Criminal Code as a criminal offence. She suggests that the movement's significant diversification, which led to positive changes even at the legislative level, may have been dampened by enormous pressure from the state after 2013 (Kajinić, 2015, p. 85). My research builds on Kajinić's work and thus updates the analysis of the contemporary Croatian feminist movement since 2013, which also includes the study of Josip Šarić (2022), who analysed the #metoo movement in the Croatian context.

My research draws on the work of Leda Sutlović (2019), who aims to assess changes in gender politics and the state's shifting position in relation to neoconservative and women's movements. Among other areas, she examines the impact of the neoconservative movement and its mobilisation on the women's movement in the region and the changes in their strategies; my research intends to focus on gaps in this field. The study traces the response of the feminist movement to the growing conservatism in Croatian society and to the neoconservative movement as reflected in its strategic practices in relation to the specific case of abortion rights. A crucial research question is whether, according

to the actors themselves, the strategic practices of the feminist movement have changed in the last decade and, if so, regarding which factors and how. I chose the topic of the strategic practices of the Croatian feminist movement in relation to abortion rights in the last decade for a number of reasons. The transformation that accompanied the Croatian War of Independence dramatically affected all spheres of society, including the structure of civil society. The feminist movement itself has a vibrant history in the former Yugoslavia region and a visible continuity until the present – the evolution of civil society can be traced through the changing form of this movement and the strategies it has deployed. Another reason for choosing this case is the approach that the Croatian feminist movement has adopted regarding the abortion issue, which is supported by all initiatives across the movement. The practices used by the feminist movement to address the conflict under study are diverse, and given the involvement of several organisations, a wide array of strategies are employed. Finally, scrutiny of the issue is relevant given the frequent thematisation of the right to abortion in Croatian society. Currently, the whole of society is awaiting a new law that guarantees the right to abortion, which will replace the Yugoslav law from 1978 that is still in force. This waiting period opens opportunities for new practices and the transformation of the feminist movement and the strategies it employs, but it also instils a fear of yet tighter restrictions and further threats. Efforts to impose further restrictions or a full abortion ban have periodically occurred since the 1990s. The issue is taboo and stigmatised in Croatian society; conscientious objection legislation, in force since 2003, is referred to by the vast majority of gynaecologists (Håkansson et al., 2021) who refuse to perform abortions following the conscience clause. Access to abortion is hampered not only by the limited number of hospitals where abortion can be performed but also by the high price women must pay for the procedure itself and the travel costs involved.

The study first introduces the concept of post-socialist civil society research, whose principles and approaches are applied to the subject matter. The subsequent section describes the analytical method used in the research and outlines the data collection and analysis process. The final section discusses the findings and the conclusions of the study.

2 Theoretical background to post-socialist civil society research

The Croatian feminist movement can be understood as a part of post-socialist civil society. Therefore, the study applies post-socialist civil society research, as proposed by Bojan Baća (2022), who developed a differentiated model of civil society to that created by Tsveta Petrova and Sidney Tarrow (2007), which differentiates between transactional and participatory activism. Baća (2022) introduces a new perspective that takes the practices of civil society, which he distinguishes as contentious and compliant, as a research unit, better capturing the concept of post-socialist civil society. The notion of contentious practices is part of a conceptualisation that encompasses all kinds of extra-institutional participation (Baća, 2022, p. 2), regardless of the form of organisation or engagement. Unlike contentious politics, it includes collective actions that direct their claims at the government and those not directed at official political actors (Baća, 2022, p. 14). His conception of post-socialist

civil society involves a shift from a normative prescription to an analytical description (Baća, 2022, p. 15). Thus, it is not subjected to the dominant normative conceptions about civil society and does not exclude actors or engagements who do not fulfil its criteria (Baća, 2022, p. 12). What differentiates contentious from compliant practices is the attitude towards conducting, initiating and settling disputes (Baća, 2022, p. 14). Compliant practices use formal and institutional strategies to resolve disputes, as opposed to contentious practices, which are characterised by strategies that reject institutional forms of action (Baća, 2022, p. 14). Thus, my research focuses on the practices of the feminist movement, which combine a variety of strategies that can be classified as compliant and contentious practices.

Applying Western conceptualisations often results in analyses that reveal the weakness of post-socialist civil society and the low level of individual civil participation. However, doing so also marginalises the specific measures and conditions inherent to the local civil society in which actors mobilise (Petrova & Tarrow, 2007; Čisař et al., 2011; Gagyı, 2015) as well as the second dimension of participation, which is relational, focused on relations among transactional organisations and between these organisations and public officials (Petrova & Tarrow, 2007, p. 78).

Petrova and Tarrow (2007) differentiate between participatory and transactional activism in the post-socialist context. They understand participatory activism as ‘individual and group participation in civic life, interest group activities, voting, and elections’ (Petrova & Tarrow, 2007, p. 79) and transactional as ‘the ties—enduring and temporary—among organised nonstate actors and between them and political parties, power holders, and other institutions’ (Petrova & Tarrow, 2007, p. 79). Baća’s (2022, pp. 12–13) conceptualisation goes beyond this thesis of a strong civic sector and opposes the notion of political participation, which ignores the distinction between compliant practices of transactional activism and contentious practices of participatory activism. Focusing on (shared) practices allows one to zoom in on their diversity, regardless of the form of the organisation or engagement or recipient of the claims. This conceptualisation better reflects the social reality of the post-socialist region, which stands out from the mainstream trend in the examination of post-socialist civil society, which is often reduced to NGOs only (Baća, 2022, p. 16). Another problem with the application of Western trends in the study of post-socialist civil society is the prevailing understanding of civil society as a normative concept. As a result, post-socialist civil society is understood as an ethical project that promotes liberal principles through democratic instruments. Organisations that are a legacy of the socialist era or various forms of action that are labelled ‘uncivil’ (Kopecký & Mudde, 2003) and fail to conform to the normative concept are marginalised (Jacobsson & Korolczuk, 2017, p. 3).

Examination of the strategic practices of the Croatian feminist movement using Baća’s analytical framework might lead to the conclusion that, even though the Croatian feminist movement takes the form of NGOs, their practices often go beyond compliant ones. In the specific case of the abortion rights controversy, we observe that broad coalitions are formed involving formal or informal organisations. These coalitions share strategies that can be classified as compliant or contentious practices.

3 Background to the Croatian feminist movement

The Croatian feminist movement has a rich history from the Yugoslav era to the present. Feminism has been labelled a Western ideology since the socialist era (Bluhm et al., 2021), but this narrative homogenises the global feminist movement and overlooks local particularities. The following section maps individual events and processes that have contributed to the contemporary form of Croatian civil society, including the role of women in it, with an emphasis on the feminist movement's strategic practices that address the conflict under scrutiny.

4 From global transformations to a post-Yugoslav experience

A milestone that affected the form and structure of the Croatian feminist movement was the breakdown of Yugoslavia and the transformation from socialism to liberal capitalism. The process coincided with an armed conflict (Zarkov, 2003), and this accelerated certain processes. In Yugoslavia, during the period of war, women also played a significant role in the nationalist ideology, which began to perceive women primarily as mothers responsible for child-rearing (Irvine, 2013, p. 1). The conservative backlash became manifest through the rising influence of the Croatian Catholic church, going hand in hand with the ideas of the conservative party, the Croatian Democratic Union (HDZ), concerning the need to reinforce the traditionalising narrative and the development of the neoconservative movement (Čepo, 2017, p. 18). In the early years of the armed conflict, the feminist movement grew more robustly owing to the increase in the number of women joining the peace movement and the aid provided to women affected by the war on a massive scale (Zarkov, 2003, p. 3). In post-war Croatia, with its socioeconomic plight, the feminist movement joined in with efforts to provide help to women and thus created space for direct emancipation (Popović, 2017, pp. 68-70). Despite President Tudjman's inimical conservative politics, the movement found plenty of opportunities to act, which resulted in the development of networks and coalitions associated with various groups and organisations. Many see this phase as the time of the emergence of a women's emancipation-oriented grassroots movement (Irvine, 2013).

The feminist movement initiated a protest campaign, which resulted in the coalition successfully collecting 20,000 signatures against a proposed legislative restriction on abortion. This was in response to the potential introduction of legislation following the National Demographic Development Program in 1996. The campaign achieved its goals, and eventually, the law ceased to be discussed at the state level (Shiffman, 2002, pp. 636–637). Partisan politics and ideology, to which particular ruling parties subscribe, determine to a large extent the responses, selected strategies and tactics that social movements employ. Responses also vary depending on location. Císař and his co-authors (2011) point to a trend in the development of social movements in East Europe, which suggests that the more left-wing or right-wing politics become institutionalised, the less visible social movements support the same views by taking to the streets (Hutter et al., 2018, p. 326) – a phenomenon that can also be observed in the Croatian case. The year 2000 saw the victory of the Social

Democratic Party of Croatia (SDP, also enabled by a broad coalition with the feminist movement). This party also brought about changes in the structure and form of civil society (i.e., the feminist movement) in Croatia (Irvine, 2013, p. 6). A period of robust advocacy campaigning ensued for the feminist movement: it professionalised, a competitive environment emerged, and feminist organisations shifted from an anti-government position to that of the government's ally (Kesić, 2007, pp. 71–72). On the other hand, the neoconservative movement took advantage of the change and succeeded in strengthening under SDP rule. At that time, the Croatian neoconservative movement aligned with HDZ, which was in opposition, as well as made use of the rise of populism identified in the global political context (Čepo, 2017).

During the preparatory phase preceding the country's accession to the European Union, the rapid development of transactional activism occurred since the accessibility of new sources of funding brought about a change in strategies and tactics, and more radical measures were replaced by tactics associated with liberal feminism, such as advocacy campaigning and lobbying (Siročić, 2019, p. 2). The very process was accompanied by NGOisation (Jacobsson & Saxonberg, 2013), which involved the bureaucratisation and professionalisation of emerging organisations in the nonprofit sector and was reliant upon financial support and Western grants.

The arrival of the economic crisis in 2008 influenced the form and strategies used by civil society actors throughout post-socialist Europe, including the Balkans (Zunneberg, 2019). The crisis further fuelled the already profound mistrust of state and political institutions, often ravaged by corruption scandals (Sutlović, 2019, p. 34). Many people all over Europe felt a deepening sentiment that neoliberal democratic institutions and their representatives were failing to keep citizens' rights and best interests in mind, mobilising many to join mushrooming protest actions (Vasiljević, 2018). This process, referred to by many as the 'crisis of liberal democracy' (including socioeconomic, political and cultural crises), incited a conservative backlash throughout Europe (Kováts, 2017, p. 185). Austerity measures and the results of the economic crisis led to student strikes in 2009 (Sutlović, 2019, p. 34), radicalising many from this generation. Even more critical and radical positions emerged within the radical wing of the women's (feminist) movement, which shifted from addressing identity politics to socioeconomic problems and issues (Siročić, 2015, p. 50).

4 Research design

For the study, I applied qualitative methods of data collection and analysis and critical content analysis (Johnson et al., 2016), which allows for a thorough examination of the field with an orientation towards the attitudes and perceptions of different actors in the feminist movement and emphasises the broader context in which the research subject is situated. I aimed to understand the behaviour of the actors and strategic practices in relation to the specific situations they find themselves in and what these very choices mean for them. This approach does not mean isolating the issue, but it does include embedding it in a network of relationships with an emphasis on external influences (Boudon, 1986, pp. 55–56). I also draw on supplementary materials available on websites and in the documents collected during the research stage. The documents served to supplement and clarify the respondents' individual statements.

The study is based on a data set consisting of 15 semi-structured interviews with respondents from the local feminist movement; three were conducted in 2020, before the pandemic, and the other twelve in 2022, which were used as the main source of data. The time gap was due to the inability to travel abroad. The interviews from 2020 were essential for the initial mapping of the research problem and the subsequent narrowing of the research field. The selection of organisations for the study was determined by their explicitly feminist identity and involvement in the debate about abortion rights, the use of diverse strategies, or their commitment to generational or ideological diversity. For the purposes of tracking strategic practices and the impetus for changing strategies, it was important to categorise respondents according to their experiences. I distinguish between the first generation, who were active even in the 1990s (six respondents), and the second generation, which includes those who became active within the last decade (nine respondents).

Table 1 Identification of Respondents

Organisation name	Foundation year	Place of activity	Year of interview	Identification	Generation of activists	Ideological identity of interviewee
Zelena akcija ¹	1990	Zagreb	2022	Z	2nd generation	Ecofeminism, queerfeminism
Rosa ²	1992	Zagreb	2022	R	1st generation	Antimilitarist feminism
Ekumenska inicijativa žena ³	1992	Croatia	2022	E	1st generation	Religious feminism
Babe ⁴	1994	Zagreb	2022	B	1st generation	Nonspecific
Centar za ženske studije ⁵	1995	Zagreb	2022	C	2nd generation	Nonspecific
Centar za ženske studije	–	–	2020	K	2nd generation	Marxist feminism
Cesi ⁶	1997	Zagreb	2022	CS	1st generation	Nonspecific
Mama centar ⁷	1999	Zagreb	2020	M	2nd generation	Marxist feminism
Prostor rodne i medijske kulture K-zona ⁸	2011	Zagreb	2022	V	2nd generation	Nonspecific
Udruga pariter ⁹	2014	Rijeka	2022	U	2nd generation	Anti capitalist feminism
Faktiv ¹⁰	2016	Zagreb	2020	F	2nd generation	Anticapitalist feminism
U dobroj vjeri ¹¹	2016	Zagreb	2022	L	1st generation	Religious feminism

Table 1 (continued)

Organisation name	Foundation year	Place of activity	Year of interview	Identification	Generation of activists	Ideological identity of interviewee
U dobroj vjeri	–	–	2022	D	2nd generation	Religious feminism
Platforma za reproduktivnu pravdu ¹²	2017	Croatia	–		–	–
Hrabre sestre ¹³	2020	Croatia	2022	H	1st generation	Secular feminism
Researcher and independent activist	–	Zagreb	2022	J	2nd generation	Queer feminism

¹ <https://zelena-akcija.hr/en/> Accessed: 28-02-2024.

² <https://www.czzr.hr/> Accessed: 28-02-2024.

³ <https://eiz.hr/> Accessed: 28-02-2024.

⁴ <https://babe.hr/en/> Accessed: 28-02-2024.

⁵ <https://zenstud.hr/> Accessed: 28-02-2024.

⁶ <https://www.cesi.hr/> Accessed: 28-02-2024.

⁷ <https://mi2.hr/> Accessed: 28-02-2024.

⁸ <https://voxfeminae.net/udruga-k-zona/> Accessed: 28-02-2024.

⁹ <https://pariter.hr/> Accessed: 28-02-2024.

¹⁰ https://www.facebook.com/fAKTIV/about_details?locale=cs_CZ/ Accessed: 28-02-2024.

¹¹ <https://www.inbonafide.org/> Accessed: 28-02-2024.

¹² <https://www.reproduktivna-pravda.hr/> Accessed: 28-02-2024.

¹³ <https://hrabra.com/> Accessed: 28-02-2024.

Following a thorough analysis of the context in which the feminist movement and the conflict that has formed around the right to abortion is embedded, I approached more than 20 feminist organisations relevant to the abortion issue in an attempt to represent their diversity. When selecting the organisations to approach, I did the following. During the mapping phase of the research, I identified the main actors of the local feminist movement. Next, I searched social media and websites for organisers of major relevant events, whom I approached via email to ask for interviews and recommendations about relevant actors. Building on the initial responses from organisation representatives, I obtained additional recommendations for approaching particular individuals. On completion of the primary data collection, I used open coding to assign codes to each section of the text. I identified specific strategic practices used by the Croatian feminist movement and changes to them over the last decade. The interviews were preceded by obtaining informed consent to record and work with the data and a promise to anonymise the respondents.¹

¹ UKFHS/618998/2023; the number of statements: 072023/Wil

5 The Croatian feminist movement as part of the right-to-abortion controversy and its dynamics over the last decade

Section 3, 'Background to the Croatian feminist movement,' describes the broader context in which the feminist movement evolved, not only in terms of the controversy surrounding the right to abortion but also as regards the developing civil society in the region. The feminist movement's limited use of contentious practices (as used in the feminist movement in the 1990s) and its dedicated efforts involving advocacy campaigning, lobbying and other compliant strategies, all of which followed the transformation, were measures leading towards the accession to the European Union and the receipt of financial support from abroad. The economic crisis determined the shape and the strategies used by social movements all over the world. This experience in the Croatian case laid the ground for more radical voices to emerge that criticised the liberal approach that the feminist movement had adopted and clamoured to accentuate socioeconomic issues.

6 Analysis of the feminist movement's strategic practice

The paper understands the Croatian feminist movement as a network of organisations and initiatives which openly identify themselves with feminism and are visible in the conflict connected to the topic of abortion in public. Contrasting the diverse views on pornography, trans people's rights and the generation gap, which I aim to examine later, along with the variety of issues and preferred strategies, the approach to the abortion issue unites the feminist movement as a whole. The Croatian feminist movement is robust. In terms of structure, the feminist movement mainly consists of NGOs, and according to the respondents, this feature stems from the transformation as well as from the considerable support and influence of the West. The repertoire of strategies employed by particular organisations or initiatives varies significantly, including direct aid offered to women who seek abortions, information dissemination on websites, research and brochure publications, educational workshops and discussions for the general public. Organisations with greater visibility deploy compliant practices, such as advocacy campaigning or lobbying, and they are an integral part of open panels on abortion as well as actively advocate their agenda to the government. Formal organisations actively collaborate with informal ones, forming broad coalitions in which various repertoires of compliant or contentious practices are intertwined – for example, rallies, demonstrations, and direct action in the form of counterprotests or happenings and performances held in the streets.

Some common features of the Croatian feminist movement must be mentioned. Currently, the movement is antinationalist and antifascist. Secularism, inherent to feminism, was stressed by all the respondents, and the Croatian feminist movement shares this feature with transnational feminism. However, due to Catholicism's dominance in the country and the tight relations between the Catholic Church and the state, there is a more pressing need to emphasise this properly and, in this way, to explicitly oppose the Church and the linked neoconservative movement. The interviewees perceive the feminist movement as a political actor that politicises the conflict studied in this paper and articulates claims and goals targeted at the state but in the direction of the public.

7 History and strategic practices surrounding the right to abortion from the feminist movement's perspective

What follows is an analysis of the strategic practices of the feminist movement, the aim of which is to demonstrate major changes in the strategic practices of the movement and their causes. The selected examples and events were identified by the respondents themselves. After a significant change in the strategies of the global neoconservative movement starting in 2010 that became apparent in Croatia when the neoconservative movement initiated the referendum on the family, the feminist movement was taken by surprise and in a state of shock: 'We didn't react at that time. And then we noticed that there were more and more problems in hospitals' (R).

8 The March for Life is not all there is: From compliant to contentious strategic practices

In 2016, a network of neoconservative organisations led by *U ime obitelji* (In the Name of the Family) held the first March for Life, and since then the protest has continued. Between 2016 and 2022, the feminist movement has responded by blocking the march. The choice of this confrontational strategy (an example of a contentious practice) was by no means random. The respondents frequently pointed to a desire to gain media visibility for the pro-choice position as the main reason for this choice of strategy: 'I think it is more important for the media to see these counter strikes to the protest' (C). Respondent L mentioned the counterprotest intended to block the March for Life in relation to the tendency of the feminist movement to take reactive measures: 'We worked very much reactively. March for Life happened, and we organised a counter-march'. At the same time, she points to the ability to mobilise and hold a street protest as a turning point in the movement's history, when activism returned to the streets, and a conspicuous opposition emerged that is set on continuously engaging with the issue: 'The beautiful thing is that the initiatives of women's organisations were going from the grassroots to the organisations, the NGOs, and [now have] gone back to the grassroots'. Each year, the counterprotest took on a different form, but the goal remained the same: to make it evident that the neoconservative movement does not speak for all of society. The repertoire of contention ranged from physical blockades to holding a mass protest against 2019 and 2022's March for Freedom in Rijeka, attended by two thousand demonstrators. Respondent U described the surprise at the interest in the protest: 'We expected, like, three hundred people and then three thousand people just came'. *Crveni otpor* (Red resistance), an initiative launched by the Platform for Reproductive Rights,² established in 2017, held protest actions from 2019–2021. The events were accompanied by a call for the general public to join by sharing photos of support on social media. Respondent L sees such measures as important as they aim to mobilise the majority of the general public.

² Hereinafter referred to as 'Platform'.

The neoconservative movement also entered civil society and started taking the form of nonprofit organisations and adopting their language. The respondents see neoconservative organisations as part of civil society: 'Ultraconservative organisations are actors in civil society too' (Z). According to the respondents, changing the narrative in the neoconservative movement has led to less space for dialogue between the two parties, and more aggressive utterances have entered the debate on multiple occasions: 'It's very hard to confront them because we are using the same human rights discourse'. Respondent J sees the problem as the failure of the feminist movement to find an alternative narrative to that which has traditionally come out of the years-old civil society discourse. One of the important factors prompting reflection on the strategic practices of the feminist movement and its change was the growing visibility of the neoconservative movement in Croatian society and the use of contentious practices through mass mobilisation. The feminist movement failed to go beyond the established human rights discourse, which narrowed the space for dialogue between both sides of the conflict. This, coupled with the perceived need to respond to the neoconservative movement and its public practice, prompted the increase in the use of contentious practices, such as more massive protests or the physical blockage of marches. As the neoconservative movement began to be included in the form of civil society organisations, this change prompted reflection on the previously dominant compliant strategic practice and the need for a more proactive approach, not just a reactive one. Another factor in this reflection was the emergence of a new generation in the feminist movement.

9 Generational change: Reflecting on strategic practices

The year the first March for Life was staged, an organisation, Faktiv, was created, which stemmed from the initiative 'Take Responsibility for Killing Women', which organised the first Night March on 8 March, International Women's Day. The aforementioned collective belongs to the younger generation, whose initiatives mobilised thousands of people and more frequently used contentious strategic practices. The first Night March, organised in 2016, was the largest protest action held by the feminist movement since the 1990s. Sutlović (2019, p. 57) links the enormous interest in women's rights, reproductive rights, violence against women and a number of other issues with the rise of conservatism and more visible political tension. Further, she relates the mobilising success to the arrival of a new generation and the shift to a different repertoire of strategies. This part of my paper buttresses Sutlović's conclusions on the generational conflict.

In the interviews, all the respondents mention the generational conflict and the points of contention. Faktiv comes from a grassroots background and openly subscribes to an anticapitalist agenda: 'We were soon moving towards broader noninstitutionalised feminist support for the anticapitalist movement' (F). This example shows the tendency among the younger generation in the feminist movement to subscribe more explicitly to the anticapitalist tradition and that of socialist Yugoslavia. Respondent M links this tendency to the greater visibility of social issues during the student strikes and later. Respondent U used a social strategic narrative in discussions revolving around the right to abortion and pointed to the impossibility of identifying areas for shared discourse between the two sides. Should one side focus solely on abortion and downplay social issues,

it will be impossible to find a common language: 'One in four children in Croatia lives in poverty or is at risk of it. How are people supposed to feed these children? You are trying to ban abortion and a woman's right to choose, but you are doing nothing to make the decision to have a child easier'. According to the respondents, the new generation has also stated the urgency of creating a positive narrative which would expand strategies that hinge upon debunking arguments and their reactive character: 'I think Pariter and Faktiv have been really important for pushing a positive message, not only responding to the conservative movement but also defending women's rights' (V). The appearance of the young generation has not only meant the re-emergence of a contentious practice or a more explicit thematisation of anticapitalism but also involves a certain tension within the feminist movement. The interviews reveal that the younger actors understand feminism in more intersectional terms, as the main agenda is no longer confined to women's rights but also approaches stemming from queer feminism and ecofeminism, with a stronger emphasis on socioeconomic issues and a leftist critique, which is explicitly anti-capitalist.

One visible contentious issue is the way transgender identity is approached: 'They exclude this gender dimension and even transgender women' (B). The rejection of queer identities is identified with radical feminism in the Balkan context, which stands in opposition to queer feminism (Bias, 2019, p. 7). This is also confirmed by the utterances of the respondents. The tension generated around queer issues and the language used when intergenerational misunderstandings arise are also observed in a range of other countries. One of the possible interpretations of this is the greater focus on identity politics throughout Western society. The younger generation perceives the historical experience and work done by older feminists as essential and admirable, but at the same time, they distance themselves from the older generation and blame them for monopolising the notion of feminism: 'We admire them for it, but they were still trying to somehow monopolise the discourse' (M). Respondent U, who assisted in the initial discussions while the Platform was being established, described the tension as being rooted in insufficient intergenerational solidarity, which manifested itself on both sides: 'It was very difficult because there was a lack of intergenerational solidarity, discussion and so on. So, it was wild, but we managed to create the Platform'. However, the younger generation also complained that the feminist movement is ageing. The respondents pointed to the inability of the movement to mobilise and involve younger people. Respondent U sees the need in strategic terms – it is necessary to offer younger people room to speak as they are the ones to be directly affected by the way the abortion issue is framed: 'If you have younger people, then it's their story'. On the other hand, according to the respondents, numerous organisations have taken up the issue and created strategies with this in mind and are attempting to use instruments which have the potential to reach the younger generation, including open calls in the media or more recognition of queer issues.

In summary, generational change has brought about reflection on the strategic practices and the conception of feminism. The younger generation is more social and openly anti-capitalist. In contrast to the older generation, it adds more intersectionality to the concept of feminism, including ecofeminism and queer feminism. The organisation Faktiv has proven to have a large mobilising capacity. Their mainly contentious strategic practices have complemented the until-then dominant compliant practices of the feminist movement. Nonetheless, the existence of a wider network of transactional organisations is still an important precondition for mobilisation today.

10 The feminist movement: Let's unite!

In 2017, the Croatian Constitutional Court resolved that there was a need to preserve the right to abortion, which had been in force since 1978, as a constitutional right. It rejected appeals from representatives of the Croatian neoconservative movement but did order the government to prepare a new law within two years. At the time of writing this article, in early 2024, the law has yet to be prepared. In response to the Court's decision of 2017, the aforementioned Platform was established, which aims to unite all organisations that openly defend the right to abortion. Its emergence represents another recognisable compliant strategy that has been used and become dominant over the past ten years: networking across various organisations, including outside Croatia. The respondents connect the use of this strategy to both the greater urgency for action because of the Court's decision and the need to respond to the growing influence of the neoconservative movement.

The fact that the new law has been under preparation for so long has also affected the sort of strategies that are used. The respondents see a new law as contentious and polarising within society, which is why, according to the respondents, the deadline for drafting a new law has been exceeded – politicians are reluctant to bring up the topic. The feminist movement has responded to this inaction by claiming that statistically, as many as 80 per cent of Croatian citizens are for the preservation of the right to abortion, at least in certain cases. The respondents considered the pre-existing law to be adequate, which is why they often mentioned the goal of preserving it – the law guarantees the protection of reproductive rights for all women. All the respondents declared that they were not afraid of a full abortion ban, as is the case in Poland, but of tougher restrictions, which would be significant in the Croatian context. Waiting for the new draft offered an opportunity for improvement, and thus the coalition, in uniting a range of feminist organisations and lawyers, resolved to draft their own law and propose it to the government: 'Because the government did not draft a law, we, my organisation, together with some medical experts and also with some legal experts, drafted a new law' (CS). The fear of the forthcoming law was deepened by the arrival of the COVID-19 pandemic, which paralysed the whole of society, including the feminist movement. The respondents stated that the pandemic was yet another factor that aggravated the sense of insecurity concerning women's rights and their precariousness.

The feminist movement unequivocally perceives conscientious objection as the main means of obstructing access to abortion. This is crucial due to the number of cases in which gynaecologists have refused to perform the procedure. This is why the feminist movement univocally calls for the regulation of the clause or its abrogation. The feminist movement continues to counteract conscientious objection via close cooperation with gynaecologists who are willing to speak openly about the abortion issue, emphasising the need for healthcare to be provided to all women in all hospitals. The case of Mirela Čavajda, a woman who spoke out about her traumatic experience in a Croatian hospital in 2022, mobilised the feminist movement, which formed a broad coalition that launched the initiative *Dosta!* ('Enough!'), the name under which demonstrations throughout Croatia were then staged. The mass mobilisation and the quick response of the feminist movement demonstrate their ability to react promptly as a united front in the specific case of the right to abortion. The respondents associated the exceptionality of the case with a trend in society where the topic of abortion is taboo. As a result, a destigmatisation strategy

readily employed by the feminist movement emerged, involving publishing the accounts of women who are willing to share their stories publicly, as in the case of Čavajda.

Ample discussions that took place around the time the Platform was being established aimed to define the position the feminist movement would take to counter the neo-conservative movement. According to Respondent V, the movement resolved to use a proactive approach: 'We always react to what they do, which is why we have chosen proactive strategies'. To a number of respondents, language is a key aspect, the complexity of which is problematised in relation to the general public. Respondent V mentioned a discussion within the feminist movement that revolved around an attempt to simplify the related language and goals: 'During this meeting, we tried to simplify the message so that people could identify with it, so that it would be useful, and not just focus on denying what the other side is saying but on changing our vocabulary'. After the influence of the neo-conservative movement increased in Croatian society and they changed their rhetoric, which was also the case in many European countries, the feminist movement directed their attention abroad and more vigorously sought to establish links with international feminists who share their experience: 'The first step is networking and collaboration. We are making contacts with organisations from Ireland and Poland, with those countries that have experience with this religious backlash' (L). Respondent V also mentioned Neil Datta, who worked on the analysis of Agenda Europe, as an important ally. His expertise has also made a valuable contribution to the way the whole issue is understood: 'We also have good cooperation with Neil Datta from the European Parliament, who has been here several times'. The organisation Cesi has also focused on the analysis of the neoconservative movement and Agenda Europe in their research projects. In general, as far as the rising visibility of the neoconservative movement is concerned, the feminist movement sought to unite more and network within the local feminist movement and even among international actors and allies.

Respondents associated the more frequent emergence of networking strategies with the expectation of a new law after the Constitutional Court decision and the growing influence of conservatism in Croatian society. The emergence of the Platform has created space for discussion and a reassessment of the strategies that are used. The strategic practice of networking can be classified as a compliant practice. However, the emergence of the Platform exemplifies how building a coalition across formal and informal organisations can increase mobilisation capacity and thus support not only compliant but also contentious practices.

11 Conclusion

The paper investigates whether strategic practices have changed over the last decade and, if so, how and why, according to the actors themselves. Siročić (2019, p. 7) sees the strength of the post-Yugoslav feminist movement in the dynamic changing of strategies, organisational forms and ideas, as well as its ability to blend various traditions and directions. My research corroborates her thesis and builds on Kajinić's. She claims that the rapid change in the Croatian Domestic Violence Act in 2013 was accompanied by enormous pressure from the state on the feminist movement, which may have required the adoption of new mechanisms of operation (Kajinić, 2015, p. 85).

The research shows that the strategic practice of the feminist movement in the last decade has been influenced not only by external factors based on the socio-cultural context in which the movement operates but also by internal factors based on the needs of the movement itself. One external factor has been the growing conservatism in society and the strength of the neoconservative movement. Since 2013, the neoconservative movement has become a visible actor in the debate around abortion rights and has begun to use contentious practices and mobilise the wider public in greater intensity. They have taken on the strategic practices previously employed by the feminist movement and entered the discourse of civil society. The urgency of reacting to the more robust neoconservative movement and its greater presence in the discussion has prompted a revision of strategies, which have increasingly included confrontational ones, such as blockades, classified as contentious practices. The neoconservative movement's use of a human rights discourse has increased the difficulty of dialogue between both sides. The respondents' reflections indicate that an alternative narrative that differs from today's worn-out civil society discourse has yet to be developed. The second external factor for the change in strategic practices was the Constitutional Court decision. The long wait for a new law opened up space for action but also fears that the pre-existing right to abortion was under threat, and thus, there has been more urgency to defend it. The large coalition Platform for Reproductive Rights was established as a response, uniting different feminist actors from civil society and creating space for discussion about strategic practices. The Platform demonstrates the networking strategy that has increasingly appeared over the last decade.

The most important internal factor in the revision of the movement's strategic practices was the partial generational shift in the feminist movement, sparked by the wider context and the economic crisis that sustained the trend, which caused tension within the feminist movement. The new generation has introduced a more pro-social and anticapitalist narrative as well as a wider focus on reframing cultural issues as social ones. With the emergence of the younger generation, there has been a need to use contentious practices more often, with the marches organised by the new organisation Faktiv showing great capacity for mass mobilisation.

Baca's analytical framework for researching the Croatian feminist movement is an appropriate framework for two reasons. By focusing in detail on the strategic practices of civil society actors, regardless of their form, one can better describe its changing shape in the post-socialist context and thus move beyond the thesis of robust transactional activism at the expense of contentious politics in post-socialist countries (Petrova & Tarrow, 2007). Using compliant practices has increased the mobilisation capacity of the movement and its ability to use contentious practices. The existing structures of transactional organisations, which have been emerging in large numbers since the 1990s, are also an important element and a prerequisite for mass mobilisation today. Regardless of the form of the Croatian feminist movement organisations, which are predominantly NGOs, contentious strategic practices are appearing more frequently. The second reason is the latter's expanded understanding of the concept of civil society, which goes beyond the boundaries of the normative. The subsumption of the practices of the neoconservative movement under the practices of post-socialist civil society indicates a discursive change whereby, suddenly, the conflict between the feminist and neoconservative movements is not taking place outside but inside civil society, leading to appeals for change in the strategic praxis of the feminist movement under study.

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Authoritarianism and civil society:
Legal restrictions on human rights CSOs

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Abstract

New types of authoritarian regimes attempt to create the illusion of democracy. They therefore seek to restrict the establishment and activities of civil society organisations (CSOs) not through outright bans, but through the adoption of laws and regulations designed to systematically and methodically impede the operation of human rights CSOs. This paper, based on empirical research, classifies and analyses the registration and re-registration procedures that restrict the freedom of association of human rights CSOs, as well as the legislation that imposes registration or re-registration requirements on organisations designated ‘foreign agents.’ Additionally, it assesses the proportion to which democratic and authoritarian regimes use these restrictive mechanisms. The results show that the restrictions that are examined are predominantly used in authoritarian regimes.

Keywords: human rights CSOs; freedom of association; registration and re-registration procedure; authoritarian regimes

1 Introduction

The purpose of this study is to contribute to the body of research on the functioning of the new types of authoritarian regimes from the perspective of civil society organisations that advocate for human rights (hereinafter: CSOs). In these systems, there is no prohibition of association, but at the same time, states adopt discriminatory, bureaucratic and costly legislation (Chaudhry, 2022; Kövér et al., 2021; Tóth, 2019; Heiss, 2019; Rutzen, 2016) and/or ostensibly democratic laws are applied by the authorities in contradiction with democratic principles, making it difficult and often impossible for CSOs to register or re-register.

This paper classifies and analyses registration and re-registration procedures that limit the freedom of association of human rights CSOs, as well as legislation that mandates registration or re-registration requirements for organisations designated ‘foreign agents.’ My aim was to identify the specific restrictions imposed by the laws in force during the research period between September 2022 and July 2023. The framework is intended

to assist in the identification of types of restrictions and to complement the references for specific cases in different countries and regions. The study, therefore, provides a snapshot of the types of restrictions imposed on human rights CSOs in each country during this period and highlights restrictive trends related to the establishment or renewal of the legal personalities of the organisations concerned. Additionally, it assesses the proportion to which democratic and authoritarian regimes employ these restrictive mechanisms. The application of restrictions against CSOs is part of an alarming trend that is intensifying as the number of authoritarian governments increases. The hypothesis of the study relies on the assumption that the new types of authoritarian regimes while trying to maintain the appearance of democracy regularly and systematically impose registration restrictions on human rights CSOs.

The study was conducted using a legal and political survey method. To identify restrictive legislation, the study analysed reports from CIVICUS Monitor, Freedom House's Freedom in the World, ICNL's Civic Freedom Monitor, and USAID's CSO Sustainability Index Explorer, as well as annual reports from Amnesty International and Human Rights Watch.¹ The data was then cross-checked with the relevant legislation. Therefore, primary and secondary sources were analysed to examine the mechanisms that limit the registration and re-registration of CSOs.

The chosen method aims to provide a comprehensive overview of the restrictions in place and helps to identify authoritarian trends by comparing democracy index scores compiled by international organisations and research institutes during monitoring processes. The purpose of using the three democracy indices, which have similar scales, is to shed light on which countries fall between the two extremes (true democracy, true autocracy) and what restrictive mechanisms the countries in question use to prevent the establishment of CSOs or the renewal of their legal status. To present the research findings, a database² has been compiled of the countries with laws that impose restrictions on CSOs, leading to their dysfunctionality. The database also shows each country's scores for 2022 on V-Dem's Regimes of the World Index, Bertelsmann Stiftung's Transformation Index, and the Economist Intelligence Unit Democracy Index.³ These indices assess the extent to which constitutional rights are guaranteed and whether state institutions effectively safeguard and facilitate their exercise. They focus in particular on governments, states and legal institutions (Krever, 2013; Botero et al., 2011). This means that they examine very similar key categories (e.g. legal certainty, independence of the judiciary, freedom of civil society, safeguarding fundamental rights). The data show, for example, how countries

¹ The study excludes microstates that are not covered by V-Dem's World Regimes Index, as well as the Maldives because two of the three indices do not assess the country.

² Restrictions on CSOs: <https://airtable.com/shrfd7opRCIsy3CkX>.

³ I excluded both Freedom House reports from the analysis because Freedom in the World classifies countries into only three categories, while the other three indices I analysed use at least four categories. Although the indices' country classifications overlap, the differences in the categories would make it difficult to compare the respective data with Freedom in the World's data. The Nations in Transit report provides a general assessment of the degree of democracy or authoritarianism in a country and allows a comparative analysis of reforms in the countries under survey. However, its data cover only a limited number of countries, so it cannot provide a complete picture of all the countries I have analysed. It would, therefore, be misleading to rely on its data for only 29 countries.

treat CSOs and what legal restrictions they impose on them. For this reason, the countries' index scores are important for my analysis, as I look specifically at restrictions imposed by or indirectly referenced in legislation and, thus, whether or not states provide an adequate legal environment and support the effective exercise of rights.

2 Landscape of restrictions on CSOs

Human rights CSOs provide a platform for the expression of social opinion that may counter the self-serving agendas of political authorities, economic forces and individual groups. They play a vital role in promoting human rights across multiple levels of governance. In other words, they act as social control agents.

CSOs dedicated to safeguarding human rights include watchdog organisations, advocacy organisations, and groups focused on the promotion and defence of human rights. Their activities have an impact on public policy (Kimberlin, 2010; Andrews & Edwards, 2004), they protect human rights (Marcinkutė, 2021; Haddad, 2012), represent the interests of marginalised and minority groups (Forbat & Atkinson, 2005; Boris & Mosher-Williams, 1998), and seek to create economic, social and political capital and redistribute it to underprivileged communities (Feldman et al., 2016).

Human rights CSOs also include CSOs active in areas where services are closely linked to advocacy on behalf of the target groups, such as the poor, the disadvantaged, and the homeless (Young, 2000), or where cultural activities are inherently linked to the struggle for the recognition of minorities (Mosley, 2010). In the latter two cases, even if CSOs are not directly engaged in advocacy or the protection of rights, they have a role to play in shaping government policy (Kövéř et al., 2021).

In democratic systems, where those in power try to address civil society's grievances, promote their transparency and strengthen their legitimacy through the social control function in a self-correcting manner, civil society actors are able to achieve their goals and contribute to the formation of democratic public opinion. Under such conditions, human rights organisations can act as a check (control function) on the authoritarian tendencies of the state (Keane, 2022). While there are democratic countries where regulations can have some impact on the operation and activities of CSOs, such cases are rather rare and are typically not aimed at preventing the operation of politically inconvenient human rights CSOs. In such cases, the restrictions do not go beyond what is necessary in a democratic society to achieve the objectives of the legislation and are proportionate and in line with the fundamental principles of human rights, including non-discrimination.

In traditional autocracies,⁴ the state strives to control all aspects of life, including the personal lives of individuals and their most intimate matters, such as having children, family life, sexual preferences, and religious beliefs, and thereby intrudes into every dimension of life (Kornai, 2017, p. 266). The ban on the establishment of independent CSOs is

⁴ For further examples of totalitarianism and traditional authoritarian systems, see Tóth (2019, pp. 47–50).

part of this comprehensive control mechanism. The reason for this is that citizens' plans to form associations can lead to the creation of a parallel society that undermines the legitimacy of authoritarian power (Linz, 2000, p. 91). In this context, it is unthinkable for citizens to form and operate human rights CSOs, as the state has zero tolerance for any form of criticism.

Unlike traditional autocracies, an important feature of novel authoritarian regimes⁵ is that they portray themselves as pluralistic but retain only a façade of democracy (Schedler, 2013, pp. 54–61). In these circumstances, civil society freedoms are curtailed as the arena for public debate where citizens can challenge the actions of the state is severely limited (Arato & Cohen, 2022; Lewis, 2013). In other words, there is an authoritarian ambition to exclude alternative perspectives and dissenting voices from public discourse (O'Donnell et al., 1986). The purpose of state repression is to impose costs on CSOs and discourage them from engaging in certain activities. The relationship between governments and civil society is characterised by a power asymmetry in which state actors exert increasing pressure on CSOs that publicly criticise government decisions (Buyse, 2018). This is reflected, among other things, in the adoption of laws that restrict the establishment, operation, and activities of human rights CSOs. These laws grant state actors a higher degree of control and monitoring power over civil society, which can ultimately limit the internal and external freedom of association of CSOs.

A considerable number of restrictive mechanisms are used by authoritarian regimes. The literature on the subject focuses mainly on restrictions on foreign aid. To control the politically inconvenient CSO sector, authoritarian governments around the world have leveraged the influence of international funding, often passing laws that restrict CSOs' access to foreign funding (Deák, 2021; Deák, 2022; Bromley et al., 2020; Dupuy & Prakash, 2020; Hamlet, 2017; Oleinikova, 2017) on the grounds of combatting terrorism, safeguarding state sovereignty, due to the necessity of a more unified financing programme or increasing accountability (Rutzen, 2016, pp. 163–166). In addition, governments often openly accuse human rights CSOs of serving the interests of foreign entities by accepting foreign funds and using them, for example, for strategic litigation. They are right that the CSOs in question often engage in strategic litigation to achieve legal and social change (Barber, 2012, p. 412), but empirical research on the subject does not confirm governments' fears that foreign interests are behind strategic litigation (Haddad & McIntosh Sundstrom, 2023).

However, it is increasingly common for CSOs to encounter obstacles at the registration or re-registration stage. Restrictive mechanisms that include bureaucratic hurdles and complicated registration and re-registration processes become tools used to gather intelligence, deter organisations deemed undesirable, silence critical voices, and exclude those who cannot afford legal procedures. The laws in question not only increase the complexity and difficulty of the registration process but also give the state wide discretionary powers to deny licences and prevent appeals.

⁵ For a description of the concepts used to categorise new types of authoritarian systems, see Tóth (2020, pp. 325–327) and Schedler (2013, pp. 21–53).

3 Hindering and obstructing the registration procedure

3.1 Direct restrictions

The first category includes restrictions that are explicitly designed to render the social control function of human rights CSOs infeasible in a way that is likely to prevent the formation of such organisations.

Restrictions include those that enable the authorities to reject registration applications on vague grounds, with the intention of curtailing the ability of human rights CSOs to pursue political objectives and engage in political activities. Vague justifications for restricting human rights activities often include safeguarding the public interest, national values, morals, and public order (e.g. Algeria⁶), national decency, national interests (e.g. Turkey⁷), national unity (e.g. South Sudan⁸), peace, prosperity (e.g. Malaysia⁹), the integrity of national territory (e.g. Morocco¹⁰), national security (e.g. China¹¹) or the prohibition of interference in internal affairs (e.g. Sudan¹²).

Another form of restriction occurs when a country's regulations explicitly state which particular activities make CSOs completely ineligible for registration. For instance, in Nigeria, the Same Sex Marriage (Prohibition) Act¹³ prohibits the registration of CSOs advocating for LGBTQ rights, and individuals who register, operate or participate in such CSOs can face penalties of up to 10 years in prison.¹⁴ As a result, human rights CSOs that wish to carry out activities specifically prohibited by law are forced to do so informally.

Another problem arises when legislation grants authorities excessive discretion and the power to reject applications. In Bangladesh, the body responsible for registering CSOs retains the power to refuse registration if it is not satisfied with the objectives, constitution, or operational plans of the applicant CSO (ICNL, 2023b).

A similar form of restriction occurs when the law prohibits the registration of a CSO if there is already an organisation working on the same issue in the same geographical area. For instance, in Vietnam, CSOs are prohibited from engaging in the same primary activities as associations already legally established in the same municipality.¹⁵

⁶ 2012: Article 2 of the Law on Associations.

⁷ 1926: Article 101 of the Civil Code.

⁸ 2016: Section 12 of the NGO Act.

⁹ 1966: Article 7(3) of the Societies Act.

¹⁰ 1958: Article 3 of Decree No. 1-58-376 on the Right to Establish Associations (amended in 1973, 2002).

¹¹ 2016: Article 4 of the Chinese Charity Law.

¹² 2006: Article 5 of the Voluntary and Humanitarian Work (Organization) Act.

¹³ 2014: Article 4(1) of the Same Sex Marriage (Prohibition) Act.

¹⁴ *Ibid.*, Article 5(2).

¹⁵ 2010: Article 5(1) of Decree No. 45/2010/ND-CP on the establishment, operation, and management of associations.

3.2 Indirect restrictions

The second category encompasses restrictions that cannot be conclusively proven to be specifically aimed at preventing the establishment of human rights CSOs. In theory, they can impose restrictions on other types of CSOs as well, which is why they are classified separately.

3.2.1 Mandatory registration

In many countries, registration is mandated by law, and informal groups are unable to operate legally without it. As a result, the lack of formal registration often prevents CSOs from attaining legal recognition.

It is not uncommon that a criminal code penalises a group for operating without registration. This is the case in Belarus, where an amendment to the Criminal Code came into force on 22 January 2022, reclassifying individual activities conducted under the umbrella of unregistered CSOs as criminal offences. This amendment makes participation in unregistered or dissolved CSOs punishable by a fine, arrest or imprisonment for up to two years.¹⁶ The Jordanian Penal Code also considers unregistered organisations to be illegal and imposes a penalty of up to two years of imprisonment for individuals who are involved in activities within or have membership in an unregistered group.¹⁷

Another even more common scenario is when CSO laws criminalise the operation of unregistered groups. In Algeria, for example, the 2012 Law on Associations provides for penalties of three to six months' imprisonment or a fine of 100,000 to 300,000 Algerian dinars for individuals involved in a 'not yet registered' CSO.¹⁸ A similar provision is included in Egypt's Law No. 149 of 2019, which explicitly prohibits anyone from engaging in 'civil activity' without proper registration.¹⁹ This law also imposes fines of up to 100,000 to 1 million Egyptian pounds on individuals who establish or work for an unregistered or unlicensed organisation.²⁰

Compulsory registration procedures prevent informal groups from organising themselves. As a result, these groups are unable to express their views on human rights issues in the public sphere, which ultimately impedes their ability to exercise social control.

¹⁶ 1961: Article 193-1 of the Criminal Code (amended in 2022).

¹⁷ 1960: Article 160 of the Penal Code (and its amendments).

¹⁸ 2012: Article 46 of the Law on Associations.

¹⁹ 2019: Article 3-4 of the Preamble to Law No. 149/2019 on NGOs.

²⁰ *Ibid.*, Article 94.

3.2.2 Lack of substantive legal remedy

The next category includes cases where there is a lack of effective legal remedies in CSO registration procedures. The measures deny CSOs the opportunity to appeal a denial of registration to the courts or to reapply for registration, effectively leaving them in legal limbo and making the registration process practically inaccessible to them.

This is the case when CSOs are not guaranteed the right to challenge an adverse decision by the authority before an impartial and independent court. For instance, in Sudan, while a decision to deny registration can be appealed to the Minister of Humanitarian Affairs within a fifteen-day window, the law does not specify a time frame for responding to such appeals, and there is no provision for a subsequent appeal to an impartial body.²¹ In Algeria, legal remedies are available to a certain extent, but the final decision is not subject to appeal and is not made by an impartial court.²² And although Belarusian law provides for the right to appeal to a court, no court has allowed a claim of this kind since 2001 (ICNL, 2023c).

3.3 Bureaucratic barriers to registration

The third category includes restrictive techniques, specifically bureaucratic requirements, which are frequently employed in conjunction with each other or are often used in addition to the restrictions described in the previous two categories.

In certain instances, legislation mandates the registration of CSOs at multiple levels, including at the national level, with one or more ministries, and, depending on the structure of the state, at the local administrative level where the CSO operates. In China, for example, CSOs typically initiate the registration process by securing the endorsement of a government ministry or provincial government office. They then apply for registration and approval from the Ministry of Civil Affairs or a local civil affairs office.²³

Legislations vary in terms of the time allowed for the authorities to make a decision. In Azerbaijan, for example, it is set at 70 days,²⁴ in Egypt, it is 90 days,²⁵ and the Zimbabwean law does not set a specific time limit for authorities to make a decision.²⁶ It is also common for authorities to ignore the time limits set by law. For example, the Algerian authorities frequently do not respond to registration requests from human rights CSOs (ICNL, 2023a).

²¹ 2006: Article 13(3) of the Voluntary and Humanitarian Work (Organization) Act.

²² 2012: Article 9-10 of the Law on Associations.

²³ 2016: Article 6 and 9 of the Chinese Charity Law

²⁴ 2003: Article 8(1)(2) of the Law on the State Registration and State Register of Legal Entities

²⁵ 2019: Article 9 of the NGO Act

²⁶ 2001: Private Voluntary Organizations Act

In some cases, authorities automatically refuse to register CSOs on the basis of technical deficiencies, such as missing personal information or signatures, grammatical errors, or spelling mistakes. The cases against Azerbaijan before the European Court of Human Rights clearly demonstrate this practice. The Court regularly combines the complaints of multiple CSOs and condemns the country for refusing to register them.²⁷

A similar trend can be seen in Uzbekistan, where groups working on human rights issues are consistently denied registration. The registration authority only evaluates one or two pages of the submitted documentation for each new application. As a result, several groups, such as the Humanitarian Legal Centre and Human Rights House, have had their registration applications rejected at least six times on technical grounds (Human Rights Watch, 2021).

Difficulties can arise when authorities make successful registration conditional on CSOs agreeing to sign post-registration service-level agreements with relevant line ministries. This practice has the potential to limit the range of activities in which CSOs can engage and can also undermine their ability to exercise social control by making them vulnerable to co-optation (e.g. Sierra Leone²⁸).

In some cases, the law requires the authorities to issue a certificate when the CSO submits its registration documents and a final certificate of registration if the specified period has passed without the government rejecting the registration. In practice, however, the authorities often neglect these obligations and withhold the certificates.²⁹ In Algeria, for example, CSOs are often left without evidence of their legal existence and unable to carry out activities such as opening a bank account or renting property (ICNL, 2023a).

Further difficulties arise when a law initially allows only temporary registration for CSOs, with CSOs eligible to apply for permanent legal status after a certain waiting period. For instance, in Rwanda, CSOs receive a temporary registration certificate that is valid for one year, and they can apply for permanent legal status nine months after receiving the temporary certificate.³⁰

A burdensome registration requirement is found in Turkey, where CSOs looking for office space must obtain permission from all building occupants.³¹ The inability to secure office space can be a significant obstacle during the registration process for CSOs. In addition, CSOs are not allowed to share office space with any other legal or natural person (ICNL, 2023d).

It is problematic when a law imposes an overly bureaucratic and burdensome registration procedure, and it can be seen as discriminatory if CSOs are subject to stricter registration requirements while other types of organisations enjoy a simplified registration procedure. For instance, in Tajikistan, CSOs are registered under the Law on Public Asso-

²⁷ E.g. *Mehman Aliyev and others v. Azerbaijan*, Judgment of 20 May 2021; *Abdullayev and others v. Azerbaijan*, Judgment of 7 of June 2019.

²⁸ 2009: Article 2.4.3 of the Revised Non-Governmental Organizations Policy Regulations.

²⁹ 2012: Article 7 of the Law on Associations.

³⁰ 2012: Article 17 of the Law Governing the Organization and Functioning of National Non-Governmental Organizations.

³¹ 2004: Article 58(c) of the Law on Associations (amended in 2018).

ciations, which is excessively bureaucratic and includes a long list of documents that must be submitted to the Ministry of Justice.³² In contrast, other organisations are registered by the tax authority through a streamlined, one-stop-shop process.³³

It is restrictive when new legislation, especially in the case of a CSO focusing on a specific issue, imposes additional burdensome requirements for registration in a discriminatory manner compared to CSOs dealing with other issues. For example, in Greece, CSOs working on asylum and migration issues are required to provide additional certificates during the registration process. These include documents demonstrating the financial and tax status of CSO members,³⁴ and they are required to publish the details of individual donors and supporters on their website.³⁵

CSOs can face obstacles in the registration process if the law mandates a significant minimum number of founding members. In Belarus, for example, fifty founding members are required to establish a national CSO.³⁶ Similarly, in China, CSOs are also required to have a high number of founding members, with a minimum of fifty individual members or thirty institutional members.³⁷ In Turkmenistan, 400 founding members are needed to establish a CSO at the national level.³⁸

4 Bureaucratic barriers to re-registration

This category pertains to CSOs that were previously established in accordance with the country's legal framework and have remained compliant during their operation. However, the enactment of a new law strips these CSOs of their previous status and imposes new requirements for successful re-registration. Even if they manage to fulfil these conditions, the authorities often ignore the documentation that is submitted. Without formal feedback from the authorities, these CSOs cannot be recognised as legitimate organisations.

While in some countries this re-registration requirement is specifically targeted at CSOs working in the fields of human rights and charity, in many countries it applies uniformly to the entire CSO sector, including human rights CSOs. Only legislation that mandates CSOs to re-register at specified intervals is included in this category. Each periodic re-registration procedure carries the risk that the authority will refuse to grant a licence and register the CSO concerned. Therefore, the more frequent the re-registration requirement is, the more precarious the situation becomes for CSOs. It is common practice for authorities to attempt to hinder the social control function of CSOs through annual re-registration procedures (e.g. UAE).³⁹ Regardless of how often re-registration is required,

³² 2007: Article 21(5) of Law on Public Associations (amended in 2021).

³³ 2009: Article 4 of the Law on State Registration of Legal Entities and Individual Entrepreneurs.

³⁴ 2020: Article 58 of Joint Ministerial Decision No. 3063.

³⁵ 2020: Article 2 and 5 of Ministerial Decision No. 10616.

³⁶ 1994: Article 8 of the Law on Public Associations (amended in 2013).

³⁷ 1999: Article 10 of the Regulations on the Registration and Management of Social Associations.

³⁸ 2014: Article 9(4) of Law on Public Associations (amended in 2017).

³⁹ 2017: Article 17 of Law No. 12 Regulating NGOs in the Emirate of Dubai.

it always imposes a significant financial burden on CSOs, as well as administrative burdens associated with meeting the re-registration requirements.

While CSOs need to rush to start the re-registration process, authorities often leave CSOs in a state of uncertainty by not responding to their requests for registration. This may be motivated by their intention to obstruct the activities of CSOs that focus on specific issues, such as human rights or watchdog groups (Sidel, 2010).

In cases where registration is denied, authorities frequently rely on the vague terminology used in re-registration legislation. For example, in Zambia, the law requires the authorities to reject applications for the re-registration of CSOs if they engage in activities that are considered contrary to the public interest.⁴⁰ Similarly, in Belarus, the authorities can reject CSO re-registration applications on the grounds of the presence of ‘extremist activity.’⁴¹ The two examples of legislation have in common that, on the one hand, they do not clearly define what activity is meant by the terms, and, on the other hand, they leave the interpretation of the terms to the government officials responsible for the registration of CSOs.

The requirement to re-register not only creates bureaucratic hurdles for CSOs but also exposes them to uncertainty regarding the renewal of their registration. This uncertainty may discourage them from expressing independent views on contentious policy issues, thereby hindering their ability to contribute meaningfully to public debate.

5 Registration or re-registration procedures of organisations designated ‘foreign agents’

‘Foreign agent’ status is linked to regulations that require CSOs to report foreign donations if they accept them or if they are ‘under foreign influence.’ The notification obligation requires CSOs that have already acquired legal personality to undergo a re-registration procedure and newly established CSOs that have not yet acquired legal personality before the law’s entry into force to undergo a registration procedure.

Authoritarian countries and countries with authoritarian tendencies often cite the United States’ Foreign Agents Registration Act (FARA) as a template for their own ‘foreign agent’ laws, making it a notable example in this category. However, FARA was enacted in the United States in 1938 on the recommendation of the House Un-American Activities Committee and used against fascist and communist propaganda during the Second World War. By the 1960s, the law was amended to include lobbyists and public relations firms representing foreign governments, specifically with the aim of preventing their influence in economic matters. In the wake of the 2016 presidential election, the application of the law once again signals the registration of a wider range of actors, as it has become increasingly popular among policymakers and prosecutors as a tool that can be used specifically to counter growing political propaganda tied to foreign interests (Robinson, 2020, pp. 1092–1096).

⁴⁰ 2009: Article 15(1)(a) of Act No. 16 on NGOs.

⁴¹ 1994: Article 7 of the Law on Public Associations (amended in 2013).

FARA mandates that any person or organisation acting as an agent for a foreign principal must register with the Department of Justice and disclose the identity of the foreign principal they are representing (Mayer, 2018, p. 1218). Foreign principals, as defined by FARA, can include governments, political parties, individuals and organisations located outside the United States, and entities organised under the laws of a foreign country or having their primary place of business in a foreign country (Van De Velde, 2019, pp. 699–700). It is important to recognise that FARA is not intended to target a particular group, such as CSOs, but rather to regulate a specific type of activity, namely that which seeks to influence politicians.

However, non-profit and philanthropic work may involve activities such as the collection and disbursement of funds, advocacy, or the publication of material relating to a foreign country that serves the interests of a foreign principal. In practice, its scope is not limited to lobbying or electoral activities, which means that occasionally, non-profit organisations may also need to register as foreign agents due to their activities.⁴² It is worth noting that the restrictions resulting from the legislation are rather anomalies and do not correspond to the deliberate intent of the legislators, as they do not lead to the CSOs' loss of status.

In Australia, the Foreign Influence Transparency Scheme (FITS) came into force in 2018 and is considered an 'enhanced version' of FARA. FITS also has the potential to require a wide range of actors to register under the Act. However, exemptions apply to non-profit organisations undertaking specific activities.⁴³ In addition, the definition of 'foreign principal' has been significantly narrowed⁴⁴ to avoid anomalies that may result from the application of FARA.

Conversely, some foreign agent laws are designed to create a false appearance of transparency when, in fact, they are intended to stigmatise CSOs. These laws specifically target CSOs, and it does not matter where the latter get their funding or what they do as long as the funding comes from a foreign source. The laws in authoritarian and authoritarian-leaning states only take into account whether a CSO receives foreign funding for its activities and do not evaluate the nature of the activities.

In Israel, CSOs must register with the state and publish on their websites any grants from foreign governments exceeding 20,000 Israeli shekels.⁴⁵ Registered CSOs that receive at least 50 per cent of their funding from foreign government agencies are mandated to submit a report to the Ministry of Justice, which is required to publish a list of such organisations on its website. CSOs that receive more than half of their funding from foreign governments or political parties must disclose this information in all official publications as well as in the reports they publish.⁴⁶ Additionally, they are required to disclose that they are foreign-funded when sending letters to elected officials or state employees and when representatives of the organisation register to participate in Knesset debates.⁴⁷

⁴² See recent advisory opinion of the U.S. Department of Justice (2020).

⁴³ 2018: Article 24-30 of the Foreign Influence Transparency Scheme.

⁴⁴ *Ibid.*, Article 11.

⁴⁵ 2016: Article 5a(b) of the NGO Law ('Transparency Bill').

⁴⁶ *Ibid.*, Article 5a(b)(1) and 5a(b)(3).

⁴⁷ *Ibid.*, Article 5a(b)(2) and 5a(d).

In Kazakhstan, foreign-funded CSOs must report to the tax authorities about the receipt and expenditure of funds and/or other assets received from foreign sources,⁴⁸ and any publications produced with foreign funding must also be declared as foreign-funded.⁴⁹

Nicaraguan CSOs that receive foreign aid are required to register as foreign agents with the Registry of Foreign Agents.⁵⁰ Following registration, these CSOs must regularly report any transfers of funds or assets from abroad and submit monthly reports detailing the use and origin of these funds.⁵¹

Under Russian law, CSOs are required to register as foreign agents if they meet certain criteria. However, the definition of a foreign agent under the new law is so broad that almost any person or organisation, regardless of nationality or place of residence, who engages in civic activism or even expresses an opinion on Russian politics or the conduct of officials could be labelled as a foreign agent if the authorities allege that they are under 'foreign influence'.⁵² It applies to anyone deemed to have received foreign aid or to be under 'foreign influence' and who engages in activities perceived by the Russian authorities as 'political'. We can see that in Russia, a CSO can be labelled a 'foreign agent' even if it has not received foreign aid. In Russia, CSOs designated as 'foreign agents' are obliged to disclose their status when publishing on political issues.⁵³ 'Foreign agents' are excluded from key areas of public life.⁵⁴

In practice, being labelled a 'foreign agent' also requires CSOs to use a pejorative label. With the exception of the United States and Australia, the laws mandating the use of a pejorative label for CSOs do not require a principal-agent relationship or a direct link between the foreign donor and the CSO's advocacy activities. Instead, the mere presence of 'foreign influence' or support is often enough to justify the label. However, the obligation to use the label forces the position of CSOs into the category of political opinion, and when they express their views on certain issues, their messages contain a discrediting text that implies that their opinion serves foreign interests rather than those of the society of the country in question.

It is also worth noting that a similar law was recently in force in Hungary.⁵⁵ According to the judgment of the Court of Justice of the European Union (CJEU) in Case C-78/18 on 18 June 2020, the law discriminated against certain CSOs by imposing registration, notification and disclosure obligations, and violated the principle of free movement of capital, the right of association, the right to respect for private and family life, and the right to the protection of personal data.⁵⁶

⁴⁸ 2016: Article 460-1 of The Administrative Code.

⁴⁹ *Ibid.*, Article 460-2.

⁵⁰ 2020: Article 6 of the Foreign Agent Law.

⁵¹ *Ibid.*, Article 9-10.

⁵² 2022: Article 1 of the Law on Control Over the Activities of Persons Being Under Foreign Influence.

⁵³ *Ibid.*, Article 9.

⁵⁴ *Ibid.*, Article 11.

⁵⁵ Further information: Kövér et al. (2021), pp. 101–102).

⁵⁶ Judgment of the Court of Justice in Case C-78/18 *European Commission v Hungary* (18 June 2020), ECLI:EU:C:2020:476.

In Georgia, despite protests from civil society, a law was passed by the Georgian parliament on 24 May 2024. Under the law, CSOs and independent press/media that receive more than 20 per cent of their funding from foreign donors must register as organisations ‘bearing the interests of a foreign power’. They are also subject to the supervision of the Ministry of Justice and must share sensitive information with it; otherwise, they face a heavy fine of up to GEL 25,000 (€8,300).⁵⁷

Recent developments indicate that the European Union is considering adopting similar legislation. In December 2023, the European Commission adopted the Defence of Democracy package, which includes a proposal⁵⁸ that, in the pursuit of greater transparency, may lead to the stigmatisation of CSOs that receive foreign funding. The objective of the proposal is to increase transparency and democratic accountability in relation to the advocacy activities of organisations acting on behalf of non-EU governments.⁵⁹ To achieve this, the creation of national registers is proposed. The draft attempts to define as precisely as possible who should register, why and with what data. The draft explicitly states that it applies to advocacy activities and establishes a link between these activities and the issue of influencing public life and democratic processes in the EU. In doing so, it follows the American model as a correlation must be established between the source of foreign funding and the lobbying activities undertaken.⁶⁰ However, it is contradictory that the proposal leaves it up to Member States to control this.⁶¹ If the EU wants to increase transparency, it should commit to setting up a single body at the EU level. In the absence of such a body, it is important to recognise that the Commission has limited control over how Member States apply and enforce their national laws. Furthermore, non-democratic countries are provided with a template and, therefore, a point of reference on how to use regulations against those who are inconvenient to those in power. Should a Member State adopt a similar law in the future that requires for the imposition of sanctions a weaker link between foreign funding and the advocacy activities carried out, the EU – in light of its proposal – would not be able to make a convincing argument against such laws, thus limiting its ability to exert international pressure.

⁵⁷ For more information on the road to the law, see Zedelashvili (2023). The Hungarian (repealed) and Georgian laws (adopted in 2024) are not included in the empirical analysis.

⁵⁸ See Proposal for a Directive of the European Parliament and of the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and amending Directive (EU) 2019/1937.

⁵⁹ *Ibid.*, 1–3.

⁶⁰ *Ibid.*, 4–5.

⁶¹ *Ibid.*, 11–12.

6 Restrictive legislation and a comparison of countries' index scores

I have analysed the correlation between the categories I have developed and the rankings of countries in the three indices. The database contains the following categories:

- 1 – Direct restrictions
- 2a – Mandatory registration procedure
- 2b – Lack of substantive legal remedy
- 3 – Bureaucratic barriers to registration
- 4 – Bureaucratic barriers to re-registration
- 5 – Registration or re-registration procedures of organisations designated 'foreign agents'

Table 1 Restrictions of CSOs⁶²

Table 2 Classification of countries applying the examined restrictions

V-Dem <i>Regimes of the World Index 2022</i>	EU Unit <i>Democracy Index 2022</i>	BTI <i>Political Transformation Index 2022</i>
Closed autocracy 24	Authoritarian regime 45	Hard-line autocracy 32
Electoral autocracy 37	Hybrid regime 21	Moderate autocracy 23 Highly defective democracy 5
Electoral democracy 15	Flawed democracy 12	Defective democracy 13
Liberal democracy 6	Full democracy 2	Democracy in consolidation 2

Source: data collected by author

There is one single country (Costa Rica) classified as a liberal democracy, a full democracy or a democracy in consolidation that applies the compulsory registration procedure in question that violates the right of association and does not provide CSOs with a meaningful remedy against a decision to refuse registration. This is not typical, as this restrictive mechanism is mainly in use by authoritarian regimes.

It is also apparent that the vast majority of the 16 countries (Afghanistan, Bahrain, Chad, China, Cuba, Eritrea, Laos, Libya, Myanmar, Oman, Saudi Arabia, Syria, Sudan, Uzbekistan, Vietnam, and Yemen) that were classified as the most authoritarian (closed autocracy, hard-line autocracy, authoritarian regime) by all three indices enforce restrictions of the first category that are specifically designed to completely obstruct the social control function of human rights CSOs.

⁶² Linked under Footnote 2.

Looking at the countries classified as the most authoritarian on at least two of the indices, the use of restrictive measures varies. Of the 19 countries concerned, 10 (Belarus, Cambodia, Egypt, Jordan, Kazakhstan, Kuwait, Morocco, Rwanda, South Sudan, and Turkmenistan) have first and second-category restrictive mechanisms. In six of these ten countries, bureaucratic instruments are also used in addition to the more severe restrictions. Restrictions in the remaining nine countries (Azerbaijan, Burundi, Democratic Republic of the Congo, Equatorial Guinea, Guinea, Mali, Tajikistan, United Arab Emirates, and Venezuela) are of the third and/or fourth category.

There are countries located between the two extremes (hard-line autocracy – full democracy) in the grey zone that obtain equal scores on at least two indices. If we look at the countries classified as electoral democracy, hybrid regime, moderate autocracy and highly defective democracy,⁶³ we see that 16 of them (Algeria, Bangladesh, El Salvador, Fiji, Kenya, Malaysia, Mozambique, Nepal, Nigeria, Pakistan, Russia, Singapore, Togo, Turkey, Uganda, and Zambia) apply restrictive mechanisms associated with the first or second category, and in addition to these restrictions, 11 of these 16 countries apply further restrictive bureaucratic instruments. Nine countries (Angola, Benin, Côte d'Ivoire, Gabon, Guatemala, Iraq, Lebanon, Tanzania, and Zimbabwe) apply only restrictions defined by the third and/or fourth category.

When we examine the countries in the categories of electoral democracy, flawed democracy and defective democracy, we see that eight countries (Ecuador, Indonesia, Lesotho, Malawi, Senegal, Sierra Leone, South Africa, and Timor Leste) apply restrictive mechanisms from the first and second category, and in four of these eight countries, we find further bureaucratic instruments in force. Four countries (Ghana, Liberia, Panama, and Sri Lanka) apply only third and fourth-category restrictions. It is clear that compared to the previous category, significantly fewer countries apply these restrictions. However, it is precisely because of such measures that countries receive lower ratings in monitoring processes over time and are downgraded, for example, from electoral democracy to electoral autocracy. Consequently, countries can be upgraded and downgraded as well. The question is whether, within a more 'democratic' framework, these mechanisms are well-defined provisions against which CSOs have real recourse or whether such restrictions are, in fact, coupled with additional measures that further erode the foundations of the democratic system. In the latter case, the country's categorisation is likely to shift towards a less democratic classification in the near future.⁶⁴

Finally, a specific aspect to be examined is the procedure for registering or re-registering as a 'foreign agent'. This restriction is applied by six countries (Australia, Israel, Kazakhstan, Nicaragua, Russia, and the United States). Four of these countries apply only this restriction among those examined. However, it is important to note that it is not applied uniformly, as in the case of the United States and Australia, there is no deliberate attempt to obstruct human rights CSOs. In Israel, however, the law specifically applies to human rights CSOs, CSOs run by Israeli-Palestinian citizens, or organisations linked to

⁶³ I have included highly defective democracies because the category description best fits here.

⁶⁴ The categorisation of Bhutan, Greece and Niger is inconsistent, so they have not been included in any of the classifications and are not included in the evaluation.

the political opposition. In Nicaragua, if a CSO registers as a foreign agent, it is prohibited from providing financial support to any organisation, movement, political party, coalition, political association, or association engaged in the internal politics of the country.

The other two countries in question, Kazakhstan and Russia, impose the disadvantages associated with the 'foreign agent' status in addition to the first and second-category restrictions. These additional restrictions clearly impede the ability of human rights CSOs to exercise their social control function. This is evidenced, on the one hand, by the deprivation of rights – the basis of the *Ecodefence and Others v. Russia* case – affecting Russian CSOs working in the fields of human rights, environmental and cultural heritage protection, education, social security and migration, and led to the dissolution of, among others, the International Memorial and Memorial Human Rights Centre by the Russian authorities.⁶⁵ On the other hand, the Russian Helsinki Committee was dissolved because the CSO was registered to defend human rights only in Moscow and not in other parts of the country, despite the CSO's extensive work throughout the country (Armstrong, 2023).

It can be observed that there is a difference in the way the three indices categorise the countries that apply restrictions. Based on the analysis, it can be established that there are no clear differences in which categories of restrictions are more frequently applied by the different types of autocratic regimes. Nevertheless, in terms of proportions, it is evident that 81 countries apply the restrictive mechanisms examined, with the overwhelming majority being authoritarian. Regardless of the index used to assess the proportions, we see that three-quarters (61/81) of the countries in question are characterised as closed autocracies and electoral autocracies, authoritarian and hybrid regimes, hard-line autocracies, moderate autocracies and highly defective democracies. In addition, at least two democracy indices classify 13 countries as not fully democratic, meaning that they operate in a grey zone.

7 Concluding thoughts

In democratic systems, human rights CSOs are free to engage in activities that align with democratic principles, shape public opinion, and monitor the authoritarian tendencies of the state. As our empirical research has shown, CSOs can be subject to restrictive legislation even in a full democracy because democracy is not a perfect system, but these restrictions can be seen as an anomaly or a limitation on the autonomy of CSOs. In a democracy, it is possible to correct the system itself, for example, if the countries concerned provide CSOs with meaningful legal remedies against restrictive laws.

In recent decades, however, many countries can be described as operating in a grey zone with increasingly authoritarian governments. Human rights CSOs with a social control function are perceived as a threat to the autocratic aspirations of their governments. While outright bans on the formation of associations are not common in many countries, bureaucratic tactics are increasingly being employed to obstruct the operation of CSOs.

⁶⁵ *Ecodefence and Others v. Russia*, Judgment of 14 June 2022.

The laws in question not only increase the complexity and difficulty of the registration process but also give states wide discretionary powers to deny licences and prevent appeals. The registration process has been turned into a bureaucratic tool for government oversight and control. As a result, the fundamental rights necessary for the establishment of CSOs and the maintenance of their legal status are undermined by legislation and its enforcement.

In sum, authoritarian regimes seek to eliminate the autonomy of human rights CSOs. This conclusion is supported both by an analysis of existing restrictions and a statistical comparison of restrictive legislation and countries' performance on democracy indices. As a consequence, these CSOs are increasingly compelled to stand their ground and carry out their activities in a shrinking space, as such frameworks reduce the effective scope of their work and limit their ability to act.

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Public debate about the model change in Hungarian higher education: The representation of radical changes in university governance in Hungary in politically opposing online newspapers between 2019 and 2021

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Abstract

The Hungarian higher education (HE) system has undergone a transformation, or so-called ‘model change’, in recent years. During this process, the majority of public HE institutions were transformed into institutions maintained by public interest asset management foundations. This paper focuses on the media representation of this transformation by analysing all relevant articles about the transformation (169 in total) published between 2019 and 2021 in two of the most active online newspapers on the topic, one that represents pro-government (mno.hu) and the other government-critical (hvg.hu) opinions. Our analysis reveals the main actors as well as the arguments for and against the model change. This media representation in the Hungarian context is essential because there was no governmental white paper about the process. Therefore, Hungarian media served as the primary source of information for the public about the goals (and later, the critiques) of the model change. However, the internal structure of the representations of pros and cons exposes how the two sides talked at cross-purposes, minimally reacting to the arguments of the ‘other side’. Furthermore, our results illustrate the changing nature of the arguments concerning the model change process that started with one university, continued with seven more, and then affected 13 more institutions.

Keywords: Hungarian higher education sector; model change; media representation; autonomy

1 Introduction

The Hungarian higher education (HE) system has undergone transformation, or so-called ‘model change’, in recent years. During this process, public HE institutions were transformed into institutions maintained and run by a unique type of foundation, so-called ‘public interest asset management foundations’ (also translated as ‘public interest trusts’), leading to a radical overhaul of their governance structures. The Hungarian institutional restructuring process was distinctive compared to similar reforms in other countries regarding a number of its characteristics. The scope of decision-making these foundations

were awarded was exceptionally broad. Moreover, board members of the foundations were granted lifelong appointments, which is also highly unusual in the regulation of these kinds of bodies (EUA, 2023).

The transformation process started in 2019 with one institution, but in 2020–2021, the process accelerated, and another 20 public institutions were transformed (Keczser et al., 2022). Changing university governance and legal structures may be identified in other European countries, mainly with the appearance of New Public Management reform (Broucker & De Wit, 2015). However, less attention has been paid to the media representation of the introduction of boards or (internal) radical governance changes. The media representation in the Hungarian context is critical because no official and public governmental white paper about the model change was created. Hence, information about the plans, possible directions and intended outcomes of the model change was not directly accessible in official documents. Therefore, the media served as the primary source of information for the public about the goals (and, later, critiques) of the transformation process.

To shed light on this dynamically changing public space, this paper focuses on the media representation of the Hungarian transformation by analysing related articles between 2019 and 2021 from two of the most active online newspapers that published articles about the model change, typically voicing pro-government (mno.hu) and government-critical (hvg.hu) views. Accordingly, our research questions concentrate on the inner structure of this discourse by focusing mainly on the pro and con arguments on the one hand and the actors whose voices appeared in them on the other. Furthermore, we attempt to connect the timeline of policy changes to the appearance of the specific arguments.

This paper contributes to the literature by not only being the first to analyse the media representation of the model change in the Hungarian higher education sector but also providing the first analysis of the media representation of policy debates related to the ideology of promoting the use of boards in higher education (called ‘boardism’ by Veiga et al., 2015). Some research papers about narratives related to new managerialism and related higher education reforms in European countries already exist (Cabalin, 2015; Rönnerberg et al., 2013), but their data do not stem from news media but from interviews (like Santiago & Carvalho, 2012) or policy documents (e.g., Arreman & Holms, 2011; Tarlau & Moeller, 2019). Therefore, the unique contribution of this paper is that it describes the media representation of a higher education reform that targets university boards, where the debate is transmitted by the media. However, we wish to emphasise that the paper aims to shed light on a transformation process in the HE sector in which the position of foundations vis-à-vis the HE institutions was quite peculiar. To delineate these changes and their timeline, as well as the respective arguments for and against them, we utilised media data since other reliable sources of information were unavailable from that period.

Therefore, in the first section, we briefly discuss the characteristics of the boards and foundations in higher education, then focus on the Hungarian model change, including the question of why this transformation process differs from similar processes in other countries. Next, we briefly introduce the specifics of the Hungarian media landscape. The second section gives details about the methodological aspects of our research, followed by our findings, which highlight the arguments for and against. After discussing our results in light of the conceptual background, we summarise the paper’s main points in the conclusion section.

2 Conceptual background and context

2.1 Boards and foundations – international landscape

The governance of higher education institutions across Europe has undergone significant transformation in recent years. A notable trend is the widespread adoption and proliferation of governing boards (Pruvot & Estermann, 2018), which have emerged as key decision-making bodies. Such boards, mainly or exclusively composed of external stakeholder representatives and experts, play a pivotal role in shaping institutions' strategic direction, funding and supervision, and selecting institutional executives. The move towards establishing boards is usually justified by the need for greater efficiency, transparency, accountability, entrepreneurship, and responsiveness to societal needs. These arguments are mostly in line with the concept of New Public Management (NPM), which entails the adoption of a business and market logic in higher education (Broucker & de Wit, 2015).

Although such boards sometimes have only advisory roles, when they have decision-making competencies, this usually strengthens management. Therefore, the introduction of boards challenges the traditional European (continental) university governance model characterised by solid academic self-governance, where decision-making authority is shared only among various internal stakeholders, such as academics, administrators and students, and external parties (except for the state) play a relatively limited role (Donina & Paleari, 2019). Critics of these processes argue that the role of the board and management is legitimised by powerful ideologies and reinforced by different organisational practices and highlight their ideological nature by referring to this phenomenon broadly as 'boardism' (Veiga et al., 2015) or 'managerialism' (e.g., Deem et al., 2007). Critics discuss several possible negative consequences of state policies that promote boardism and managerialism, such as academics' loss of democratic control over institutional decision-making, a decrease in academic freedom (e.g., Poutanen et al., 2022; Rowlands, 2020), and the increase in the bureaucratisation of daily operations (Halffman & Radder, 2015). It is important to note, however, that it is not the emergence of boards or professionalised management per se that is the root of criticism but the (less consensual) power shift in the decision-making process that this involves.

The introduction of boards has been accompanied in some countries (for example, in Portugal, Finland, Sweden, and some German *Länder*) by the possibility of transforming public institutions into foundation universities. Some of the typical reasons given to explain such transformation are ensuring even greater autonomy, flexibility, financial sustainability, and diversification, as well as fostering entrepreneurship and innovation and enhancing global competitiveness (e.g., Poutanen et al., 2022).

2.2 Hungarian model change between 2019–2021

Similar trends have taken place in recent decades in Hungary. Boards have been present in the governance of public institutions since the early 2000s. Although the previous (social-liberal) government attempted to establish strong boards (in which, however, external members would have been in the minority) in 2005, this was blocked by the Constitu-

tional Court on the grounds of the violation of institutional autonomy. Thus, the first boards had only an advisory role. Since 2010, however, their powers have increased, and since 2015, they have gained veto power over some issues (for example, budgets and strategy). In addition, since 2010, the ministry responsible for higher education has delegated most members (Kováts et al., 2017).

Another turning point in the process occurred in 2019 when the first public university (the Corvinus University of Budapest) was transformed into a foundation university. Although this transformation was initially planned only as a pilot project involving three other universities, 20 universities underwent this change in the next two years (see Figure 1). By 2021, 21 of the 28 public higher education institutions had become foundation universities, so the share of students studying at public universities fell from 86 per cent (2018) to around 20 per cent.

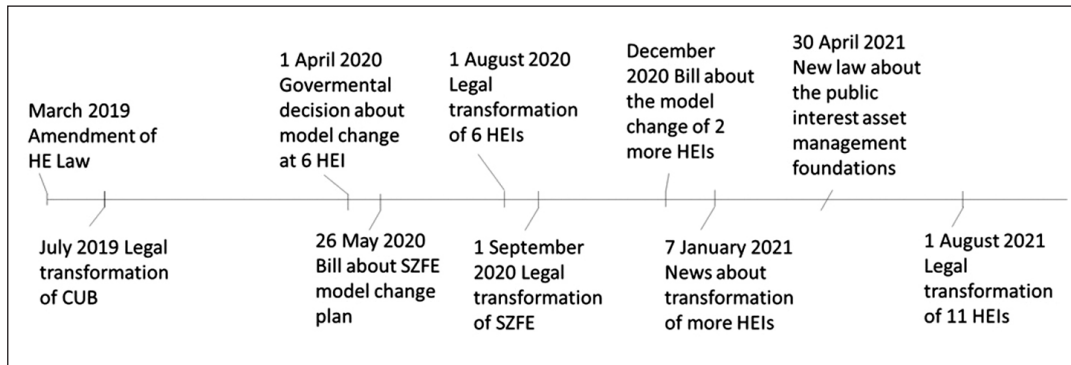


Figure 1 Main events between 2019 and 2021 related to the model change in the Hungarian HE sector

Regarding the main events, starting with an amendment of the Higher Education Act in March 2019, the first phase started with the legal transformation of Corvinus University of Budapest in July 2019. This was followed by the model change of six other universities, which decision came to light in April 2020. This was soon followed by a bill about the plan for the model change of the University of Theatre and Film Arts (*Színház- és Filmművészeti Egyetem*, SZFE) in May 2020, which led to a unique situation in 2020 and utterly monopolised the news connected to the model change that year (see below). This period, dominated by the so-called ‘SZFE case’, may be seen as the second phase of the model change. The third phase started when, in December 2020, news appeared hinting at a general extension of the model change throughout the HE sector to include 13 additional universities. An important moment was 30 April 2021, when the Hungarian Parliament created a new legal structure through a specific law on public interest asset management foundations, which could be amended only by a two-thirds majority (Act IX of 2021). Such foundations have now been established not only in higher education but also in the cultural sector, and the government has transferred a significant proportion of national assets to them.

In higher education, these foundations became the owners and maintainers of institutions and their assets instead of the state. The boards of these foundations have gained

unprecedented powers in Hungarian HE, allowing the complete redefinition of institutional operations. These areas include internal governance (such as the powers of senates), the management and organisational structure, budget and resource allocation processes, and the educational and research profile. They can also define HR and teaching and learning-related policies and regulations (such as promotion criteria, student admission regulations and exam regulations) (Kováts et al., 2023). The government has completely detached the new foundations from governmental bureaucratic control by transferring the founding rights and creating a self-directed structure.

During the transformation, all university employees lost their public servant status. The Labour Code now regulates their employment. However, their remuneration has increased since 2021 due to the new funding system. The government incentivised the model change by promising a higher level of funding, which was realised in 2021 when the government signed six-year funding contracts with foundations, which increased their previous budgets by between two and four times. (Funding for public institutions has been left at its previous low level.) Although model-changing universities have legally become private universities, they are still predominantly funded by the state (except for Corvinus, whose owner foundation received a one billion EUR endowment). For this reason, there is some question whether these universities can be considered private (Kováts et al., 2023).

Board members of the foundations were appointed for life by the government, and appointment and recalling rights were transferred to the foundations. The composition of the board members was initially characterised by a large proportion (over 30 per cent) of active pro-government politicians (ministers, MPs, etc.). Other members also include businesspeople and intellectuals with open sympathy for the governing party. The share of university employees was around 20 per cent (primarily active rectors), also selected by the government, not by the academic communities. The boards include no international members (Kováts et al., 2023).

In December 2022, the EU excluded Hungarian model-changing universities from the Horizon and Erasmus programs. As the Council of the European Union put it: ‘There are concerns regarding the non-application of public procurement and conflict of interest rules to “public interest trusts” and the entities managed by them, and the lack of transparency about the management of funds by those trusts’ (Council Implementing Decision 2022/2506, point 11). Although serving ministers and secretaries of state gave up their seats on foundation boards in 2023, concerns remain about the governance and transparency of these universities (and public interest asset management foundations more generally).

The SZFE case

Regarding the timeframe of our research (2019–2021), we should draw attention to a specific situation in 2020 concerning the model change of one of the universities, namely, the University of Theatre and Film Arts (Színház- és Filmművészeti Egyetem – SZFE). In this case, the affairs related to the model change resulted in serious opposition from stakeholders that turned into open resistance by most students and some of the professional staff (Kirs, 2023; Kováts et al., 2022; Ryder, 2022; a documentary was even published entitled ‘Stupid Youth’). This took the form of not only heated disputes and public debates but also demonstrations throughout the city and the mobilisation of resistance and sympathy by the general public. Accordingly, this case almost exclusively defined the public discourse about effective model change in 2020. However, several conflicting interests in this particular situation, not just the

institutional changes, provoked the antagonism between the opposing sides. Therefore, this is a unique case wherein actual film-art- and theatre-related politically laden changes and the lack of constructive dialogue between stakeholders became mixed with concerns related to the model change of this university. Nonetheless, we have decided to include the articles related to SZFE in our database. However, they were coded as relevant (and analysed in detail) only if they discussed the higher-education institutional aspects of the case (and excluded if they focused solely on the other elements of the case or actual demonstrations).

While the transformation of most public institutions into foundation universities was a drastic change in the Hungarian HE system, no official white paper defined the goals of the transformation. In our view, this is highly unusual with regard to structural reforms of this magnitude in Europe. Because of this deficiency, it is essential to examine the media representation of the issue since this is where the supporting arguments by the proponents of the transformation, including the government, can be identified and discerned. Furthermore, due to the lack of organised public discussion and debate, critical remarks and opposition to the changes could only appear publicly in media outlets. This media-mediated public discourse, nevertheless, could have led to constructive dialogue between proponents of the arguments for and against. Unfortunately, this was not the case, as we will see below. However, before we dive into the details of the media discourse, we should consider the specifics of the Hungarian media landscape to understand the context in which this topical discourse took place.

2.3 The Hungarian media landscape

The Hungarian media landscape has undergone significant structural change since 2010, that is since Viktor Orbán's second government took office (Bajomi-Lázár, 2019; Bátorfy & Urbán, 2020). Bajomi-Lázár (2019) refers to the current system as a patron-client media system, in which the ruling parties, Fidesz and KDNP, have 'taken control of almost the entire public sphere, while rival parties have been almost completely excluded' (Bajomi-Lázár, 2019, p. 43). As Bajomi-Lázár (2019) points out, even though clientelism has characterised the Hungarian media landscape since the first democratically elected government (1990–1994), there is a crucial difference between the clientelism before and after 2010. Namely, before the second Orbán government took office, Hungarian media was characterised by multiparty clientelism, while after 2010, the media was and is still characterised by single-party clientelism, the single-party being the alliance of Fidesz and KDNP.

The post-2010 media system was built in several 'steps' by the Fidesz-KDNP government and relied mainly on the redistribution of media resources (Bajomi-Lázár, 2017; Bátorfy & Urbán, 2020). These practices have led both to the dominance of pro-government media and the erosion of media critical of the government (Bajomi-Lázár, 2019; Bátorfy & Urbán, 2020). As a result, as Bátorfy (2017) highlights, by 2017, 59 per cent of all Hungarian media was pro-government, while 20 per cent remained neutral, and 21 per cent could be defined as opposition/critical of the government. The situation further deteriorated after the 2018 national election, which Fidesz won again (Bajomi-Lázár, 2019).

The radical state intervention in the media structure led to the overwhelming and uncritical promotion of some characteristically government-friendly views and the mar-

ginalisation of other views, typically government-critical ones (Bajomi-Lázár, 2017). There still exists some press that is critical of the government, and there are independent media, but they are fewer and fewer in number and in an increasingly difficult position, while the predominance of pro-government outlets, and thus pro-government media content, has been apparent and growing since 2010 (Bajomi-Lázár, 2019; Bátorfy & Urbán, 2020). This claim is further underpinned by press freedom rankings such as The World Press Freedom Index created by Reporters Without Borders, which ranked Hungary 23rd among the 180 countries listed in the world in 2010 and 72nd in 2023 (Reporters Without Borders, 2023). To put this in a more familiar context, among the 27 EU member countries, Hungary was 14th in 2010 and 25th in 2023.¹

In such a media context, media outlets critical of the government and pro-government press may represent radically different perspectives, opinions, and voices, and the journalists of these outlets may engage in radically different journalistic procedures (Bajomi-Lázár, 2019) regarding government decisions and proposals, such as the model change in Hungarian higher education. To capture this duality, we chose *hvg.hu* and *mno.hu*, two online newspapers, to represent these two different sides. However, our aim is not to compare them but to delineate the general argumentation in the media discourse related to the model change.

3 Our research: sample and methods of analysis

Based on the outlined conceptual framework, the main aim of our research is to explore the portrayal of the model change in Hungarian online newspapers. Even though we have included two news sites that could represent pro-government and government-critical opinions, our aim is not to undertake a comparison but to understand the internal structure and characteristics of the discourse related to the model change. Thus, our research questions are the following:

RQ1: What were the main arguments for and against the model change in the corpus?

RQ2: Which main groups of actors were primarily quoted or paraphrased in the media portrayal of the Hungarian model change in articles published on the two selected news sites?

RQ3: How did the arguments about economic effectiveness and autonomy take shape in the selected media during the different phases of the three-year transition?

To answer these research questions, we employed qualitative content analysis. However, our methodological approach is connected to discourse analysis (Hardy et al., 2004) in three ways. First, we regard the collected corpus as a discourse (or at least a sample/slice of a discourse) about the model change. Second, we concur with methodological and theoretical claims stemming from discourse analytical approaches that meanings are not inherent to texts but are constructed in relation to the social context, especially the cir-

¹ However, it should be noted that the member countries have changed since 2010. Namely, Croatia joined the EU in 2013, and the United Kingdom left in 2020.

cumstances of production and the related social practices. That is, social reality is constructed by discourse, i.e., language in use (Gee, 2011) and, at the same time, social reality shapes discourse (Wetherell, 2001). Third, we regard discourse analysis ‘as a collection of methodological tools and procedures—stemming from these considerations—used to analyse the formation and production of meaning-making processes, and individual and collective representations in and through communication that is crystallised in discursive and social structures’ (Géring, 2021, p. 162). Therefore, in the following, the expressions ‘discourse’ and ‘discourse analysis’ mirror these understandings.

3.1 Sample and data collection

The main corpus of the analysis consists of articles published in Hungarian online newspapers between 2019 and 2021. This period was chosen because the so-called model change of Hungarian higher education institutions has (so far) taken place during these three years. Since the analysis was done on Hungarian data, the sampling of articles was based on Hungarian keywords (Lacy et al., 2015). News articles were included in this main corpus if they contained the phrase(s) 1) *modellváltás* (model change), which was exclusively used in Hungarian media to refer to this systematic change of operation of the higher education institutions; 2) *felsőoktatás* (higher education) and *átalak** (transform*); 3) *felsőoktatás* (higher education) and *alapítvány* (foundation); 4) or contained at least one of the affected HEI’s names and the phrase *átalak** (transform*). Articles containing these predefined keywords were obtained with the help of the media-monitoring company Observer from Hungarian online newspapers. More than 6,000 news articles were published in the chosen period that matched these criteria, so we narrowed down the main corpus to create a more manageable, smaller sub-corpus for manual analysis (Krippendorff, 2019).

We selected one pro-government and one independent online newspaper to create a diverse sub-corpus in terms of their political positions and, thus, presumably, the perspectives, opinions and voices they represent (Bajomi-Lázár, 2019). Criteria for categorising news mediums as independent or pro-government usually include an examination of their ownership and of the role and extent of state advertising in the media company’s revenues (Bátorfy & Urbán, 2020; Mérték Médiaelemző Műhely, 2021). In addition to taking into account the political affiliation of the selected media, we also considered it important to choose from among those that publish frequently on the subject of our analysis, i.e., that supposedly treat the model change of Hungarian higher education institutions as a public issue of high priority.

Therefore, we selected the two online newspapers that published the most articles on model change in the main corpus among the independent media and pro-government media. These are *HVG* (hvg.hu) and *Magyar Nemzet* (magyarnemzet.hu). Mérték Médiaelemző Műhely (2021) has categorised *HVG* as an independent and *Magyar Nemzet* as a pro-government online newspaper. These online newspapers published altogether 293 relevant articles. These articles form the sub-corpus of our analysis.

3.2 Research strategy

In our analysis, we first defined a priori six main coding categories we believe are of structural importance in representing the model change (Krippendorf, 2019; Neuendorf, 2002). In alignment with our research questions, these categories are 1) arguments for the model change and its positive effects, 2) criticism and arguments against the model change as well as its negative effects (van Leeuwen, 2008), 3) the HEIs mentioned, 4) actors mentioned in connection with the model change (van Leeuwen, 2008), 5) actors quoted (verbatim or paraphrased), and 6) the geographical scope within which Hungarian HE is portrayed. Based on whether an article contained information regarding the first two coding categories, the relevancy of the news article was also coded.

Qualitative content analysis with a discourse analysis approach was carried out, focusing on the predefined coding categories in the articles of the sub-corpus. Two researchers carried out the coding of the sub-corpus, treating each article as a unit of analysis. In the coding process, the researchers focused on the predefined coding categories in the articles and applied emergent coding (Krippendorf, 2019), after which they reviewed, aggregated, and summarised the codes. In analysing and interpreting the results, they considered both the circumstances of production as interpretive context (e.g., the publication date of the coded arguments) and reflected on the socio-political context of the discourse (Gill, 2000), with particular emphasis on the Hungarian higher educational context and actor groups involved. After the joint review of the coding, we found that the sub-corpus contained 169 relevant articles that provided arguments for or against the model change.

4 Results

In the following, we discuss the media discourse about the model change based on our analysis of the selected corpus, following the logic of our research questions. Accordingly, 1) we first introduce the opposing argument structures; 2) then we identify the main actors that were quoted and their main arguments; and last, 3) we illustrate how the arguments were formed in relation to the events of the model change by focusing on appearances of economic- and autonomy-related arguments.

4.1 Opposing arguments in the media

In the media corpus of content published between 2019 and 2021, we could identify 62 *arguments supporting the model change*. Looking at those mentioned in at least 15 articles (Figure 2), the most prominent argument was ‘increasing autonomy and freedom.’ Figure 2 illustrates that the main arguments that favour the model change, except for autonomy, revolved around typical management or corporate topics, like flexibility, competitiveness, effectiveness, financial issues, and so on. These are management themes that are so general that, without explicitly mentioning the universities, one would not detect that they refer to higher education.

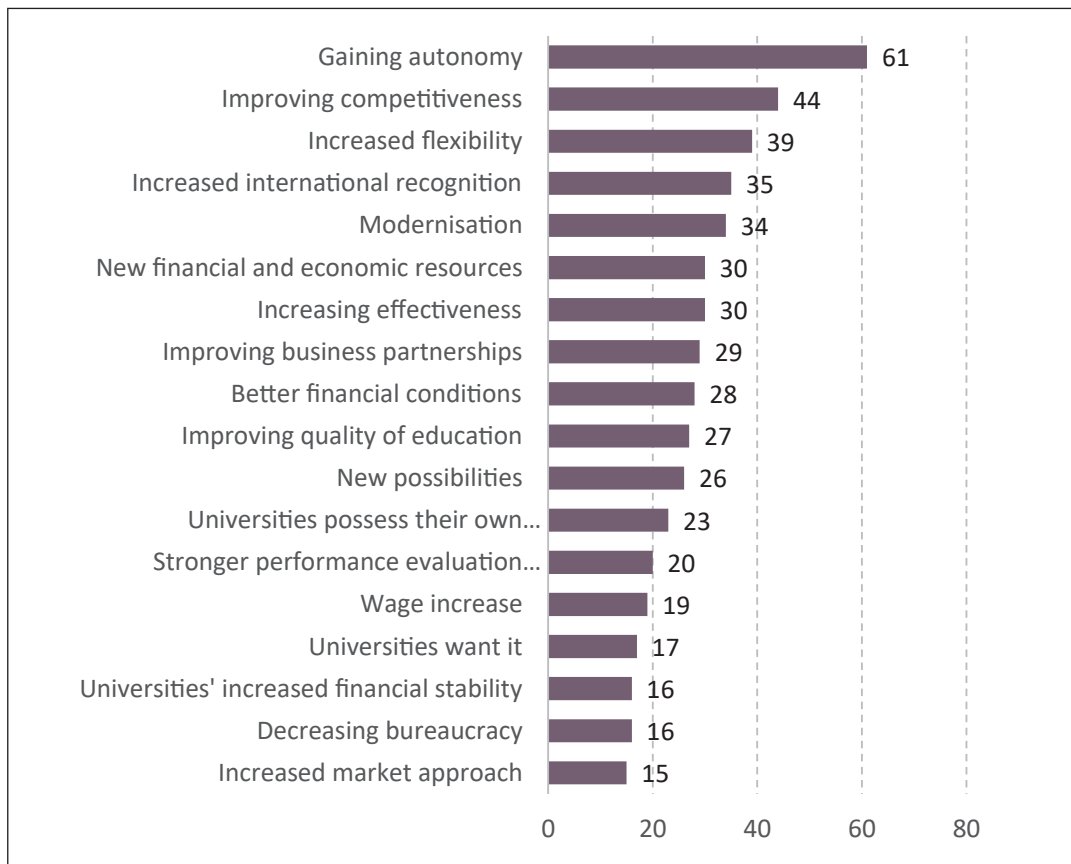


Figure 2 Most frequent arguments supporting the model change (number of articles)

However, when we look at the most frequent *arguments against the model change* (Figure 3), it is clear that the central concern is the damage or even loss of autonomy instead of gaining it. Furthermore, these arguments focus mainly on the legal processes and consequences of the model change both at the individual and the institutional level, like the lack of consultation, critiques related to board members and their rights, etc.

Regarding these two lists of arguments, three characteristics are noticeable: 1) the most crucial point in the debate is the question and definition of autonomy, 2) the issues and themes that are addressed differ considerably between the two sides, and 3) the two sides address the issue at different levels.

Regarding the *autonomy* issue, it can be seen that this topic leads the arguments on both sides; that is, while the supporting side argues that model change will lead to greater autonomy and independence, the opposing side argues that it will damage or even erase the autonomy of universities. Naturally, this means that the two sides define autonomy differently and are not necessarily referring to the same definitions when using the expression in their argumentation (see Kováts et al., 2023). Topics related to autonomy will be discussed in more detail later.

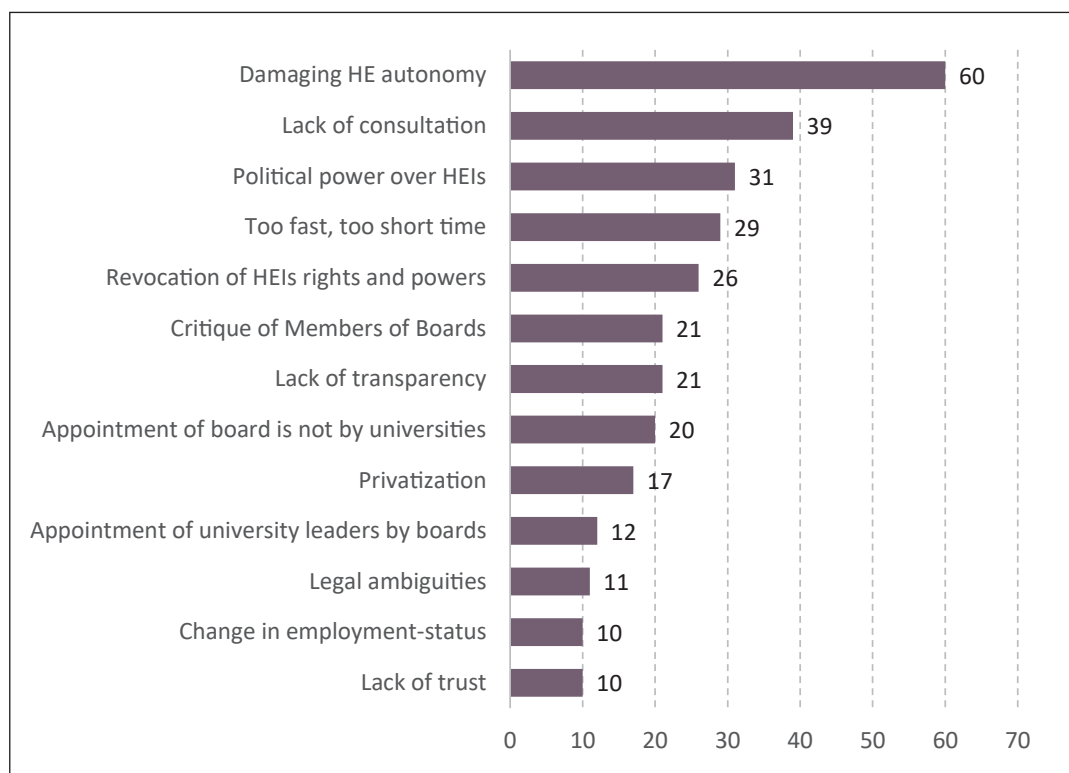


Figure 3 Most frequent arguments against the model change (number of articles)

As for the different themes according to each side, Figures 2 and 3 illustrate clearly how the opposing sides rely on different themes in their argumentation. While pro-government, supportive communication revolves around management- and corporate-type arguments related to market, performance, effectiveness, and competitiveness, the opposing side criticises the model change based on problems with the process, institutional and legal rights, and some financial issues. That is, a general technical and positive approach meets a process-oriented, legal, and negative approach. Furthermore, the supporting arguments portray the model change as a technical, effectiveness-related issue, while the opposing arguments highlight its political, power-related features.

However, not only are the topics and approaches entirely different, but in relation to these, the *level at which the two sides thematise the model change* is not juxtaposed. That is, meso-, or even macro-level argumentation on the government side (regarding the whole of the Hungarian HE sector, the whole of society, or even the international context) is typically pitted against micro or, at maximum, sector-level argumentation on the opposing side (typically addressing the higher-education institutions themselves, their legal rights, or sometimes the interest of the Hungarian HE sector).

These characteristics demonstrate how the two sides seem to be speaking a different language. However, this is a frequently used discursive strategy (Hansson, 2015; Kakisina et al., 2022): addressing the issue at hand from different angles, which may help avoid

criticism and, at the same time, make it possible to repeat one's arguments and delegitimise those of others. This is even more pronounced if we look at the main arguments of the different actor groups in the discourse.

4.2 Actors in the media and their main arguments

Concerning the actors whose voices were represented in the sub-corpus, the results show that some groups were frequently quoted, while most voices were somewhat fragmented and sometimes quasi-non-existent in the 169 relevant articles.

The analysis found that a total of 122 actors (specific people, groups of people, and institutions) were quoted either verbatim or paraphrased. These actors were categorised into five main groups, namely:

- higher education actors (49 actors, quoted in 67 articles),
- political/higher education actors² (13 actors, quoted in 67 articles),
- politicians, including political groups and state institutions (41 actors, quoted in 54 articles),
- cultural actors (16 actors, quoted in 20 articles)
- and economic actors (3 actors, quoted in 7 articles).

In sum, the representation of the quoted actors is fragmented so much that 63 per cent of the latter are quoted in only one article, and even the voices of those most often quoted (László Palkovics, Minister for Innovation and Technology, and István Stumpf, Government Commissioner) are represented in less than 10 per cent of the relevant articles. Quasi-non-existent groups in terms of the portrayal of their opinions include, for example, higher education students, whose voices only appear in eight articles, non-academic employees in the higher education sector, and economic actors, of whom only three were quoted in seven articles altogether.

Concerning the arguments most characteristic of each actor group, Table 1 shows the arguments that most often occur in the quotations of actors from each defined group. That is, it represents the 'proportion' of each argument mentioned in relation to the total number of articles quoting the given group.

² This category covers actors with strong academic backgrounds (which are usually mentioned) but who also adopted a political role. For example, László Palkovics, the minister responsible for higher education, was also a professor, vice-rector, and an ordinary member of the Hungarian Academy of Sciences. József Pálincás, a professor of physics and a former president of the Hungarian Academy of Sciences, was also a former Minister of Education (in the first Orbán government), but he also founded an (opposition) party in 2020. Similarly, József Bódis was the State Secretary of Higher Education during the model change. Previously, he was a professor, a former rector of the University of Pécs, and the former president of the Hungarian Rectors' Conference.

Table 1 Most often quoted arguments of the actor groups (% of argument related to total number of articles quoting the given group)

Higher education actors	Mixed: political/HE actors	Political actors, state institutions	Cultural actors	Economic actors
Damaging HE autonomy (-) 28.4%	Improving competitiveness (+) 32.8%	Modernisation (+) 18.5%	Damaging HE autonomy (-) 25%	Improving competitiveness (+) 71.4%
Lack of consultation (-) 16.4%	Gaining autonomy (+) 31.3%	Gaining autonomy (+) 14.8%	Political power over HEIs (-) 20%	Long-term prosperity (+) 42.9%
Political power over HEIs (-) 11.9%	New financial and economic sources (+) 22.4%	Improving competitiveness (+) 14.8%	Critique of Members of Board (-) 20%	Talent management (+) 42.9%
Revocation of HEIs rights and powers (-) 11.9%	Improving financial state of HEIs (+) 20.9%	Increased flexibility (+) 13%	New possibilities (+) 20%	Improving financial state of HEIs (+) 8.6%
New possibilities (+) 10.4%	Improvement in business partnerships (+) 19.4%	Privatisation (-) 13%	Erasure of the past (-)/lack of consultation (-) 15%	

Note: (+) and (-) indicate whether the argument is for or against the model change.

As can be seen in Table 1, higher education actors mostly voiced their concerns and criticism about the model change. Of the five arguments most often made in statements by higher education stakeholders, four criticised the process in one way or another. The most frequent argument in favour of the model change voiced by HEI actors (appearing in 10.4 per cent of the articles quoting them) argued that the model change might create new possibilities for HEIs. In contrast, the mixed-actor group of political/higher education actors was most active in voicing their opinions about the model change. Table 1 shows that the five arguments that occurred most often in their quotations were connected with the funding of HEIs and/or their ties to the market and business sector.

Politicians also frequently mentioned the positive effects of model change in their statements. However, (opposition) politicians often voiced their opinion that the model change actually involves the expropriation of public property; thus, this also appeared among the five most frequently quoted arguments of this actor group. Regarding cultural actors, arguments criticising the model change are in the majority. Furthermore, four of them are the same as those that higher education actors voiced. Economic actors' voices appeared so infrequently that only their four most frequent statements are represented in Table 1, all of which favour the model change.

Overall, arguments supporting the model change stem mainly from political, economic, and mixed (political/HE) actors. In contrast, opposing arguments are mainly connected to cultural actors (probably in connection with the before-mentioned SZFE case) and higher education actors.

These results again show that the topic of higher education autonomy was among the most frequently quoted arguments on both sides. Table 1 illustrates that this argument was equally important to most actor groups, even if they interpreted the possible change in HE autonomy very differently. The other important overarching theme that was prominent among the most often quoted arguments is related to financial and economic issues. Furthermore, this mirrors the topics of new managerialism in higher education (such as competitiveness, flexibility, prosperity, etc. – see, for example, Morrish & Sauntson, 2020). These results indicate that the arguments related to autonomy and the economic rationale are the most prominent in the analysed corpus. Therefore, in the following, we illustrate the formation of these two themes between 2019 and 2021 in this media discourse.

4.3 The formation of economic rationale and autonomy arguments in light of the events of the model change

Two overarching topics are present throughout the whole discourse from 2019 to 2021, namely, economic issues and the question of autonomy concerning model change. However, as Figures 4 and 5 illustrate, the emerging arguments constantly change in relation to the actual events of the given period.

As can be seen in Figure 4, during the years of analysis, finance, property, and wage-related issues were shuffled around. In the first year, several economic-related arguments appeared in the discussion. They were about market orientation and performance evaluation, which were the main arguments connected to the model change of Corvinus University of Budapest.

Event	Pro/contra arguments	First appearance	Argument
March 2019 Amendment of HE Law	Better financial conditions (+)	2019.04.26	Pro: financial issues – performance-evaluation
July 2019 Legal transformation of CUB	Stronger performance evaluation approach (+)	2019.05.22	
April 1 2020 Governmental decision about model change at 6 HEI	Market-approach is not fit for HE (-)	2019.09.06	Contra: market-approach is not fit for HE
	Independent wage-management (+)	2020.04.01	Pro: independent management and property at HEIs
	Increasing funds from the market(+)	2020.04.01	
	Universities possess their own properties (+)	2020.04.07	Contra: unstable financial source
	Decreasing of financial sources, instability(-)	2020.04.08	
May 27 2020 News about SZFE model change plan	Dividend-based financing is vulnerable(-)	2020.04.08	Pro: increasing wages
	Wage-increase (+)	2020.05.19	
	Not all HEIs could have market incomes (-)	2020.06.05	Contra: privatisation
	Universities' increased financial stabilities (+)	2020.06.12	
August 2020 Legal transformation of 6 HEI	Privatisation (-)	2020.06.16	Contra: loss (theft) of property
	Withdrawal of the state from funding is problematic (-)	2020.06.30	
September 2020 Legal transformation of SZFE	Independent property-management (+)	2020.09.07	Contra: wage-increase is not enough
	Loss of HEIs' property [from HEI to Board] (-)	2021.01.13	
January 2021 News about transformation of 11 more HEIs	Embezzlement of university property (-)	2021.01.13	
	Increasing wage-tension (-)	2021.01.21	
	Not enough increase in wages (-)	2021.01.21	
	Theft of state-property (-)	2021.02.05	
	Unknown financing structure (-)	2021.04.05	

Figure 4 Events associated with model change and formation of economic arguments (with date of first appearance)

The second wave of model change in 2020 brought into the conversation another group of arguments promoting an economic rationale, emphasising the growing economic independence of the new formation. However, during this period, the newly emerging critical arguments focused on the instability and vulnerability of this new financial construct. The SZFE case led to the inclusion of wage-increase and financial stability arguments on the pro-change side (the latter may have been a response to earlier critiques). However, on the opposing side, the new economic-related arguments highlighted that not all types of HEI may easily accumulate a market income. Furthermore, decreasing state funding and privatisation arguments appeared during this period, presumably in connection with the SZFE case.

When the model change was extended considerably by involving 11 more HEIs in 2021, we can see the proliferation of new critical economic arguments that problematise the loss of property, uncertainty about the financial structure, and the insufficient wage increase. This proliferation of new critical arguments about economic issues is understandable because, in this phase, the number of institutions and employees concerned multiplied by two to three times compared to the previous periods. Therefore, issues related to property, wages and monetary conditions became relatively central.

The formation of the arguments in Figure 4 not only demonstrates the changes in the public debate considering the actual events but clearly illustrates the lack of responsive dialogue and delayed reactions between the two sides. This was even more prominent concerning the autonomy issue (see Figure 5).

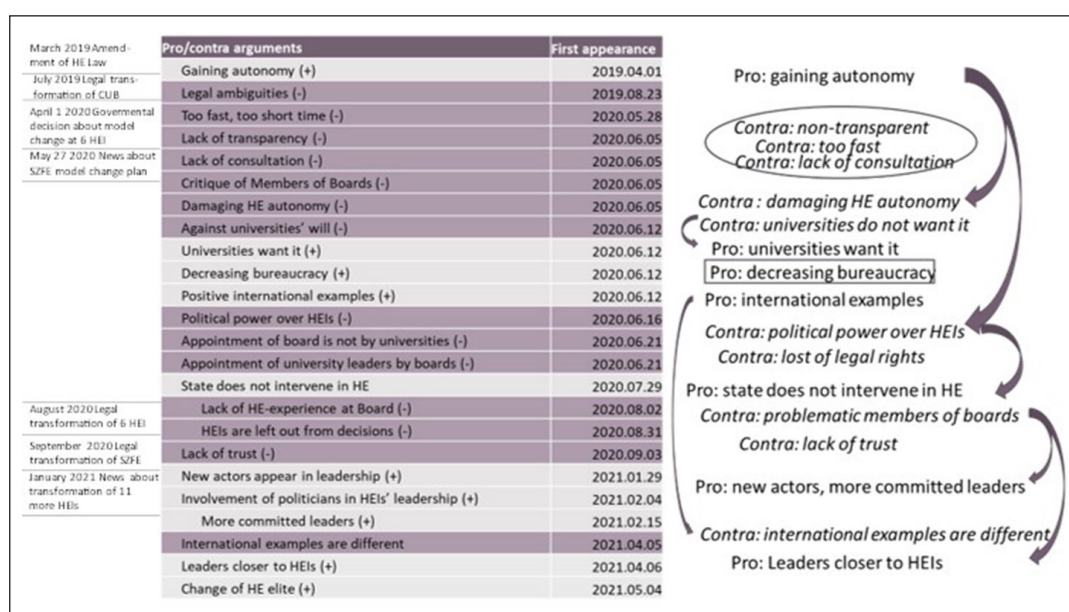


Figure 5 Events associated with model change and formation of autonomy arguments (with date of first appearance)

As Figure 5 illustrates, different topics and issues related to autonomy appeared. Regarding autonomy, the first phase was associated with only one argument from each side. The first supporting argument for model change on the governmental side was the expansion of autonomy. The first reactions from the opposing side, however, did not question this; they only reacted to the non-transparent and rapid features of the process. These arguments were not answered or denied during the discourse.

However, in the second phase, when seven more universities were involved – especially the SZFE case, which started in May 2020 – almost all of the critical autonomy-related arguments were put on the table. In this period, more than a year later, the pro ‘autonomy-gaining’ argument led to the ‘loss of autonomy’ argument of the opposing side being included in the public debate. The ‘answer’ to this was decreasing bureaucracy – one of the few arguments not contradicted or questioned. The supporting side then threw into the discourse reference to international examples – which were contested almost a year later by the opposing side. However, during 2020, the opposing arguments focused more and more on the ‘content’ of the model change instead of the process, bringing into the discourse the question of the accumulation of political power over HEIs and the loss of legal rights. The reaction to this was the argument that it would be a positive change if the state did not intervene in HE; however, the opposing side did not react to that point and continued to criticise the members of the boards.

During the expansion of the model change in the third phase, almost only supporting arguments emerged. These were typically answers to previous critiques and focused solely on leadership-related issues, arguing that the new board members would be more committed and closer to HEIs.

As the formation of these two examples illustrates, in the public discourse associated with the model change, the sides for and against were not involved in a transparent dialogue involving questions and answers. Instead, the rotation and repetition of arguments were typical. The two sides did not react to each other immediately but introduced newer arguments and topics into the discourse. During the three years, there was constant change in the reasoning and topics of the argumentation structures and pushing different topics around. Although, over time, this included some reactions to the ‘other side’, the latter typically did not recognise the truth of the other’s arguments but threw in new topics, trying to move the discussion towards those themes and topics that presented the given side’s main arguments and opinions.

5 Discussion

This paper demonstrates that it is essential to investigate the media representation of changes in the public sector. Such a research strategy may not only show that there are different discursive strands and strategies which can be attributed to various actors but can also generate a detailed map of the arguments mobilised concerning the changes. This latter point is crucial concerning the model change of Hungarian HEIs because there was no official white-paper type of communication that could have led to a well-informed public debate about these changes. Accordingly, we could only use the media as a public

source to analyse and understand the arguments related to the changes in the policy process. If we regard the media as an arena for both political and non-political actors to convey arguments and engage in public debate (Habermas, 1985; 1991), which in turn can affect social understanding, it is vital to analyse and understand how this particular case was portrayed.

Our research results show that while the media could have been an arena in which the missing public debate and lack of stakeholder participation were implemented, this only occurred in a lopsided way. The for-and-against argumentation structure cannot be considered a real form of public dialogue where different opinions meet, clash, and shape each other. Instead, the actors talked at cross purposes without listening to each other. There were minimal reactions to the arguments of the 'other side' with the intention to understand opposing viewpoints or reflect on them. This can be described as a form of 'monologising', where each actor emphasises their own arguments in a shouting contest.

Nevertheless, the topics on both sides tended to appear and be present simultaneously in the temporality of the unfolding discursive space. This shows some coordination in this regard, giving the argumentation a quasi-debate structure without real dialogue. The lack of stronger coherence may have resulted from the vast number of quoted or referenced actors in the discourse that appear sporadically or only once. It seems that there was no natural 'face', 'hero' or 'spokesperson' for the model change on either side (even the two 'official' leaders of the model change, László Palkovics and later István Stumpf, were quoted in less than 10 per cent of the articles). Whether this mirrors the fragmentation of the Hungarian political arena (at least on the non-governmental side) or the result of the media processes at the respective news sites is a question for further research.

Looking at the arguments, we can see that the supporting ones somewhat mirror those found in the literature. For example, among the arguments supporting the Hungarian model change are increased efficiency, financial sustainability, and enhanced entrepreneurship with higher innovative potential and competitiveness (mentioned, for example, by Broucker & de Wit, 2015). However, a higher level of transparency or accountability or a greater capacity to respond to social needs were not among the supporting arguments in the Hungarian debate, even though these have appeared in the academic literature (Broucker & de Wit, 2015). Similarly, the critiques collected from the international academic literature (see above) only partly parallel the critical arguments of the Hungarian actors in the media. That is, the concern about a decrease in academic self-governance and institutional autonomy (Poutanen et al., 2022; Veiga et al., 2015) is prominent in the Hungarian discussion as well as in the literature. Nonetheless, related to the amount of bureaucracy, for example (Halffman & Radder, 2015), the international literature sees this increasing as a consequence of new management, while in the Hungarian media discourse, 'decreasing bureaucracy' was an argument deployed by the supporting side that was not questioned or contested at all by opposing actors.

After examining the nature of the arguments, we found that most remain shallow and lack real content. They do not have an elaborate and well-formed argumentative internal structure. Instead, these arguments are but relatively empty 'tokens' that were thrown into public debate without specifying what the given actors meant by them. So, as mentioned before, there could be no real debate since the actors talked about different issues

even if the latter remained within a given topical range. This ‘underspecificity’ of the terms that were utilised may even mean that the actors themselves lacked the intellectual rigour to define their own terms. A more cynical take on the situation is that keeping terms fuzzy could have been a discursive strategy, suggesting that actors may have strategically utilised ambiguity to undermine the other side’s viewpoints, emphasising one or another layer of meaning as the given situation requires.

Because of the characteristics of the media representation of the model change mentioned above, the discussion did not lead to any conclusions, closure, or clarifications that might be the outcome of a constructive debate. Thus, we do not see this so much as a debate as an attempt at persuasion on both sides aimed at shaping public opinion. This means that this media discourse failed to reduce uncertainty and concern about the model change. Several different types of argument appeared in the media, but because of their shallowness, they did not become persuasive or lead to a consensual ideal-type model concerning the model change. This is in line with the fact that no overarching and dominant organisational template characterised the model change process; only local organisational solutions arose that were shaped by idiosyncratic local political and institutional circumstances. We suppose that the process and direction of the model change were themselves fuzzy and underspecified since there were no central guidelines or detailed organisational templates to be implemented.

This claim is even stronger in relation to the arguments that emerged in the light of actual events during these three years of the model change. As our results illustrate, the first wave of change, which included only one university, led to only a few economic and autonomy-related arguments, mainly on the supporting side. The second phase, in which at first six more institutions were involved, led to the appearance of more new arguments; however, the real spark was the SZFE case. This brought the bulk of the critical autonomy-related arguments to the surface that dominated the year 2020. In the third wave, however, when the number of affected universities and employees doubled, the focus was on newly emerging economic arguments connected to wages, property, and monetary issues. It seems as if the SZFE case exhausted the topic of autonomy; in 2021, only a few supporting arguments arose in this area concerning leadership topics. This moving landscape and the constantly changing arguments corroborate the assumption that a coherent and clearly elaborated plan that directed changes from the very beginning of the process was lacking. Based on our data, it seems much more likely that policy ideas were constantly shaped and changed by ad hoc events and political intentions throughout the three years.

In terms of future research directions, it would be interesting to identify not only how and according to what rhythm different topics appeared in the discourse (which we have analysed in the case of the autonomy and economic arguments) but also how and when they disappeared. This would allow us to examine whether given discursive strands crowded out other topics and which topics remained significant in the period under investigation. Finally, we believe that the arguments raised in the media discourse on the transformation of the Hungarian university governance structure can serve as a resource for analysing media discourse accompanying similar transformations in other countries.

6 Conclusions

The model change in Hungary is an exciting and controversial process in European higher education. As we have mentioned earlier, due to the lack of any official strategy or white-paper document, we used the media discourse to unfold the main arguments and objectives in support of and against the model change. Furthermore, through the analysis, we identified parallel, non-intersecting conversations about the model change and its objectives in the two online newspapers that we analysed. In addition, the connection between the events of the model change and the respective arguments illustrates the ever-changing nature of this process, supporting the assumption that the three-year process was not a well-planned system transformation but rather an ad hoc process deeply affected by changing political agendas.

Regarding the limitations of the research project, we should note that we focused on the analysis of media texts, while reactions to the criticism of model change may also take non-textual forms – for example, the appointment of political actors responsible for the process. That is to say, our research explicitly focused only on the media representation of the Hungarian model change and did not analyse the political discourse, academic discourse, or the discourse of any other specific field. These limitations suggest possible future research topics, such as analysing the political discourse associated with model change or putting the academic discourse under the spotlight.

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Thinking citizenship through the lived experiences of highly skilled migrants in Budapest

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Abstract

This study aims to understand and explain the concept of citizenship by analyzing the lived experiences of highly skilled migrants, reflecting on their everyday transnational lives in the urban setting of Budapest. Based on discourse analysis of 30 semi-structured interviews conducted in Budapest in the fall of 2022, the research thinks through lived citizenship experiences to explore how and why these experiences matter for understanding subjective citizenship. This study suggests that the concept of lived citizenship embodies a complex narrative of everyday socio-economic, socio-cultural, and emotional experiences that go beyond what the legal status depicts. Citizenship experiences of highly skilled migrants involve a process of negotiating cultural and moral cosmopolitanism with constructive patriotism in everyday lives in the urban context. The research broadens the thinking on the foundation, manifestations, and operationalization of lived citizenship as experiences of belonging and coexistence, presenting a unique contribution to the production of knowledge about highly skilled migration in Hungary. This article proposes that citizenship entails complex relational dimensions and involves a life-long learning process with continual meaning-making through life experiences that transcends the consequences of individuals' legal status within a given nation-state.

Keywords: lived citizenship; patriotic cosmopolitanism; citizenship experiences; highly skilled migrants; Budapest

1 Introduction

What are the lived experiences of citizenship in actual spaces of transnational contexts? How do migrants narrate them in urban spaces embedded in transnational interactions? To what extent do their subjective citizenship experiences shape their self-understanding as social and political actors? Through seeking answers to these questions, this study explores the foundations for and the manifestations of subjective understandings of citizenship as it emerges in cosmopolitan cities in public and private everyday interactions.

The flourishing scholarly work that examines citizenship through migrants' perspectives within critical citizenship studies (CCS) inquires into the themes of migrants' rights, claim-making, social participation and naturalization practices in different settings (Cherubini, 2011; Lanari, 2022; Martin & Paasi, 2016; Müller, 2022; Cochrane & Wolff, 2022; Kallio & Mitchell, 2016; Pascucci, 2016; Bloch, 2014; Caraus, 2018; Bhimji, 2016). The puzzles around the subject-defining and affective dimension of citizenship and the constitutive processes involved in the emergence of a distinct type of citizen identity remain unsolved. This study aims to propose perspectives for addressing this puzzle through an analysis of the narratives of highly skilled migrants' lived citizenship experiences in transnational settings, where they hold multiple legal ties, develop multi-layered particularistic and universalist attachments, and claim recognition, rights, and respect in national and global contexts. The findings are based on an analysis of narratives collected through 30 semi-structured interviews conducted with EU and non-EU highly skilled migrants in Budapest, Hungary, in the fall of 2022.

The European Union (EU) and its Member States are entangled in scholarly and policy paradoxes concerning migration governance. The EU needs a diverse workforce with specific skills and expertise to boost the economy (Melegh, 2016), which depends increasingly on implementing effective policies that attract global talent (Weinar & Klekowski von Koppenfels, 2020). Changes in national policies and the EU Blue Card scheme and the Single Permit, introduced as EU policy initiatives to attract skilled workers from third countries, facilitate the labor market access of highly qualified non-EU nationals, whose numbers are increasing consistently (Boucher, 2020; Purkayastha & Bircan, 2023). Amidst the EU-wide efforts to open up 'Fortress Europe' to highly skilled non-EU nationals, involving embracing a market-driven approach to migration policies (Cerna, 2013; Kahanec & Zimmermann, 2010), EU member states control the conditions of entry and stay and constrain mobility within and toward the EU at their discretion (Cerna, 2013; Boucher, 2020).

Hungary, which has ranked as the most xenophobic country in the EU (Joshnloo, 2024, p. 497), constitutes a significant case for observing the impact of the policy tension between facilitating migration for economic growth and restricting migration for security purposes on the everyday citizenship experiences of highly skilled EU and non-EU migrants. Hungary has been presented as 'the defender of Europe' (Merabishvili, 2023; Kallius, 2016) against migrants from third countries due to a xenophobic and culturalist narrative that mainly targets refugees (Rajaram, 2016; Barna & Koltai, 2019), which intensified after the Charlie Hebdo attack, involving portraying all foreigners as a security threat (Melegh, 2016; Merabishvili, 2023; Rajaram, 2016). In this anti-immigrant political and discursive climate, Hungary implemented policies such as tax incentives to attract foreign investment to boost economic competitiveness and increase productivity (Weinar & Klekowski von Koppenfels, 2020; Melegh, 2016; Cerna, 2013). These policies have boosted outsourcing business activities by international corporations, creating jobs requiring specific expertise and skills and increasing demand for skilled workers with lower wage expectations (HIPA, 2019). Hungarian skilled foreign-labor employment policy was designed to prioritize the recruitment of Hungarian nationals by enforcing the national priority rule, which allows for the employment of third-country nationals only on the condition that employers prove that there are no Hungarians or EU citizens suitable for the job, and within the limits of

annual immigration quotas (EMN, 2018). However, due to demographic challenges and the emigration of Hungarians, as new jobs became available, the recruitment of foreign-born workforce from EU and non-EU countries continued (Melegh, 2016; Bisztrai et al., 2020). As a result, Budapest has evolved into an attractive global hub for highly skilled professionals who are portrayed as a homogenous group of economic agents and free movers in the transnational space of opportunities (Bielewska, 2021; Koikkalainen, 2013). By focusing on highly skilled EU and non-EU migrants in Budapest, this study aims to explain how their self-identification and citizenship understanding evolve in a socio-political landscape rife with skepticism and hostility toward foreigners.

The main contention of this study is that highly skilled migrants undergo unique and complex citizenship experiences as members of a highly mobile global community. They engage in multiple constellations of transnational belonging associated with a long-distance relationship with their country of origin and a well-regulated social contract with the country of residence. These are nested processes of individual self-determination (Genova, 2016), constructing hybrid citizens of highly skilled migrants who experience public and private life in different political communities. The study, thus, suggests that migrants' understanding of citizenship is constructed through an amalgamation of legal-political status laden with rights and duties and an identity and multi-layered sense of belonging derived from lived socio-economic, socio-cultural, and emotional experiences within and beyond nation-states in both public and private realms. Within this framework, lived citizenship is conceptualized as lived experiences of being and becoming a citizen through a relational, life-long learning process involving the experiences of belonging and coexistence that individuals encounter in everyday life.

This research contributes to the literature on citizenship and migration in three ways: First, this study proposes that only a holistic approach that involves all the dimensions of citizenship may accurately capture lived citizenship experiences and explain why they matter for the subjective understanding of the citizenship of individuals who perform citizenship beyond the nation-state. Second, this research accounts for the role of the settlement country's socio-political context in shaping citizenship experiences and practices. Third, it advances the descriptive and analytical framework concerning thinking about the foundation, manifestations, and operationalization of citizenship from below, particularly underlining the significance of affective and subject-defining aspects of citizenship and exploring how highly skilled migrants in Budapest navigate and narrate a blend of patriotic and cosmopolitan ideas and emotions while constructing their citizenship understanding.

2 Conceptual framework:

Lived citizenship as a lifelong learning process

Migration de-homogenizes political communities, leading to major changes that require the redefinition of the demos and the reconstitution of subjectivities. This indicates a transformative point at which individuals build new legal and affective ties based on multiple experiences, power relations, and policies emanating from the politics of inclusion

and exclusion (Ayata, 2019, p. 337). Migrant experiences, thus, encompass citizenship experiences, molding individuals into unique types of citizens with diverse multi-layered connections and commitments. In citizenship studies, most studies start by approaching citizenship as a legal status, designating the members of a distinct political community, and mainly examining the nature of the relationship between citizens and the state. Recently, the scholarly interest in reflecting on citizenship as a dynamic, imagined, experienced, and practiced concept from below by focusing on the impact of the diversity of everyday life interactions has expanded (Yuval-Davis, 2006). Departing from a state-centered approach toward a citizen-centered approach, critical scholars have investigated citizenship through acts (Isin & Nielsen, 2008), affective practices (Ayata, 2019), and lived experiences (Lister, 2007; Kallio et al., 2015). Critical citizenship scholarship contends that citizenship is not only 'owned' by states but also by individuals, and the complexities of the concept are best understood through the lived experiences of individuals in everyday life (Carranza, 2017; Lister, 2007; Kallio et al., 2015).

Lived citizenship literature offers a generative understanding of citizenship by observing experiences in both public and private spaces, adopting a micro-sociological perspective. Drawing on the significance of the impact of the dynamics of inclusion and exclusion, studies on lived citizenship explore relational and everyday experiences of individuals constructed within social, cultural, and spatial contexts (Lister, 2007; Hall et al., 1998). Lived citizenship challenges the public-private/formal-informal dichotomy of mainstream citizenship studies, presenting them as complementary (Cherubini, 2011; Lister, 2007). A range of empirical studies employ this conceptual approach by examining the lived experiences of youth and children (Kallio et al., 2015; Wood, 2016), women and LGBTQ individuals (Cochrane & Wolff, 2022), asylum-seekers and refugees (Cochrane & Wolff, 2022; Kallio & Mitchell, 2016; Cherubini, 2011) in terms of their social and political participation. In advancing this conceptual foundation, this study proposes a relational model of lived citizenship to enhance the descriptive and analytical framework associated with the concept.

Based on the empirical analysis, this study conceptualizes citizenship through perceiving the lived experiences of being a citizen and non-citizen in transnational contexts and responding to everyday situations. According to this perspective, lived citizenship is defined as lived experiences of being and becoming a citizen in a relational, life-long learning process involving the experiences of belonging and coexistence that individuals encounter in everyday life. Experiences of belonging indicate the emotional and cultural aspects of citizenship, reflecting one's self-identification, external identification, attachments, and sense of belonging. They refer to the subjective emotional connections that individuals acquire, cultivate, and engage with in public and private settings as members of political communities. Lived experiences of coexistence, on the other hand, pertain more to the public sphere, primarily focusing on the institutional dimension of citizenship. They also encompass a subjective aspect whereby individuals develop specific sentiments towards society, state, and state institutions, influencing their actions and behaviors. The legal-political, social, and economic experiences that individuals undergo throughout their lives in political communities constitute experiences of coexistence.

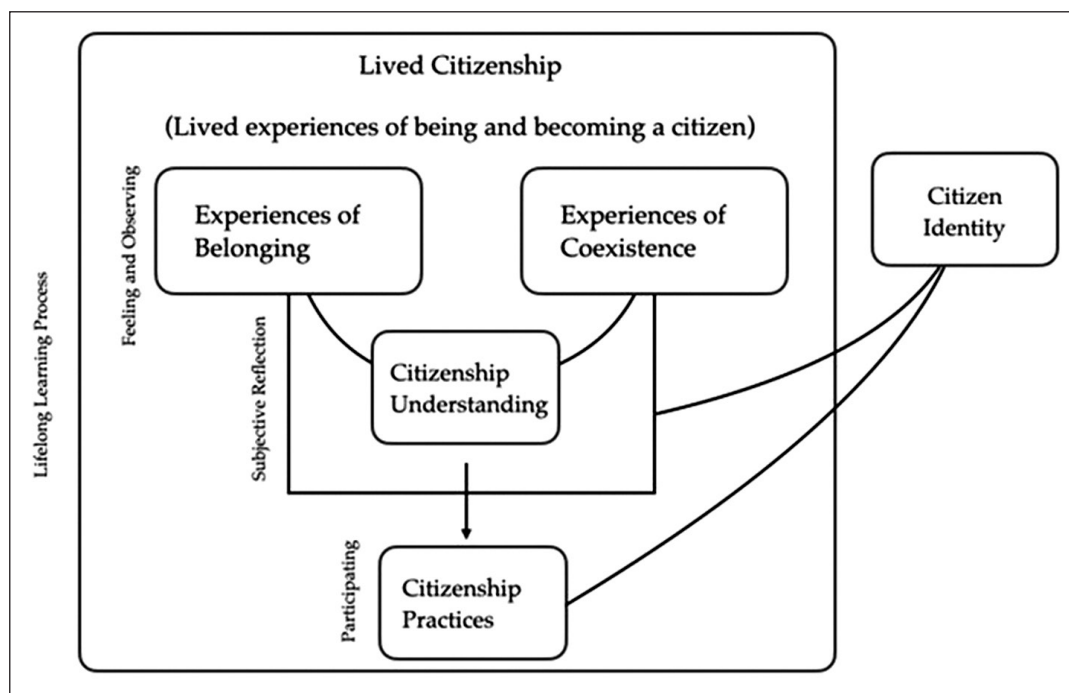


Figure 1 Relational Model of Lived Citizenship as a Lifelong Learning Process

The lived citizenship experiences of migrants indicate a state of living together with differences in a transnational form of conviviality (Samanani, 2022) related to cosmopolitanism through its moral and cultural accounts, as well as patriotism. As a form of emotional attachment, patriotism involves a political act of loyalty to a particular political community with the desire to contribute to its well-being and success (Nussbaum, 2008). Cosmopolitanism, on the other hand, asserts an allegiance to humanity, envisioning a global community where cultural boundaries blur and fostering an appreciation for differences over similarities (Beck, 2006). From cultural and moral perspectives, cosmopolitanism rests on an understanding of the equal worth of all individuals and the fluidity and hybridity of identities (Taraborrelli, 2015), stressing equal treatment and moral obligations towards all human beings (Skovgaard-Smith & Poufelt, 2018). In this sense, patriotism and cosmopolitanism present contrasting spatial attachments and commitments. However, despite this dichotomous conceptualization, they frequently intersect in daily experiences, mutually reinforcing each other (Appiah, 1997). Becoming cosmopolitan is considered a prerequisite for being a better patriot since cosmopolitan sensibilities are often performed as patriotic acts for those who are mobile, participate in global communities, and are open to cultural differences (Molz, 2005). Similarly, one's patriotic adherence to a set of values and sense of responsibility for the well-being of people in a particular community may also be sources of civic and political participation elsewhere in the world. Examining the interplay of

cosmopolitan and patriotic attachments, framed by spatial, temporal, and situational re-configurations, helps to grasp the emotional and subject-defining aspects of citizenship. It offers insights into how migrants understand and experience citizenship in the everyday diversity of transnational settings by producing a minimal consensus that allows for coexistence with different groups (Samanani, 2022).

3 Research design

To explore the lived citizenship experiences of highly skilled migrants and explain to what extent, how, and why these experiences matter for the understanding and practices of subjective citizenship among highly skilled migrants in actual spaces of the everyday life of transnational settings, 30 semi-structured interviews were conducted with EU and non-EU highly skilled migrants in Budapest. In this article, 'migrants' refers to persons who are citizens of at least one state but have relocated to another country for employment, family, or education purposes. Narrowly defined, the term 'migrants' covers highly skilled EU and non-EU migrants who reside in Budapest, have completed tertiary education, and are in the labor force or searching for jobs in their countries of residence, being qualified to work in third or fourth-skill level job categories as defined by the International Standard Classification of Occupation (ISCO).

Most studies on highly skilled migrants examine emigration patterns and the migration governance of the skilled in the U.S., Canada, Germany, and the UK (Schittenhelm & Schmidtke, 2010-11; Kahanec & Zimmermann, 2010; Bailey & Mulder, 2017). Very few studies have explored the lived experiences of highly skilled migrants residing in semi-periphery countries where anti-immigrant attitudes and xenophobia prevail, such as Hungary, which has not been considered a popular destination for skilled migrants (Bielewska, 2021; Weinar & Klekowski von Koppenfels, 2020; Koikkalainen, 2013). EU highly skilled migrants are often excluded from research on international migration since they are not classified as within the migrant category that indicates an identification as being the 'other' (Barbulescu, 2015) but as mobile EU citizens (Trenz & Triandafyllidou, 2017). However, both EU and non-EU highly skilled migrants share similar expat lifestyles in Europe, which has become a place of conviviality shaped by the diversification of migration pathways, interconnectivity, intricate integration patterns, and complex practices (Trenz & Triandafyllidou, 2017). By analyzing the lived experiences of both migrant groups from a comparative perspective, this study captures the role of EU citizenship on individuals' citizenship understanding in an EU Member State context.

The participants were contacted through employers and interviewees' networks through snowball sampling. The sample includes 30 professionals (14 women and 16 men) who have been living in Budapest for more than four years. Sixteen interviewees are from other EU countries (13 from Southern Europe, four from Eastern Europe, and two from Western Europe), and 14 interviewees are third-country nationals from the following regions: North America (one), South America (one), Western Asia (three), Central Asia (three), Southern Asia (one), Western Africa (one), North Africa (one), Southern Europe (two), and Eastern Europe (one). They are employees of different international companies

in Budapest, like BlackRock, Morgan Stanley, Friesland Campina, TATA, and Nokia. They work as managers, engineers, finance and accounting associates, and controllers. The majority of interviewees are single individuals aged from 26 to 47. Among them, only one interviewee acquired Hungarian citizenship.

Each interview took around 60 minutes and was recorded based on the consent of participants. As all interviewees' command of the English language was excellent, the interviews were conducted in English, recorded, transcribed, and transferred to MAXQDA for open coding, which requires a close and constant reading of transcriptions. The gender equality and diversity of the sample in terms of country of origin, occupation, and workplace are the other concerns of this research that were considered while selecting the participants to increase representativeness. For reasons of anonymity, the respondents are identified with pseudonyms assigned during the transcription of interviews and the names of the regions where their home countries are located. Following the coding principles of grounded theory, the stages of initial open coding, axial coding, and selective coding (Charmaz, 2006) were sequentially employed. These phases involved creating categories, establishing correlations, narrowing the categories down to analyze the data thematically, and utilizing critical discourse analysis (Wodak & Meyer, 2001).

4 Unpacking lived experiences of being and becoming a citizen

4.1 Experiences of belonging

The self-identification and place attachment of highly skilled migrants portrayed as a privileged, in-demand group of cosmopolitans (Weinar & Klekowski von Koppenfels, 2020; Bielewska, 2021) who approach citizenship as a commodity (Aker, 2020, p. 49) suggests an interesting case for understanding and explaining to what extent and how this narrative identity interacts with citizenship as a source of identity and belonging. Therefore, the interviewees were initially asked to share how they self-identify when meeting someone new in day-to-day life. Their narratives reveal a tendency to primarily self-identify based on personal attributes, characteristics, interests, and values, frequently employing more universalist attributes and values like simply being a human being or an open-minded person, a world citizen, a European, an international, and a cosmopolitan. Secondly, they refer to the names of their respective countries of origin as an instant, practical way and an additional complementary attribute of their self-identification:

I wouldn't say I should identify myself in connection to my country. I deeply feel [this], but it is only a part of my identity. We are all here creating something like an international society. First of all, I am a good professional and a kind-hearted person. (Anna, non-EU, Eastern Europe)

Only one interviewee primarily identified with their national identity, indicating that this factor does not play a central role in interviewees' self-conceptualization. Ethnicity, religion, and gender are also insignificant categories for self-identification, as none of the interviewees referred to these social categories in their primary identification. Never-

theless, some of them emphasized their lack of belief in religion as a way of demonstrating their resistance against external categorization imposed on them based on their citizenship:

I am not a religious person. It was just attributed to me by birth that I was born into a Muslim family even though nobody was practicing. I cannot say I am a Muslim. I feel uncomfortable when I meet with somebody from my region or the countries where Islam is predominant, and they ask me if I am a Muslim or why I don't fast. (Gulnar, non-EU, Central Asia)

In the quote above, religion as a cultural attribute is directly recognized by others as an attribute of these countries' citizens, irrespective of their personal beliefs, posing a social and cultural challenge to their self-identification processes. The defined identity of the country is inherited by its citizens as a part of their identity, affecting their everyday social interactions, attitudes, and self-perceptions inside and outside the country of origin. Citizenship as an identity 'box,' loaded with cultural, social, and political qualities and characteristics, may become a primary identifier for citizens even though they do not embrace the pre-conceived attributes associated with that category:

In a new environment, everybody defines you by your country, putting you in a box based on that. Then, you are trying to show that you are better than that box [assumed identity]. You want to encourage the good stereotypes, not the bad ones. (Marta, EU, Southern Europe)

The vast majority either reject any labeling or self-identify with non-migrant categories such as foreigners, foreign workers, or ex-pats that do not directly have racial, ethnic, and cultural connotations. Identification with these categories enables individuals to detach themselves from the migrant identity, which appeared to be an undesired category and a 'heavy word' (Adem, EU, Southern Europe). The reluctance to identify as a migrant appears to be a result of how migration has been narrated within a crisis frame in Europe and the negative connotations of the term 'migrant' linked with illegitimacy and threat in the context of Hungary (Rajaram, 2016; Melegh, 2016, p. 103). A small number of respondents called themselves semi-citizens or temporary citizens. These narratives attest to their willingness to adapt within political communities and enhance their social acceptance, avoiding particularistic racial, ethnic, cultural, or national identifiers, which may trigger social bias. The willingness to blend in is one of the reasons why identification with the country of citizenship takes a secondary position. The use of broader categories such as foreigner, which implies a cosmopolitan condition, indicates a universal foreignness (Agier, 2021) and a state of cultural hybridity that allows them to make claims and act as active social and political actors in local, national, and global spheres (Taraborrelli, 2015):

I don't like labeling myself or others, but I would say I am a foreigner. I don't like terms like migrants or expats. It makes you feel like you are excluded from the rest of the country. It doesn't feel like you can easily integrate yourself. (Ali, non-EU, Western Asia)

When the interviewees were asked how being a citizen of their country of origin makes them feel, their emotions concerning citizenship appeared to be shaped by their perception of economic success and political stability in the country of origin. Reflecting a disposition of love and care (Nussbaum, 2008) towards their countries, the majority stress their pride, happiness, or love of their country of origin despite referring to at least one negative emotion, indicating a critical patriotic loyalty (Schatz, 2020). Patriotic attachment

also plays a significant role in individuals' decision to acquire another citizenship. For instance, a non-EU interviewee who has been residing in Europe for over a decade and is married to an EU citizen reports that she has hesitated to proceed with naturalization because acquiring the citizenship of another country requires the renunciation of her birth citizenship and challenges her sense of belonging constructed by patriotic affection:

For me, it is a struggle. I could have done it many years ago. I could change my passport to be a citizen of another country. But it is not easy. You know, patriotic feelings... (Gulzhan, non-EU, Central Asia)

Migrants' attachment to their country of origin or city of birth does not, however, exclude the development of an attachment to the country or the city of settlement. Most interviewees report almost no emotional attachment to Hungary but a very strong connection to Budapest, even though their arrival in this city was random:

I have a strong connection with the city. I have a sense of belonging to Budapest more than Hungary. I like living in such an international city with professional and personal opportunities. (Milan, non-EU, Southern Europe)

A strong sense of attachment to Budapest and identifying as a Budapestian reflects a form of urban patriotism rooted in the city's distinctive cultural diversity and cosmopolitan features that set it apart from many other Eastern and Central Eastern European cities. As observed with the super-diverse, global cities of Western Europe such as London (Ryan, 2018), Berlin, and Paris (Barwick & Beaman, 2019), the interview data suggests that Budapest offers various opportunities for fostering the process of embeddedness for migrants. The interviewees portray Budapest as a cosmopolitan city characterized by an 'international,' 'secure,' 'calm,' and 'pleasant' environment. It is viewed as a hub of social and economic opportunities comparable to other European urban centers, providing an 'international pink bubble' (Ewa, EU, Eastern Europe) where they can live as cosmopolitans and freely preserve their cultural distinctiveness. They create an expat lifestyle that indicates cosmopolitan conviviality (Duru & Trenz, 2017), and the unique experiences of the interviewees strengthen their connection to Budapest. However, challenges such as the difficulty of the Hungarian language, a decline in democratic values, economic pressure, and rising xenophobia negatively affect the extent of their affinity towards Hungary, making them perceive their presence in the country as temporary. Despite these challenges being reasons for the majority of the interviewees' hesitation applying for Hungarian citizenship, half of the non-EU migrants in this study note that they think about naturalization in Hungary. This is because Hungarian citizenship represents a path to access supranational rights, privileges, and opportunities through EU citizenship (Pogonyi, 2019).

EU migrants in Budapest perceive the EU component of their national citizenship as a form of added value that positively influences their lived legal-political and socio-economic citizenship experience, reinforcing their connection to their national citizenship. As a form of supranational membership, EU citizenship gives EU citizens an identity that differentiates them from non-EU migrants and fosters a feeling of belonging to a secure space with benefits and a broader sense of united solidarity by complementing national citizenship. Some non-EU migrants also feel politically and/or culturally connected to Europe without being an EU citizen:

Of course, I feel European. I cannot say I'm not feeling European. But, for me, it's more [about] a political understanding than a cultural background. (Ali, non-EU, Western Asia)

In these cases, Europe also represents an abstract region, and identification with regional identities establishes a basis for a cosmopolitan outlook and socio-cultural hybridity, nurturing a shared identity and providing a distinctive perspective in relation to addressing global issues (Schlenker, 2013).

4.2 Experiences of coexistence

The everyday aspects of being a citizen in a complex social and urban context of coexistence with fellow community members, as well as the interactions, engagements, and situations individuals face within the legal, political, and socio-economic realms, shape their understanding of citizenship. The examination of legal-political experiences involves a focus on both institutional and subjective dimensions. The institutional dimension pertains to an individual's legal status, rights and responsibilities, formal and informal citizenship education, and encounters with bureaucracy. In contrast, the subjective dimension involves an individual's sense of security, evaluation of institutions, satisfaction with and trust in the political system and politics, as well as political identification and level of interest in politics. As both dimensions of citizenship are interconnected, they influence each other reciprocally.

Mapping the self-identification narratives of migrants in relation to their transnational context shows that identification with EU citizenship among EU citizens emerges as a higher-order identity than identification with national citizenship. One of the primary factors driving the adoption of European identity among EU migrants is the privileges and benefits that come with EU citizenship status. The latter empowers this group of individuals with notable social, economic, and political advantages and privileges compared to non-EU migrants. Every interviewee who holds EU citizenship emphasizes that being an EU citizen provides them with greater opportunities and facilitates their lives within Europe. Hence, several interviewees prioritize EU citizenship over national citizenship, as they perceive the latter as less significant in the absence of the EU aspect:

If, one day, my country decides to exit the EU, it will have a huge impact on the trajectory of my life because my status would change. Everything would become much more difficult. I think just the fact that I am an EU citizen makes my life easier. (Ewa, EU, Eastern Europe)

Civic education plays a crucial role in developing an informed, engaged, and responsible citizenry. Most respondents noted the likelihood of having encountered civic education in their school curriculum or at some point in their educational journey, even though they could not recall this exactly. Many interviewees had acquired significant knowledge from their families and from observing their fellow citizens concerning what constitutes a model of a good citizen. There is a consensus among participants regarding the principles that characterize a good citizen. These include active engagement in social and economic activities, adherence to laws, staying informed about political activities, displaying toler-

ance and respect for cultural diversity, voting in elections, paying taxes, and advocating for justice and equality. The interviewees also emphasize that specific socio-cultural norms and values, seen as defining attributes of national citizenship, vary across countries, influencing perceptions of what constitutes a good citizen. Additionally, national governments have the ability to influence the perception of national citizenship and what it means to be a good citizen, drawing on cultural, societal, and political considerations that encompass their political and ideological positions. How political authorities define citizenship and citizens in a country may evoke emotional responses, influencing individuals' self-perception and attachment to that country. As indicated in the quote below, by portraying the adoption of a European influence and mentality as inherently threatening, political authorities in Magnim's country create an 'us versus them' dichotomy and frame citizens who return from Europe as internal others or 'failed citizens' (Anderson, 2013):

For a foreigner like me trying to come back home and work, you are either considered as a prospective politician [...], or they will put the clamp on you right away to see if you are against the state. As you live abroad, you bring in a European mentality from Europe where more freedom is given to the people. It is seen as a threat; you are seen as a threat. (Magnim, non-EU, Western Africa)

Several interviewees explained that having a formal, legal relationship with a country that has a more structured system in which political authorities act well and the bureaucratic system works efficiently makes them feel more secure and protected in terms of accessing public and private services and opportunities. Being a citizen of such a country or having long-term residence that brings a type of semi-citizenship status grants them the capacity and flexibility to make choices and take action in their daily lives. The efficiency and transparency of public and private services also contribute positively to individuals' emotional connection. The interviews show that a high level of red tape and weak bureaucratic organization in a country may become a driver of emigration, encouraging citizens to look for other countries with better bureaucratic systems. Although the participants generally perceive public services and bureaucratic processes in Hungary as efficient and transparent, they maintain a significant level of skepticism toward public officials and political authorities. This skepticism seems to be rooted in the anti-immigrant stance in the country, which discourages migrants' social and political participation and diminishes their sense of belonging to Hungary, decreasing the chance of integration:

To be fair, the Hungarian State is pretty transparent, responds pretty quickly... However, the political system is messed up. To be honest, not being able to vote here in the Hungarian Parliamentary election is a good thing. (Jack, non-EU, North America)

The reason why I don't participate in anything is because I don't feel secure. I always feel like, what if they deport me? That's my first fear. (Sovhona, non-EU, South Asia)

Most interviewees lack trust in government officials and politicians, perceiving them as primarily motivated by personal interests and the interests of specific groups rather than prioritizing the well-being of the public. They convey that their distrust of politics and politicians is not solely rooted in their experiences in their home countries and Hungary, as they generally harbor a distrust towards politicians globally. The level of

trust and satisfaction people have with political institutions, along with their individual experiences, appears to influence the extent of political interest they display. Higher levels of trust and satisfaction may lead to greater engagement, while distrust and dissatisfaction can diminish interest, discouraging political participation. Highly skilled migrants are portrayed as a rarely politicized, highly self-interested group of individuals (Weinar & Klekowski von Koppenfels, 2020; Bielewska, 2021). This study reveals that migrants in Budapest represent a wide range of individuals with varying degrees of interest in politics and diverse political identifications. None of them identify as apolitical or present a profile of a self-interested individual who does not care about politics. Nevertheless, some consciously prefer to ignore politics due to the loss of trust in politicians and the political system or a feeling of despair:

I used to be involved in politics when I was at the university and deeply believed in it. Then, my trust in politics vanished, and I stopped. But I always have my ideals. (Lorenzo, EU, Southern Europe)

An interviewee from a non-EU country emphasized that an individual's perception of citizenship is strongly related to their social and economic experiences in their home country. According to the interviewee, individuals who possess a profound understanding of their homeland, robust backing from particular social networks in their countries, and access to varied opportunities and resources are likely to find satisfaction in their citizenship. Such people may not feel the urge to seek another citizenship or consider altering their existing one, believing that this would offer less. There is a close relation between individuals' perception of their passports as weak or strong documents and their lived social and economic experiences concerning freedom of movement and access to employment, education, and social services. The interviewees note that while being from a respected country enhances social connections, opportunities, and acceptance in Hungary, citizens of countries with negative international reputations due to factors like political regimes, historical and cultural attributes, or socio-economic conditions may feel excluded:

If you come from a rich country or a country where people have fewer prejudices, you will not be constantly questioned or looked down upon. As a person coming from a country where emigration is high to Western Europe and which people in Europe do not necessarily have a good opinion of for some reason, I sometimes feel that people are distant. (Milan, non-EU, Southern Europe)

EU citizenship, in principle, guarantees non-discrimination toward EU citizens within the EU. Overall, EU migrants enjoy a favorable position within social hierarchies compared to non-EU migrants (Leschke & Weiss, 2023). However, recent studies on the experience of the intra-EU mobility of Eastern and Central European EU citizens have uncovered that they encounter unequal treatment and racialized discrimination within Western Europe's social and economic hierarchies (Lewicki, 2017). Based on the analysis of the interviews with both EU and non-EU migrants, the findings of this study suggest that EU migrants, in general, experience treatment that is fair and equal to that given to Hungarians and other EU migrants when accessing the labor market, education, and social services. Non-EU migrants are more likely to report discrimination in public

and private interactions based on nationality and citizenship, causing feelings of alienation and social exclusion:

We are third-country citizens, which means that we are going to [have to] deal with things much more than normal people with strong passports. I really don't understand why we are just discriminated against based on our passports. (Gizem, non-EU, Western Asia)

Both EU and non-EU migrants note that once locals realize that they are non-Hungarian or do not speak Hungarian, they may display discriminatory attitudes, non-selectively, in everyday social interactions:

It does not matter what you are. They don't like you just because you are a foreigner. I think it's a very general concept that if you're an expat, locals might not like you just because you are not a local. (Massimo, EU, Southern Europe)

I did feel unwelcome on some occasions when I went to institutions. For example, when I was kicked out of the doctor's office with a fever of 39–40 °C just because of my lack of knowledge of Hungarian. I would say it happened because I was a foreigner who doesn't speak Hungarian. (Milan, non-EU, Southern Europe)

4.3 Citizenship understanding: Interpreting the bond

Citizenship is not often questioned by people in everyday life since it is considered as taken for granted, an 'inherited property' that transfers membership entitlements through birthright primarily based on nationality (Shachar, 2007). The majority of the interviewees allude to a common experience that while they are in their country of origin, there is 'no need to think about citizenship and being a citizen' (Milto, EU, Southern Europe). However, the interviewees become aware of the implications of their national citizenship when they encounter procedures such as passport controls, applications for work and residence permits, and administrative obligations based on their legal status:

It was when my application for a work permit was rejected in Hungary. I felt like my world was over. Then, one of my friends reminded me that at least I have a country where I am a citizen and can go back. I knew this before, but I did not realize what I had was such a powerful thing. (Sovhona, non-EU, South Asia)

Interviewees indicate that in everyday interactions, citizenship takes on a subjective meaning encompassing shared social and cultural values and attachments. As exemplified by Lorenzo's remark (EU, Southern Europe), citizenship means 'nothing unless it is not surrounded or linked to particular a culture and common or shared aspects.' When the respondents were prompted to provide three words associated with citizenship, they described citizenship using the words 'passport,' 'belonging,' and 'home.' Citizenship encompasses rights and obligations along with an emotional dimension that involves social and cultural components constructed through relational and participatory processes:

My citizenship provides me the right to have an identification and build my relationships with states. It builds me. It is like the root of the tree. (Tadeu, EU, Southern Europe)

In everyday life, citizenship becomes a tangible experience that shapes individuals' understanding of their social roles, attitudes, and behaviors as citizens and non-citizens within and beyond political communities, influencing how they think through the manifestations of rights and obligations. It also impacts their feelings, self-positionings, and life paths based on the complex attachments and commitments they maintain, and everyday social interactions. The vast majority view citizenship as a contractual and emotional relationship experienced locally, nationally, regionally, and globally in an intertwined way. They believe that good citizens take responsibility for their actions anywhere they may have an impact, reaching beyond their political community. Many interviewees narrate a form of cosmopolitan convivial solidarity (Duru & Trenz, 2017). They highlight that whenever possible; they act for the well-being and common good of humanity as a whole:

No matter if I am a citizen or not, as a person and a human being who can make a change and do something good, we need to act responsibly [...] no matter what and where. It is very important for every single human being to be a part of this bigger community. (Shameem, non-EU, Central Asia)

Highly skilled migrants' narratives about citizenship experiences reveal their positioning as patriotic cosmopolitan citizens who reconcile moral and cultural cosmopolitanism (Pogge, 1992; Taraborrelli, 2015; Beck, 2006) with constructive patriotism, marked by critical and reflective attitudes towards their countries and socio-cultural particularities (Schatz, 2020). The findings suggest that the construction of a patriotic cosmopolitan citizen identity through the amalgamation of multiple legal ties and multi-layered belonging enables highly skilled migrants to navigate the complexity of everyday life in transnational settings with cognitive agility. They care for and protect particular social and cultural values, sentiments, and commitments. Their regard for their countries and cultural identity coexists with an appreciation for diverse cultures and a critical stance towards equality. This form of patriotism encourages reflective attitudes toward others, being inclusive and fostering respect for diversity. For patriotic cosmopolitans, citizenship becomes an everyday reality that affects not only their perception of their role and actions within and beyond political communities but also their feelings, self-positioning, and trajectory. They navigate a complex process of blending their attachments and identities to form hybrid selves adaptable to various localities, maximizing the chances of recognition in every context and minimizing social, cultural, and political challenges. Non-EU migrants exhibit this tendency more prominently than EU migrants, as EU migrants' cosmopolitanism is already nurtured by their EU citizenship within the EU context. As the narrative of rootedness signifies a strong patriotic attachment to the country of origin and its particular attributes, and identifying as a world citizen reflects a cosmopolitan stance, the quote below represents the prevailing patriotic cosmopolitan positioning among both EU and non-EU migrants observed in this study:

I have been living abroad for some years. I still have my roots, but I just feel more like a world citizen. (Sia, EU, Southern Europe)

5 Conclusion

This research investigates the lived citizenship experiences and practices of highly skilled migrants to understand how and why the former contribute to the formation of a specific understanding of citizenship, which, in turn, shapes a distinct type of citizen. The study delves into citizenship experiences and practices that influence the emergence of patriotic cosmopolitan citizens through their intersection and interrelation. In this study, lived citizenship experiences are specified as being the sum of the relational processes of experiences of belonging and coexistence in the public and private realms of everyday life. These categories provide an analytical framework for exploring lived citizenship as the experience of being and becoming a citizen beyond the nation-state. The study highlights affective and subject-defining aspects of citizenship, locating it as an identity and form of belonging alongside legal status, an equally important dimension in a central position.

The analysis of the narratives of highly skilled migrants we interviewed reflects the emergence of patriotic cosmopolitans, harmonizing cultural and moral cosmopolitanism with constructive patriotism. As rooted or patriotic cosmopolitans, they demonstrate critical and reflective perspectives toward their country of origin as well as Hungary, and socio-cultural particularities in both places. They acknowledge humanity as the ultimate unit of moral concern. The emerging hybrid citizen identity is the concurrent narrative by which the self ensures recognition and facilitates social and political participation in global, national, and local contexts, challenging the limits of national identity. The EU and non-EU migrants manage a complex process of blending their multifaceted social attachments and identities to form hybrid selves, capable of adapting to multiple contexts, even in hostile environments with a prevailing anti-immigrant discourse. Through the emerging citizenship understanding, which embraces cosmopolitan values and ideals, the EU and non-EU migrants in this study reconstruct their citizen selves not only within their homeland and Hungary as their country of residence but also within the broader global community. Non-EU migrants exhibit this tendency more prominently than EU migrants, as EU migrants' cosmopolitanism is already nurtured by their EU citizenship within the EU context.

Both EU and non-EU highly skilled migrants develop a strong attachment to Budapest, calling the city their home. This bonding with Budapest is attributable to the city's cosmopolitan setting, which is considered as communicating a sense of inclusion alongside the social and economic opportunities. However, they remain ambivalent about entrenching their affective bond by the acquisition of citizenship in Hungary. This hesitance is triggered by concerns about the implications of democratic backsliding, restrictive immigration policies, and spreading xenophobia. The institutional accessibility and ease of entering Hungary's labor market contrasts with the closeness of Hungarian society, where achieving social recognition requires a certain degree of cultural integration, notably through language proficiency. Both EU and non-EU migrants admit that they occasionally feel excluded by locals, especially in the moments when their foreignness becomes visible through their limited proficiency in the Hungarian language or social manners. Despite these challenges, some non-EU migrants plan to acquire Hungarian citizenship mainly to become EU citizens and enjoy the privileges of the confirmation of being included in the supranational identity, which they deem may also facilitate social acceptance by Hungarians.

In conclusion, this study challenges the conceptualization of the category of highly skilled migrants as a relatively homogenous group of economic actors who are rarely politicized and less willing to integrate. Instead, it proposes considering how they exist as social and political actors with varied experiences and act in global and diverse national contexts based on their subjective understanding. The conclusions of this study emphasize the need for further research to explore the complexity of the consequences of lived experiences in public and private spaces to improve the understanding of citizenship from a comparative perspective.

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Compliance with ethical standards

All subjects gave their informed consent for inclusion before they participated in the study, which was conducted in accordance with the protocol ref. No. 411 approved by the Ethics Committee for Research Involving Human Subjects of Bilkent University.

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The perception of meaningful work by employed and self-employed workers in the sphere of education

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Abstract

The collection of studies on meaningful work is still quite fragmented and lacks theoretical models that can be applied to various forms of employment status. This article examines the meaningful work phenomenon for both employed and self-employed workers using qualitative data. Drawing on 16 in-depth semi-structured interviews with schoolteachers and self-employed private tutors in Russia, the analysis demonstrates the nature of meaningful work constructed by employment status. Different institutional frameworks form institutional legitimacy, professional community, the final product of work and the prestige of occupation. The article's primary theoretical contribution is the development of a theoretical model that describes the multifaceted and impermanent nature of meaningful work. The practical implications include the revelation of prominent differences among workers having different employment status, which is a solid foundation for future attempts to conduct quantitative research.

Keywords: institutional framework; teachers; tutors; meaningful work; Russia

1 Introduction

The concept of meaningful work (MW) embraces career activities that individuals view as personally significant and worthwhile (Lysova et al., 2019). It is widely acknowledged that MW is an important non-monetary factor (e.g., Lysova et al., 2019; May et al., 2004; Steger & Dik, 2010; Steger et al., 2012) that boosts self-motivation, work involvement, and increases job satisfaction (Lips-Wiersma & Wright, 2012).

There is a great range of publications on MW in an organization (Bailey et al., 2019; Lips-Wiersma & Wright, 2012; Lysova et al., 2019; Steger & Dik, 2010; Steger et al., 2012). There are also some studies about the MW of self-employed workers (Geldenhuis & Johnson, 2021; Stephan et al., 2020). Nevertheless, there is a dearth of comparative research investigating the concept of MW among individuals with different employment status. Wolfe and Patel (2019) have attempted to measure the differences between employed and self-employed workers in 'job importance' and 'job usefulness' to society. Unfortunately,

dissimilarities have been mostly insignificant and the differences in the ‘job usefulness’ to society have a small effect size. Therefore, it is of utmost importance to explicate the multifaceted nature of MW and to try to unearth the underlying reasons behind the unsuccessful quantitative comparisons.

The main assumption is that the institutional structure of work constitutes an underemphasized element that impedes the ability to conduct rigorous quantitative comparisons of MW between self-employed and employed individuals. The primary objective of this study is to define specifically how different forms of employment status establish rules and regulations that influence the perceptions of MW.

The area of investigation is the educational sector due to the high level of perceived work meaningfulness among schoolteachers (Malhotra et al., 2016). Teachers, as organizational constituents, are obligated to adhere to the stipulated requirements articulated by the educational institution. While tutors may work as self-employed workers, sourcing clientele directly via specialized platforms (e.g., Profi.ru). Consequently, an intriguing avenue of investigation involves drawing a comparison between the perceptions of MW among schoolteachers and private tutors.

The phenomenon of MW among schoolteachers has been extensively studied by many researchers (e.g., Demirkasimoglu, 2015; Groot Wassink et al., 2019; Turner & Thielking, 2019; Fridayanti et al., 2022). However, the topic of MW is not studied enough among private tutors. It is possible, however, to find studies on the meaningfulness of self-employed workers in general (e.g., Nemkova et al., 2019; Stephan et al., 2020). Nevertheless, the proper investigation of the concept of MW among self-employed private tutors is lacking, primarily attributed to its association with the informal sector of the economy and the reluctance of tutors to divulge personal information (Bray, 2010).

This Russian-based study aims to improve understanding of MW due to the high social status that the teaching profession holds in Russian society. Teaching is considered as important as the medical profession, according to the Global Teacher Status Index 2018 (Dolton et al., 2018). Furthermore, the Russian context presents a clear distinction between schoolteachers and private tutors in terms of institutional structure: schools are primarily public and well-organized, whereas tutoring remains under-regulated, providing tutors with more freedom in their actions. This unique feature of the Russian context provides an advantageous opportunity to explore various institutional structures that contribute to the concept of MW.

2 Meaningful work: a sociological perspective

The multifaceted concept of MW has attracted interdisciplinary scholarly attention (Bailey et al., 2019; Geldenhuys & Johnson 2021; Laaser & Karlsson, 2021; Lips-Wiersma & Wright, 2012; May et al., 2004; Nikolova & Cnossen, 2020). Unfortunately, no standard definition of MW is agreed upon, at least six different aspects can be identified: ‘as a form of individual self-realization,’ ‘not serving’ (benefiting communities), orientation toward higher goals (‘competence, power, autonomy, and relatedness’), ‘construction and a dynamic sense-making process’, as a temporary psychological state and ‘double-edged sword’ that can lead to a burnout (Tan et al., 2023). The investigations of MW are primarily carried out in

organizational settings (Lysova et al., 2019; Steger & Dik, 2010; Steger et al., 2012) that show how organizations can imbue work with meaning for employees (Lysova et al., 2019). In this type of research, scholars explore objective work conditions, such as job design or leadership styles (Tan et al., 2023), and examine their impact on the perception of MW. There is also a great variety of research at the individual level that underscores the need for workers to collectively construct meanings, rather than having those meanings dictated by people in power (Lips-Wiersma & Morris, 2009). This kind of research places a great emphasis on the subjective experience of MW. Thus, subjective, and organizational levels play a significant role in shaping the current understanding of MW, leaving little space for a broader contextual consideration. Therefore, the objective of this article is to cultivate a more sociological perspective by examining the broader institutional level—specifically, rules and regulations that serve as a reflection of societal reality.

More and more scholars emphasize the importance of considering broader contexts, asserting that individuals assess the value of their work in relation to social, cultural, and institutional factors (Lepisto & Pratt, 2017). A. Bykov has recently expanded on the concept of MW, emphasizing its cultural and moral dimensions (2023). He contends that the ‘meaning of work’ arises from an individual’s sense-making process, drawing on symbolic elements from societal culture, while the ‘meaningfulness of work’ is a personal evaluation rooted in moral attitudes and perceptions of the core meanings associated with one’s work (Bykov, 2023, p. 5). Bykov examines MW by considering the dichotomy of community versus autonomy. I also find this perspective valuable, so I intend to incorporate it into this article, aligning with the focus on a broader scale—institutional framework.

Firstly, community refers to the sociological functionalist thought, which portrays collectivity as ‘both the source and the end of moral authority and meaningful agency’ (Bykov, 2023, pp. 6–7). Professional groups, key for solidarity, possess strong bonds, well-developed ethics (Durkheim, 1992), and moral norms (Durkheim, 2009), forming the basis of meaningful work through collective meanings. Talcott Parsons lays the foundation for the concept of community by highlighting the significance of institutions. According to Parsons (2013), these institutions consist of formal and informal group rules, including ‘solidarity obligations,’ that shape individual behavior to maintain social order and stability. Despite the criticism, Parsons’ theory provides a valuable understanding of the importance of the institutional framework.

Considering the inherent connection between our central concept ‘meaningful work’ and the economic sector, exploring the economic standpoint is fruitful. North (1990) defines institutions as formal (laws) and informal (customs, norms) constraints, underscoring their pivotal role in mitigating uncertainty and facilitating economic transactions. In this context, school education is regarded as a formal institution, whereas tutoring is considered an informal, supplementary component to the formal system (Makeev, 2019). The rise of tutoring is linked to discontent with formal education. Mikhaylova (2022) highlights the symbiotic connection between private tutoring and Russian public education, viewing the local tutoring market’s growth as a reflection of educational deficiencies. All in all, the scholarly focus on the institutional aspects of meaningful work is scant. The sole reference on the institutional model comes from Warmbier’s (2016) conference paper, defining meaningful work as a social construct shaped by complex interpersonal and intra-organizational interactions.

Secondly, the concept of autonomy, originating from critical theory proponents, posits that modern capitalist society significantly shapes individuals' perception of meaningful work. Rooted in Marx's perspective, capitalism is seen as a negative force obstructing meaningful work due to labor exploitation (Bykov, 2023). Building on this, Fromm (1961) argues that product alienation is a genuine oppressive issue in contemporary society, hindering the attainment of meaningful work. The concept of work meaninglessness, associated with detachment from work products, can hinder the development of moral values (Fromm, 1961). This work product alienation factor may also impede commitment to the organization and work efforts (Tummers & den Dulk, 2011). In resisting adverse influences, individuals strive for autonomy and meaningfulness at work. While workers can maintain autonomy, scholars, including Laaser (2021), highlight that agency becomes integrated into the structure, underscoring the significance of objective autonomy in task completion for meaningful work. However, it has been observed that subjective autonomy, influenced by collective bottom-up norms, holds even greater significance (Laaser, 2021). Self-employment, seen as a modern route to autonomy, enhances work meaningfulness (Stephan et al., 2020). Yet, drawbacks include the negative impact of website rating systems and increased competition among individuals (Nemkova et al., 2019).

Concluding the community-autonomy discussion, community emphasizes belonging, shared values, and solidarity as key factors to MW, while autonomy, as discussed by some scholars in the context of capitalist societies (Bykov, 2023), is about the rejection of established standards and finding meaningfulness in not prevailing societal values. In the context of teachers, community values are influenced by government policies, exemplified by Russia's legal reinforcement of values through the decree 'On the preservation and strengthening of traditional spiritual and moral values,' which includes elements such as collectivism, high moral ideals, and patriotism. When individual's internalized values align with societal values, the individual perceives the work as meaningful. Conversely, when an individual's values diverge from societal norms, the institutional order may feel illegitimate and meaningless, potentially resulting in burnout and exhaustion.

Laaser (2021) also emphasizes the significance of 'dignity' and 'recognition' for a MW experience, distinguishing between objective aspects governed by formal institutions and subjective elements shaped by informal activities. Objective dignity concerns how organizations set rules and manage employees; lacking proper policies can lead to insecure employment, diminishing workers' dignity. This is why self-employment and informal economy work are often viewed as less respectable and safe than formal employment (Deranty & MacMillan, 2012). Subjective dignity thrives in conflict-free workplaces, involving self-initiated and organized activities to uphold self-worth. Moreover, objective recognition involves formal appreciation through organized schemes, while subjective recognition centers on informal appreciation, mutual reciprocity, and solidarity among workers. These concepts underscore the significance of both formal and informal institutions concurrently.

It is important to distinguish between the concepts of 'occupation' and 'profession'. According to Freidson (1984), the significance lies in professions having professional control over entry standards, specific knowledge gained through formal education, and a commitment to ethical codes prioritizing client interests. Evetts (2003) asserts that it is an attractive prospect for occupations to be classified as professions. Moreover, occupations hold a certain level of occupational prestige that influences job respect and desirability

(Wegener, 1992). A decreasing trend in occupational prestige Haug (1975) describes as 'deprofessionalisation' that leads to a decline of authority over their field of professional knowledge. These concepts emphasize the differentiation between professional occupations and those lacking professional status.

The study centers on teachers and tutors, with the following paragraphs delving into the concept of MW in the education sector. Teaching, closely associated with the notions of 'calling' and 'vocation' (Wrzesniewski, 1997), signifies an individual's inherent inclination toward fulfilling and socially beneficial work. Research, like Demirkasimoglu (2015), shows that changes in the educational system, growing uncertainty, and desires for higher social status pose barriers to teachers' MW. Conversely, MW is associated with contributing to society, engaging with colleagues (Demirkasimoglu, 2015), and ensuring the well-being of students (Turner & Thielking, 2019). Teachers' well-being is associated with good performance and success, positive feedback, appreciation, moral and financial recognition, absence of irrelevant tasks, and fulfilling social relationships (Kun & Gadanez, 2022). Moreover, scholars outline positive outcomes associated with MW, including increased work engagement (Fridayanti et al., 2022), job crafting behavior and a high level of teachers' resilience (Groot Wassink et al., 2019). In the Russian context, researchers typically use concepts like job satisfaction and teachers' intention to leave (Matveev, 2021) to measure well-being, rather than applying the concept of MW.

The activity of tutoring can be defined as a 'shadow education': additional paid educational service provided for academic subjects (Bray & Kwok, 2003). Bray (2010) highlights private tutors' secrecy that may stem from informal economy involvement. The Russian tutoring market surged from 176 billion to 280 billion rubles between 2021 and 2022, constituting 9 per cent of microbusiness segment services (Avito, 2022). The primary fields of tutoring are centered around core school subjects, specifically Math and the Russian language, both of which are compulsory within the Russian school curriculum. Many tutoring services advertised on client-searching websites are provided by private tutors unaffiliated with formal education institutions, constituting 45 to 72 per cent of all service listings (Avito, 2022). A study of Moscow's top-ranking tutors (Kozar, 2013) also finds that 15 out of 32 have no institutional affiliation, challenging the conventional perception of tutoring as solely a supplementary income source for schoolteachers. Makeev (2019) reports diverse offerings from students, graduate students, schoolteachers, native speakers, and university professors in Moscow, where tutoring prices range between 900 and 1000 rubles per hour. Students generally offer more affordable services, while professors and native speakers command higher prices. Comparing salaries in the public and private sectors, school employees earn around 6 per cent more than private tutors in similar roles (World Salaries, 2024). Moscow and Saint Petersburg are anticipated to offer the highest incomes for tutors.

In conclusion, the literature on MW reveals a noticeable lack of investigations dedicated to broader contexts, such as the institutional framework. While numerous works focus on individual and organizational levels, there is a limited body of research on MW that encompasses various forms of employment status, including both waged work and self-employment. Given the evolving landscape of self-employment and technological advancements, more individuals are seeking autonomy outside formal institutions. Consequently, this article is of particular significance as it sheds light on the growing trend of people striving for MW beyond traditional employment structures.

3 Methodology

The purpose of this research was to reveal how employment status affected the construction of MW. The research question was the following: 'How do employed and self-employed workers construct MW?'

A qualitative methodology was selected to explore subjective experiences and construct meanings (Corbin & Strauss, 2014) due to a limited understanding of the Russian tutoring market. Sixteen semi-structured interviews were conducted (March–May 2022, 11 women and 5 men), with eight participants in each group (teachers and tutors), using maximum variation sampling to capture central themes (Patton, 1990).

To address geographical inequalities, this study examined tutors and teachers in Moscow with a minimum of 6 months' experience. This duration allowed for complete integration into the school and tutoring institutional frameworks. Additionally, participants specializing in the most in-demand subjects were specifically picked (e.g., maths and languages).

The study involved Russian public-school teachers with similar educational backgrounds (bachelor's degrees from pedagogical universities mostly) aged 23 to 55, teaching middle and high school pupils. The average interview lasted 51 minutes. The fact that many teachers usually combine their activities with tutoring (Kobakhidze, 2018) resulted in the purposeful finding of informants who did not heavily rely on tutoring as their main income, with many having no prior tutoring experience or earning under 10 per cent of their income from tutoring.

In Russia, tutors often register as self-employed for benefits like lower taxes and legal protection. Despite this, some tutors avoid registration to lower service costs. Most tutors in this study (all except 2) were registered and used specialized websites (e.g., Profi.ru, Repetitor.ru, Foxford.ru). Ages ranged from 22 to 47, with prerequisites having no prior public school teaching experience and having tutoring as their sole income source. The average interview lasted 45 minutes.

Participant selection for this study involved diverse methods: snowball technique, personal contacts via websites like Profi.ru, VKontakte groups, Telegram chats, and Avito ads.

Questions were related to personal characteristics (age, education, occupation), career choice ('At what point in your life did you realize you wanted to teach children in school/as a tutor?'), ideal meaningful work (projective questions like 'Let's imagine a situation where a person thinks his job is meaningful and worthwhile. In what area do you think such a job would be?') and personal feeling of meaningfulness at work ('Do you find your work meaningful? What exactly makes it meaningful?'). There were additional inquiries regarding professional communities and their ethical considerations, perspectives on organizational hierarchies versus a more autonomous approach such as self-employment, working conditions, and the perceived prestige of occupations. The 'informed consent' safeguarded participants during interviews, assuring data anonymity and safety. This aimed to minimize dependence on school administration and ease tutors' worries about revealing informal economic activity (see Bray, 2010).

Online interviews utilized various platforms (e.g., Zoom, WhatsApp), chosen based on informant preferences. The process was recorded and transcribed verbatim. Thematic analysis (Bryman, 2012) was employed, with interviews sequentially coded using open

coding, then grouped into central themes (Table 1), ultimately centered around ‘meaningful work’. Atlas.ti and Excel enabled iterative data analysis, reflecting a dynamic interplay between theory and emerging categories. This research was conducted by a single researcher, which helps to maintain consistency and coherence throughout the analysis process. To mitigate biases and enhance validity, consultations with field experts (professors from Russia and the Czech Republic) were organized.

Table 1 Central themes coding

Meaningful work	
Global meaning	Specific utility of the occupation to society and world
	Universal utility (‘all occupations matter’)
Institutional framework	Rules of self-regulating service market
	Rules of the governmental organization
Personal meaning	Legitimacy of institutional framework
	Professional community
	Final work product (academic and non-academic)
	Professional status of occupation and prestige

4 Results

In this research ‘meaningful work’ was operationalized into 3 dimensions: global meaning, institutional framework, and personal meaning (Figure 1).

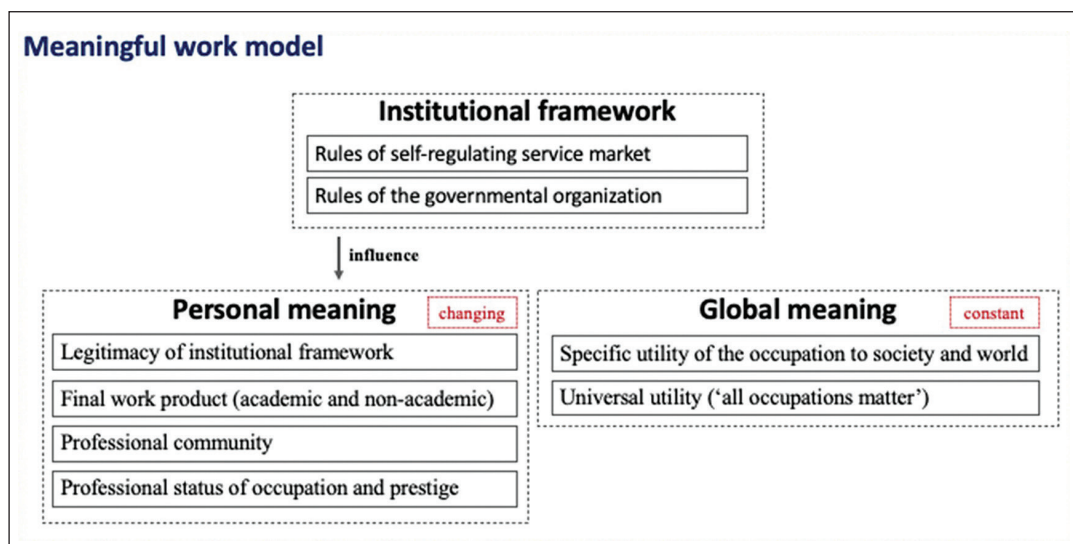


Figure 1 The scheme of the main findings

The 'global meaning' of work referred to societal benefits that were derived from work, either at the national or global level. It was measured with the help of projective techniques: participants were asked to imagine a scenario where the job is seen as meaningful and worthwhile, encouraging them to consider MW beyond their current occupation. As a result, teachers and tutors perceived the global meaning of their work as contributing to the cultural capital of children and the moral well-being of society, ensuring the continuity of generations. In MW literature this aspect is called 'not self-serving' dimension of MW, which reflects striving for bigger goals and contributing to society (Tan et al., 2023). This dimension appears to be associated with the symbolic elements of culture (Bykov, 2023).

The meaningfulness of work was also constituted by the 'institutional framework,' which served as a significant point of differentiation in the study. It was found that MW of teachers and tutors was shaped by two different institutional frameworks: a hierarchical governmental organization for teachers and a partially informal market for tutors. These institutions vary in terms of personal autonomy levels. For instance, teachers in Russia have limited autonomy as schools are entirely government-controlled, necessitating adherence to official regulations. Students have limited choice in subjects and must adhere to the school's curriculum, which includes mandatory lessons such as 'Conversations about Important Things,' covering national identity and global events to shape youth upbringing. In contrast, tutors operate independently, setting their own prices and marketing strategies, with limited government regulation in the sector, leading some to evade taxes.

Completing the MW model, the third 'personal meaning' dimension was about the subjective perception of one's work as meaningful. This dimension was assessed through direct questions regarding participants' perceptions of the meaningfulness of their work and potential feelings of meaninglessness. Bykov (2023) defined it as a subjective evaluation grounded in moral attitudes and perceptions of the fundamental meanings associated with one's work. Personal meaning is flexible and subject to change based on factors like leadership style (see also Tan et al., 2023), as noted by one teacher: 'It [the team of colleagues] does not greatly affect some global meaning of work: I have been doing a good thing and I still do it... but if you are constantly being scolded [by school administration] that you are doing things really badly, not globally, but personally it can affect' (P1, Math teacher, 25 years old). This example shows the complexity and contradictions of MW perception, when personal and global meanings do not coincide.

The present study's distinction of MW into three dimensions was reminiscent of Steger's (2012) three-level model of MW, which included organizational, personal, and societal levels. Nevertheless, this study goes beyond organizational structure to include the institutional framework, incorporating both formal and informal rules tied to social and cultural aspects (see also Bykov, 2023). All in all, the 'global meaning' and 'institutional framework' dimensions were characterized by a relatively stable nature, while the 'personal meaning' dimension was subject to constant adjustments constructed by various factors: institutional framework legitimacy, work product perception, social relations, and occupational prestige. In the following section, it was necessary to address the question in more detail: how did the institutional frameworks structure MW? The interaction of the 'institutional framework' and the 'personal meaning' components of MW was mostly considered. The 'global meaning' was excluded from the analysis due to the absence of noticeable qualitative differences between the observed individuals.

4.1 Legitimacy of institutional frameworks and MW

Teachers and tutors considered their work meaningful only when they acknowledged the institutional framework order as reasonable and rational. Legitimacy occurs when 'individual' values align with the moral values embedded in the institutional framework (Bykov, 2023).

Concerning the teachers' case, legitimacy of the organizational institutional framework requires a clear understanding of the organization's purpose (Steger & Dik, 2010), values, and goals (Pratt & Ashforth, 2003) to prevent stress and uncertainty during changes in the educational system (Demirkasimoglu, 2015). Thus, teachers in the study considered their work meaningful only when they believed that control and accountability were necessary to perform their functions effectively (e.g., transferring of work experience, monitoring): 'I think a teacher's work should always be checked. There are always some kind of open lessons, there are always walk-throughs of one teacher's lessons to other teachers. For many reasons: the first reason is to learn from experience, the second reason is to check what is going on there' (P13, Informatics and robotics teacher, 23 years old). They considered the hierarchical structure fair and rational: 'There is you, there is your head teacher, not a direct head, but he is still a head. There is a school director, of course, there is nothing terrible in this, as it should be like that' (P1, Math teacher, 25 years old). The background of administration members also influenced the legitimacy of imposed rules: 'school directors should be adult wise, already very experienced former teachers or working teachers, only then, they are just teachers by their vocation. Then the process will go successfully' (P10, Math teacher, 49 years old). Misunderstandings with administration especially impacted the personal meaning of MW: 'The administration, they seem to be satisfied only with the money they get. And they were very zealous at first, then they ran into misunderstandings and conflicts. And now they sit quietly, get their money, and do not interfere, because they have spoilt everything what could be spoilt. And that's it, it's the young people who are stupid, they are not teachers, they are managers' (P10, Math teacher, 49 years old). To cultivate meaningful workplace experiences of teachers, legitimacy in administration, adherence to external control, and conflict absence are vital. Legitimacy thrives when societal moral values of institutional framework are at the same time shared among employees (Bykov, 2023), mitigating conflicts, disobedience, and a sense of meaninglessness.

Contrasting with teachers, tutors found their work meaningful when their personal values aligned with those of the free market, enjoying flexibility and freedom. This included the ability to independently set the prices: 'after New Year's Day, I said, "Well, here we go, you should pay about 20 per cent more. I'm a little bit smarter now, I know this and that, I promise that the lessons will be more exciting, I promise that we'll have all kinds of quizzes"' (P9, tutor of Math and Physics, 22 years old). Furthermore, unlike teachers, they were not bound by the school curriculum and therefore could easily reschedule or cancel lessons: 'I'm a person who might impulsively want to go to Saint-Petersburg, to my grandmother's dacha in Smolensk. And why not? I only need the Internet, I can cancel one or two lessons, well, to have time to get there in the morning' (P9, tutor of Math and Physics, 22 years old). However, tutors' meaningful work hinged on their financial self-regulation skills as self-employment did not guarantee financial security (see also Freidson, 1984).

Accurately predicting income fluctuations was crucial: 'I usually define 20-25 per cent of total income per month as possible cancellations' (P5, tutor of Informatics and design, 26 years old). Moreover, in informal tutoring, undocumented transactions caused stress for tutors due to tax audit risks and client fraud, hindering MW: 'I had one case, but it was only once: a girl came to me for tutoring, and did not pay, she just deceived me. And now I have a clearly laid out system of how I work with clients' (P15, English and Japanese tutor, 22 years old). Thus, tutors embraced the values of the free market to find satisfaction in their work style, coupled with strong financial skills enabling a balanced lifestyle.

To sum it up, this section highlights the crucial role of institutional legitimacy in shaping workers' personal meaning of MW. Legitimacy relies on internalized societal values: workers may pursue greater autonomy in alternative institutional frameworks when societal values do not align with their personal values. For example, teachers may seek more meaningful opportunities in the free market as tutors, suggesting increased autonomy.

4.2 Finding MW through professional community

Achieving MW requires collaboration with others, but the extent of communication intensity varies based on the institutional framework and personal preferences.

The MW of teachers was related to interactions with colleagues in school, owing to frequent face-to-face communication, shared values, a sense of belonging (see Lips-Wiersma & Morris, 2009) and recognition (Kun & Gadanez, 2022). The participants stated: 'There are after-work gatherings, they also unite the school team very much. It is necessary to share emotions and energy with colleagues when the lessons end' (P2, teacher of English and Spanish, 25 years old). Teachers emphasized the significance of various forms of interactions: 'We celebrate some common holidays together, such as New Year, 8th of March, Teacher's Day. We can have some kind of joint trips to the theater, cinema, cafes—it's all welcomed. We give each other presents. It is very important when you realize that this is not only your colleague, but also a friend, a comrade who will help you' (P4, English teacher, 23 years old). Conversely, conflicts and fragmentation of the school community hindered the achievement of MW, as competition and envy among colleagues generated a hostile and uncomfortable atmosphere. The informant showed exactly how the unwilling competition at work took place: 'If someone [a colleague] does it and everyone likes it, then I should do it too so that they [the school administration] won't forget about me' (P1, Math teacher, 25 years old). The reasonably broad age range of teachers and contradictions in the perception of the learning process led to frustration towards proactive colleagues: 'We have too much initiative at school. In my opinion, a little less is needed, as we must ensure that the school remains a serious educational institution rather than becoming solely a place for entertainment' (P10, Math teacher, 49 years old). Overall, the meaningfulness of teachers' work depended on mutual support, celebrations, and a lack of conflicts and atomization. Professional community was especially crucial for MW because of the daily face-to-face interactions and a tightly knit environment.

In contrast, tutors' involvement in the professional community was quite limited due to its online and voluntary nature. Some tutors viewed clients, such as parents of children, as partners and did not seek colleagues. Meanwhile, others engaged in online group chats and courses to foster professional connections and discuss work-related matters.

Geldenhuis and Johnson (2021) similarly noted that self-employed workers derived meaning from collaborating with others. Nonetheless, it was notable that despite earning a stable income, some tutors felt isolated from the community: 'I envied the guys who worked at CPM [a non-profit and non-governmental educational organization: the Center of Pedagogical Mastership]... They are drinking together there, and they go to the bathhouse... Well, that is, like they have some colleagues, they meet with them in person, and you can complain to them about work. I was pretty lonely, actually, working all the time [as a tutor]' (P8, tutor of Law, Social studies, 23 years old). Thus, tutor communities were voluntary and primarily online, though some sought face-to-face interactions.

The difference between tutors and teachers can be explained through the autonomy versus community lens (Bykov, 2023). Teachers are surrounded by a well-institutionalized community, actively participating in face-to-face interactions, and internalizing the values of the institutional framework (professional ethics). They value mutual help, positive interactions, and absence of conflicts as key for MW. In contrast, tutors are more autonomous, and even though a community of tutors exists, interactions are quite limited. Hence, tutors have no specific informal rules within their institutional framework, leading to a lesser emphasis on community characteristics for MW.

4.3 Defining the final work product according to institutional frameworks

The choice of the most meaningful work product was shaped by the values embedded in the institutional framework, impacting the perception of MW.

While teachers acknowledged the importance of academic achievements, non-academic outcomes were prioritized in defining MW: 'It is not so important for me whether they will have strong minds. It is important to make them good people' (P1, Math teacher, 25 years old). Turner and Thielking (2019) also emphasized the significance of non-academic outcomes for teachers. The professional ethics stressed the social responsibility of teachers, which included nurturing children and working with parents to address issues: 'a huge, huge share of time is devoted to upbringing, because children have conflicts, some kind of quarrels. Even today, literally, at half past three, I was sorting out why the boys fought' (P4, English teacher, 23 years old). This enhanced their MW, as society perceives teachers as moral role models who set positive examples, with some teachers aligning with the role's expectations: 'It's easy to live without photos in a swimsuit on social networks... or without any parties and so on' (P4, English teacher, 23 years old). However, some teachers acknowledged conflicts between their teaching role and other social roles, proposing limiting teaching responsibilities and expectations of 'ideal behavior' to the school environment: 'I believe that a teacher at school is a person who should demonstrate excellent behavior. But when the teacher goes outside the school, it is an ordinary person who can walk around in a swimming costume and smoke or drive an open-topped car and shout songs' (P13, Informatics and robotics teacher, 23 years old). These findings indicated that teachers experienced governmental and societal pressures to prioritize the moral upbringing of children, compelling them to act in a highly moral manner. Thus, institutional framework, grounded in societal values, shaped the prioritization of teachers' non-academic work product.

In contrast, tutors believed that demonstrating exceptional academic results by their pupils was crucial for achieving MW: ‘I thought: “Oh, what a smart kid, I’ll teach him till the 9th grade, he’ll graduate with a mark of 5 and I’ll tell everyone about it. It will be an advertisement for me, and it will be a blessing on my soul”’ (P16, Math tutor, 47 years old). Establishing a good reputation allowed them to utilize informal methods for finding clients, such as word-of-mouth marketing. Furthermore, tutors adopted a more individualized approach towards their clients (‘friendly mentoring’ form) to achieve better academic results. The trend towards individualization was also noted by Mikhaylova (2022). It proves the idea that tutors prioritize pupils’ academic success by utilizing marketing tools (e.g., good reputation, personalized approach, and positive feedback) to attract clients. This reflects capitalist values (Bykov, 2023) such as efficiency, competition, and profit. However, while some individuals go beyond tutoring roles, providing emotional support, it is important to note that these actions stem from the tutor’s personal goodwill rather than role expectations.

To sum it up, teachers and tutors prioritize academic and non-academic outcomes differently due to distinct institutional frameworks as teachers adhere to governmental and societal rules, while tutors operate within the regulations of the free market.

4.4 The power of prestige: institutionalization and professional status of an occupation

The public perception of an occupation is shaped by its ‘objective dignity’, which includes organizational policies, management practices, and worker interactions fostering self-respect (Laaser, 2021). These policies, as formal institutions, ensure secure employment terms, safe working conditions, fair rewards, and transparent monitoring, making highly institutionalized professions to be potentially prestigious and meaningful.

The teaching occupation is thoroughly institutionalized by the government and possesses ‘objective dignity’ (Laaser, 2021). Teachers associated the prestige of the profession with several aspects of their work, such as decent working conditions, official registration, paid vacations, and sick leave (see also Deranty & MacMillan, 2012). They also mentioned a good salary, respect from children, parents and society, and stringent qualification requirements (pedagogical degree). The government’s connection to teachers created a dependence on government policies and formed the societal status of teachers: ‘The view of parents is that teachers are people who are paid for by their taxes, so we supposedly owe everyone and everything’ (P7, Geography teacher, 24 years old). Given the profession’s institutionalization by the government and its interconnectedness, some officials propose elevating teachers to civil servant status to boost prestige. This includes aligning their salaries and benefits with those of government officials. Overall, the occupation of teachers achieved its status as a ‘profession’ (see Evetts, 2003) due to government institutionalization, but its prestige depended on factors like government policies.

In contrast, tutoring lacks formal institutions and ‘objective dignity’ (Laaser, 2021), leaving tutors vulnerable to client fraud and lacking equity safeguards. Tutoring operates based on market dynamics without centralized oversight, leading to ambiguity in tutors’ professional status. Some tutors viewed it as temporary work, while others preferred

informal arrangements, leaving them socially and economically vulnerable. Moreover, decent pay did not make the work meaningful: 'In the most profitable months I earned 100,000 rubles, not even working 40 hours a week, but still, there was no feeling that this was a real and decent job... and it's even difficult for me to introduce myself on Tinder and mention what I do for a living' (P8, tutor of Law, Social studies, 23 years old). Altogether, the institutional underdevelopment of the tutoring market led to uncertainty about whether tutoring could be called a 'profession' (see Evetts, 2003). The association with the informal economy and lack of social legitimacy for self-employment (see Stephan et al., 2020) created confusion around the status and the level of tutoring prestige.

5 Discussion

Research on MW is fragmented and lacks studies on diverse employment status. Wolfe and Patel's (2019) study found it challenging to compare employed and self-employed workers quantitatively. The absence of strong differences in the results can be explained now through the findings of the current research: the concepts of 'job importance' and 'job usefulness' can be seen as an operationalization of the 'global meaning' component of MW. Thus, employed, and self-employed workers assess the significance of their specialization to society in the same way. Nonetheless, it does not necessarily imply the absence of differences in the 'personal meaning' component of MW.

Quantitatively measuring differences in MW between employed and self-employed individuals is complex due to unclear underlying factors. This qualitative study proposes a model applicable to both forms of employment status, distinguishing MW into three dimensions: global meaning, personal meaning, and an institutional framework. While global meaning and institutional framework are relatively stable, personal meaning is dynamic, shaped by changing work conditions. This perspective views MW as a continuous process, derived from four domains of resources: work tasks, roles, interactions, and organizational contexts (Tan et al., 2023).

The research examined institutional frameworks and identified qualitative differences in the 'personal meaning' component in areas such as institutional legitimacy, work product, professional community, and occupational prestige. These variations have occurred because of distinct institutional frameworks that dictate individuals' conduct and are applicable not only in the Russian context.

(1) The subjective feeling of MW relies on the alignment between the personal values and the societal values (Bykov, 2023) within the job's institutional framework, whether it be a free-market or governmental organization. If values do not match, individuals seek autonomy outside this institutional system. When values align, the institutional framework feels legitimate, fostering acceptance and compliance. In the educational sector, teachers adhere to governmental and school instructions, thus, their personal values should coincide with the values of formal educational system to experience MW. On the contrary, tutors, acting as independent contractors, are expected to embrace free market principles such as competition, efficiency, profit, and the adept handling of market uncertainties.

(2) The key difference is found in relation to professional community and social relationships, which can be explained through community-autonomy theory (Bykov, 2023). Teachers operate within a well-institutionalized community, engaging in regular face-to-face interactions and embracing the values ingrained in the institutional framework, including professional ethics. That is why waged workers tend to find unity with others, avoid conflicts and atomization at the workplace to feel their work meaningful. Conversely, tutors are more autonomous, with their community existing primarily online and interactions being limited. The community role of tutors is ambiguous; some find it nonessential, while others seek online colleagues for a more meaningful work experience.

(3) Institutional frameworks determine the prioritization of work products, dividing them into academic and non-academic categories. The choice to prioritize one or another product of work is linked to the definition of success and what is specifically regarded by an individual as confirmation of good work (Kun & Gadanecz, 2022). Tutors prioritize academic results to attract new pupils by means of gaining favorable feedback on tutoring market websites (see also Nemkova et al., 2019), while schoolteachers focus on non-academic outcomes (see Turner & Thielking, 2019), fulfilling their societal role and moral obligations. While the product of work is important for both self-employed and employed workers to perceive their work as meaningful, they prioritize different types of results, which is explained by different institutional frameworks.

(4) The prestige of an occupation is found to be the last prominent difference in the MW of self-employed and employed workers. First, the prestige of teaching and tutoring occupations is defined by objective dignity (Laaser, 2021) – the level of institutionalization of the profession that set secure terms of employment, guarantee safe and healthy working conditions. Evetts (2003) highlights the critical role of institutionalization and ‘profession’ status in shaping occupational prestige. This study reveals unequal positioning of tutors and teachers in terms of institutionalization and professional recognition. The factors influencing their prestige vary based on the specific institutional framework. For teachers, it is linked to the power and respect of government policies, while for tutors, it hinges on the social legitimacy of self-employment.

This study has methodological limitations: social-desirability bias due to the sensitive MW topic, which was addressed using projective methods, and the unique traits of Russian public schools, not directly applicable to Western contexts, but valuable for other countries. The last limitation can be addressed by investigating workers from non-governmental organizations in the future. Finally, the sample size may limit generalizability, but it is deemed sufficient for the specific objectives of the research. The results can serve as a foundation for subsequent large-scale research.

Beyond theory, there are practical implications to consider: research findings can aid labor policymakers in enhancing job meaningfulness by accentuating positives and addressing drawbacks in institutionalized and under-institutionalized occupations, thereby reducing disguised unemployment.

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