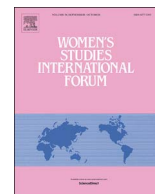




Contents lists available at ScienceDirect

Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsifThe gendered modus operandi of the *illiberal* transformation in Hungary and Poland[☆]Weronika Grzebalska^{a,*}, Andrea Pető^{b,**}^a Graduate School for Social Research, Polish Academy of Sciences, Poland^b Department of Gender Studies, Central European University, Hungary

ARTICLE INFO

Keywords:

Illiberal state
 Illiberalism
 Gender politics
 Feminism
 Human rights
 Civil society
 Familialism
 Family mainstreaming
 Securitization

ABSTRACT

Based on a comparative analysis of the ideological and policy tools of *illiberal* ruling parties in Hungary and Poland, this paper makes the case that the 21st century Central European illiberal transformation is a process deeply reliant on gender politics, and that a feminist analysis is central to understanding the current regime changes, both in terms of their ideological underpinnings, and with respect to their *modus operandi*. It argues that: 1. opposition to the liberal equality paradigm has become a key ideological space where the *illiberal* alternative to the post-1989 (neo)liberal project is being forged; 2. family mainstreaming and anti-gender policies have been one of the main pillars on which the *illiberal* state has been erected, and through which security, equality and human rights have been redefined; 3. *illiberal* transformation operates through the appropriation of key concepts, tools and funding channels of liberal equality politics which have been crucial to women's rights. The article describes some new and distinct challenges illiberal governance poses to the women's rights, feminist civil society and emancipatory politics in Hungary and Poland.

1. Introduction

In the years after Hungarian prime minister Viktor Orbán's famous 2014 declaration that the era of transnational hegemony of liberal democracy¹ is over and Hungary is building an "illiberal democracy" (Simon, 2014) instead, the academic and journalistic articles discussing 21st century illiberal states have proliferated. In this paper, we contribute to these discussions by looking at *illiberal* transformations in the region through a gender-sensitive lens which has so far been largely neglected by previous contributions (see e.g. Dawson & Hanley, 2016; Krastev, 2016; Kubik, 2012). Comparing the developments in post-2010 Hungary under the Fidesz - Kereszténydemokrata Néppárt (KDNP) coalition government and post-2015 Poland under Prawo i Sprawiedliwość (PiS) we argue that the illiberal transformation cannot be fully comprehended without employing what Cynthia Enloe (2004, 2007) calls a feminist curiosity — the critical tool of inquiry about the gendered nature of political processes. In this paper, we therefore propose to conceptualize illiberalism

as a deeply gendered political transformation which is reliant on a certain gender regime – constructions of gender as well as institutionalized relations of power between them – and which transforms the meanings of human rights, women's rights and equality in a way which privileges the rights and normative needs of families over women's rights.

Illiberal democracy is usually defined as a regime which combines certain democratic procedures such as multi-party system and general elections with a disregard for constitutional limits to power, and a lack of protection of citizens' individual rights (Zakaria, 1997). A more detailed definition is provided by Jan Kubik (2012) who lists three principles illiberalism is based on: populism, (organizational) antipluralism, and ideological monism. Drawing from works looking at structural, systemic causes behind the illiberal shift (e.g. Berezin, 2009; Fiala & Tamás, 2016; Ost, 2016), we argue that *illiberalism* can best be understood as a majoritarian nationalist response to the failures of the global, neoliberal model which has shaped the relationships between individuals and the state during the last four decades. In Central Europe,

[☆] The authors would like to thank Péter Mihályi and David Ost for their insightful and helpful comments on the draft version of this paper. Some ideas developed in this article have previously appeared in: Andrea Pető and Weronika Grzebalska, "How Hungary and Poland have silenced women and stifled human rights", *The Conversation*, October 14 2016, <https://theconversation.com/how-hungary-and-poland-have-silenced-women-and-stifled-human-rights-66743>.

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¹ Unless stated otherwise, the terms liberalism and liberal democracy are not used in this article in a sense of political philosophy or political theory but rather to denote the dominant mode of governance and accompanying ideology in post-1989 Central Europe.

this model was implemented in the framework of the post-communist transformation and subsequent EU accession, and merged human rights and liberal democratic standards with neoliberal economic policies and governance principles. The accompanying language of rights-based governance focused on individual rights, civil liberties and recognition which made it ineffective in opposing ongoing structural changes (see Gregor & Grzebalska, 2016). For voters of illiberal parties, rejection of liberal democracy is a way of opposing globalization, neoliberalism, the monopolization of political processes by elites, as well as the influence of transnational institutions like the EU or UN on national politics and values.

One prolific strand of discussions about the current resurfacing of illiberalism has revolved around where these emergent regimes fall on the political systems typology and the usefulness of historical analogies. While some authors see predictive merit in discerning whether illiberalism is the rebirth of European fascism (see e.g. Chotiner & Paxton, 2016), a backslide into a form of competitive authoritarianism (see e.g. Zgut & Przybylski, 2017), a new type of mafia state (e.g. Magyar, 2016), or an amalgam of old non-democratic governance traditions (Leszczyński, 2017), others have long warned about analogies becoming “over-encompassing explanatory frameworks” (Mercer, 2016) which obscure rather than illuminate the character of the processes in question. For heuristic reasons, in this article we choose to take current Central European illiberalism seriously as a new and unique form of governance both in terms of its underlying conditions connected to the challenges created by neoliberal globalization (see Kováts, 2016), its counter-hegemonic project, and with respect to its *modus operandi*. Therefore, rather than engaging in theoretical discussions about the nature of the political regime in question, we critically investigate the gendered workings of the ongoing illiberal transformation: the policies, mechanisms and rhetorical tools employed by Hungarian and Polish illiberal governments. It is our conviction that looking at the specific ways in which the political system is being transformed can give us ideas about how the ongoing processes can be halted or resisted on this operational level.

Investigating the gendered *modus operandi* of the illiberal transformation, the structure of the article is as follows. In the first section we introduce the concept of gender as symbolic glue and argue that illiberalism is a project fueled by the rejection of liberal emancipatory politics — both in the narrow policy sense and as a symbol of a progressive vision of the future. In the following Sections 3 and 4 we look closely at other two politico-ideological building blocks of the illiberal counter-proposal — the securitization of progressive activism and the promotion of familialist politics — and argue that they, too, are gendered, as they rely on an anti-modernist vision of a secure community and citizens' empowerment. In the last section we trace how the transformation to illiberal governance is perpetuated and sustained on the technical policy level — through the redefinition of key concepts, tools and mechanisms of liberal equality politics which are crucial to women's rights.

2. Gender as symbolic glue

The recent entrenchment of *illiberalism* by FIDESZ in Hungary and PiS in Poland has followed a similar pattern; it led from obtaining majority in democratic elections to the blurring of the separation between the party and the state through such steps as the paralyzing of the Tribunal Court, amendments or plain violation of the Constitution, the subordination of the judiciary to the ruling party, taking control over the media, state-owned companies and the education system,² followed by the creation of a parallel civil society sector and attempts to support and enrich ruling party's allies and voter base. While all of these

elements of the illiberal transformation have received significant attention from scholars and commentators alike, what has been largely neglected is the role gender politics has played in this paradigm shift by enabling right-wing actors articulate and entrench their counter-hegemonic project. We argue that gender functions as a symbolic glue (Pető, 2015a,b; Grzebalska, Kováts, & Pető, 2017); equality politics functions in the illiberal transformation as a symbol of everything that is wrong with the current state of politics. It is a metaphor for the insecurities and injustices created through the process of socio-economic transformation guided by the principles of the neoliberal policy consensus. Firstly, using the concept of ‘gender ideology’ as an enemy-figure has allowed illiberal actors to unite under one umbrella term various issues attributed to the liberal agenda, among them reproductive rights, rights of sexual minorities, gender studies and gender mainstreaming. Secondly, the demonization of equality politics implemented during the EU accession process has become a key rhetorical tool for defining political antagonism by neoconservative actors struggling for cultural hegemony (see e.g. Gramsci, 1971; Laclau & Mouffe, 1985). A way of constructing a new political *common sense* for a wide audience, that is, a consensus about what is perceived as normal and legitimate. The counter-proposal offered by right wing actors has instead been built around an anti-modernist rejection of what is seen as the destructive consequences of liberal progress (see e.g. Versluis, 2006); this counter-hegemonic project has been centered on the nation, the family and religion instead. Last but not least, the opposition to the so-called gender ideology has allowed illiberals to build a broad front comprised of actors who have not always been eager to cooperate in the past, among them mainstream conservatives and far-right groups as well as fundamentalist Christian and Muslim groups (on these religious alliances see e.g. The Telegraph, 2012).

Yet the articulation of the opposition to the liberal project in anti-gender terms would not have been so successful, if it had not been grounded in very real inequalities and contradictions created by the globalized, neoliberal model. In the realm of gender relations these failures took the form of what Beatrix Campbell (2014a, 2014b) called “neoliberal neopatriarchy”. While this gender regime waved gender equality on its banners, it simultaneously dismantled the welfare state using austerity rhetoric for legitimization, undermined social solidarity, and rejected any structural reforms which are needed to reach genuine equality (Campbell, 2014b, Fraser, 2009, 2013, for Central Europe see e.g. Gregor & Grzebalska, 2016). The narrow, market-oriented and culturalist vision of equality promoted by the mainstream strand of feminism has resulted in the overemphasis on emancipatory aspects of paid employment and ignoring the value of care work, as well as the fetishization of choice and individualism at the expense of aiming for structural changes. This tendency has also been observed in the case of EU policies, which have largely incorporated the gender perspective as a tool serving economic goals by increasing flexibility and effectiveness rather than a critical perspective serving equality per se (Elomäki, 2015; Stratigaki, 2004). The result has been a system which accepts some token women in positions of power, but leaves masses of women behind. As Nancy Fraser (2017) argues, “the talk of ‘diversity,’ ‘empowerment,’ and ‘non-discrimination’ (...) equated ‘emancipation’ with the rise of a small elite of ‘talented’ women, minorities, and gays in the winner-takes-all corporate hierarchy instead of with the latter's abolition”. Moreover, the hegemony of identity politics with its focus on individual empowerment and the recognition of minority groups has to a large extent hindered a meaningful critique of progressives' own entanglement in the neoliberal logic. In consequence, according to EIGE Gender Equality Index (EIGE, 2017) and United Nation's DESA (UN, 2015), in many areas such as employment, education, health and unpaid care, advancements in reaching gender equality have stagnated in the last two decades. Moreover, the changes have tended to profit professional women more than those working in unskilled positions (IPPR, 2013). These tendencies have added to a feeling of frustration and disappointment with equality politics in general, leading many

² See e.g. Shekhovtsov (2016) for a step-by-step analysis of the initial phases of the institutional takeover in Poland and Hungary.

women to doubt the equality paradigm itself and seek alternative empowerment in anti-modernist projects resting on nationalism and familism (Gelnarová & Pető, 2016; Pető, 2010).

The remaining sections discuss the ideological and policy tools of the illiberal transformation of globalized liberalism in more detail, and offer an in-depth glimpse into the ways they are gendered.

3. Securitization of open society and human rights

One of the key ideological pillars of illiberal governance is majoritarian nationalism (see e.g. Anand, 2014) which conceptualizes the state as an apparatus of majority rule. Under the guise of *national will* illiberal parties offer their supporters the opportunity to impose their views on the rest of the society. Minority rights are rejected as threatening the majority's rights to do what they please, and dignity and solidarity is only granted to those belonging to the restricted community of *real patriots* (see e.g. Ost, 2016). Those who oppose *national will* are considered illegitimate at best and *traitors* serving foreign interests at worst.

Both in Hungary and Poland feminism, the human rights sector and progressive political actors in general have been framed by illiberal elites as foreign-steered projects and agents, potentially dangerous for national interests. In 2013, the Hungarian government commenced an attack on human rights NGOs. On August 14th 2013, conservative newspaper *Heti Válasz* published an article criticizing EEA and Norway Grants for supporting foreign interests as well as accusing Hungarian-born American businessman and civil society philanthropist George Soros of strengthening civil opposition through Open Society grants.³ The article listed 24 NGOs who received either of those grants, leading them to earn the title “The Dirty 24.” It was later revealed that FIDESZ itself attempted to exert power over the distribution of EEA grants through a government-funded think tank, the *Századvég Foundation*, but it was not selected as the operator. The accusations were echoed by the FIDESZ spokesman, followed by government's investigation into 63 beneficiaries and attempts at carrying out an audit in some of these NGOs. In a speech given in July 2014 in which Prime Minister Viktor Orbán introduced the term “illiberal democracy”, he accused the civil society of being “paid political activists who are trying to help foreign interests” (Simon, 2014). In September 2014, offices of two NGOs receiving EEA and Norway grants were raided by the police on the grounds of suspicion of unauthorized financial activity. At the end of the campaign, the members of the consortium, who were responsible for the operation of the EEA and Norway grants, had their tax numbers suspended, and the government introduced new standards for charities, leading many Hungarian NGOs to lose their charity status. On June 13th 2017 the Hungarian Parliament passed the law requiring NGOs to report, if they have received foreign funding of more than 23,000 EUR and display the information on their website and in their publications (LibertiesEU, 2017). Following a similar script, the day after the black protests in November 2017 in Poland, the police raided the offices of two women's NGOs in four cities and seized their computers and documents as part of an ongoing investigation. Meanwhile, several activists in Poland face trial for using an altered sign of the Polish World War II underground – the Fighting Poland – during women's protests (HFHR, 2017). In line with the ruling party's attempts to secure a particular strand of historical memory (see e.g. Mälksoo, 2015), right wing activists have repeatedly filed complaints accusing feminist protesters of insulting the symbol.

Apart from attacking particular NGOs and activists as ‘serving foreign interests’, illiberals in Hungary and Poland have also been attempting to demonize and securitize various civil society and human

rights issues by moving these problems beyond normal politics and picturing them not as socio-economic or political-ideological issues, but rather as existential threats which put the well-being of the national collective or its most vulnerable members – children – in danger and thus should be dealt with without proper public debate (see e.g. Buzan, Wæver, & de Wilde, 1998; Wæver, 1995). In the past, PiS has been one of the key actors of the anti-gender campaign⁴ which started in the years 2012–2013 in Poland and evolved around three triggers: the pedophilia scandal in the Polish Catholic Church from which Church officials wanted to distract the public, the Istanbul Convention, and World Health Organization's recommendations concerning sexual education in schools (Grzebalska, 2015). The campaign was also conveniently orchestrated before the 2014 local elections and the elections to the European Parliament, with meetings with key anti-gender ideologists organized in city councils and parishes across the country and some anti-gender activists even running for seats (Grzebalska, 2015: 93).

From the beginning of the campaign gender issues were taken out of the normal political sphere and pushed into an emergency mode — portrayed as an urgent threat to the socio-economic interests, if not the very survival of Poles as a nation. From the outset anti-gender actors used the figure of the “child in danger” (Korolczuk, 2015: 44) to mobilize supporters, and claimed that ‘gender ideology’ encourages children to masturbate and choose their own sex, ultimately leading to “emotional and moral confusion” and “destroying the very foundations of our civilization” (Sunday/Niedziela, 2017). Gender experts, sexual minority activists and feminist academics, in turn, have been presented as agents of a transnational lobby aiming to impose a new form of totalitarianism on Poland. Public attacks on ‘gender ideology’ were so ubiquitous that ‘gender’ was chosen word of the year 2013 by experts in linguistics, and PiS which included combating ‘gender ideology’ in its party program and organized numerous meetings on the topic during electoral campaign, ended up profiting from the fear-mongering during the 2014 elections (Grzebalska, 2015).

The ‘refugee crisis’ was another topic that the populist right was successful at securitizing, that is, constructing as a dramatic threat which requires extraordinary measures rather than a socio-economic issue which can be resolved through normal governance processes. In July 2016, PiS leader Jarosław Kaczyński addressed his party members about the reasons behind not accepting Muslim refugees, as well as the dangers stemming from the concept of open society. He said: “It is about sovereignty. If we keep it, we will defend ourselves (...) the ideas of Mr. Soros, ideas of societies which do not have an identity, are ideas beneficial for those who own millions, because such societies are easy to manipulate. When there are no strong identities, one can do anything with a society” (Wpólityce, 2016). Likewise in Hungary, FIDESZ has been successful at securitizing the ‘refugee crisis’, with Orbán famously claiming that “every single migrant poses a public security and terror risk” (The Guardian, 2016), as well as using the issue of sexual violence against women to campaign against refugee quotas. By presenting the former as a racialized threat to national security rather than a gendered phenomenon, Orbán managed to wash his hands of the matter, not addressing his government's responsibility for maintaining the culture of violence, e.g. by not ratifying the Istanbul Convention on preventing and combating violence against women and domestic violence.⁵ In 2016, on the wave of the ongoing ‘refugee crisis’, PiS government passed a widely-criticized counterterrorism bill which uses the possibility of a perceived terrorist threat to limit the freedom of assembly

³ For a more detailed timeline of governmental attacks against Hungarian NGO sphere see: http://tasz.hu/files/tasz/imce/timeline_of_gov_attacks_against_hungarian_ngos_20140921.pdf.

⁴ For more on anti-gender campaigns in Europe see: Kováts and Poim (2015), Pető (2015a, 2015b), Grzebalska (2016), Kováts (2017), and Kuhar and Paternotte (2017). For Poland, see also: Graff (2014); Korolczuk (2014), Grzebalska (2015), and Graff and Korolczuk (2017). For Hungary, see: Félix (2015), Kováts and Pető (2017).

⁵ The document has been opened for signature to the member countries by the Council of Europe in 2011. Among other countries Hungary, Germany, Norway and Slovakia have not ratified the convention.

and communication, and allows the blocking of internet content on demand of Internal Security Agency (Panoptykon, 2016). Meanwhile, FIDESZ has also attempted to use the purported threat of terrorism to amend the 2011 constitution to allow the government to resettle people, monitor personal correspondence, suspend the right to assembly, and close all borders (Hungarian Free Press, 2016).

Constructing social activism, gender equality, open society and minority rights as a cultural or moral existential threat has serious consequences. Firstly, it makes it possible for fundamentalist or radical actors to mainstream extreme ideas and policy solutions, and push the ruling parties to adopt more radical stances and thus normalize them, as was the case with the campaign against ‘gender ideology’ in Poland under the Civic Platform (PO) government. Secondly, securitization also means that human rights issues become depoliticized and their advocates are presented as enemy rather than political adversary. Thirdly, the discourse of securitization also legitimizes the use of extraordinary measures against the perceived threats, either by the state – as was the case with police raids on NGOs in Hungary in 2014 and Poland in 2017 – or by far right groups that either challenge the monopoly of the state on violence or are even tolerated by ruling elites as executors of that violence. In fact, in Poland direct violence based on race, ethnicity or sexual orientation has been on the rise (Wyborcza, 2016).

4. Family mainstreaming policies

A major key tenet of the illiberal project in Central Europe has been familialism — a form of biopolitics which views the *traditional* family as a foundation of the nation, and subjugates individual reproductive and self-determination rights to the normative demand of the reproduction of the nation (Kemper, 2016). As an illiberal response to the demographic crisis, in both Hungary and Poland familialist policies have substituted dedication to gender equality, and attacks on reproductive rights have followed. In Poland, and many other countries globally, familialist policies have been accompanied by the discourse on ‘gender ideology’ (see Section 2) which presented various gender equality and women's rights issues as a “deadly threat”, leading the nation to moral and “biological” decay, undermining national sovereignty (for more see Kováts & Poim, 2015).

PiS has not merely paid lip service to the goal of supporting families. In April 2016, the child benefit program named *Family 500 plus* was launched with an aim to “reverse the negative demographic trend” (MPiPS, 2016), offering families an unconditional monthly cash transfer of 500 PLN (120 EUR) for every second and subsequent child until it reaches 18 years of age; the first child in case of families with a monthly income below 190 EUR per family member (see e.g. Beradi, 2016), with average monthly income per family member in 2015 amounting to 330 EUR. The program has stirred heated debates, revealing a division line deeper than political party membership — one between the neoliberals and the post-keynesians. Besides pointing to its general sloppiness, typical for PiS legislature, family policy experts also noted that a program based solely on money transfers is unlikely to succeed at increasing the fertility rate (Fundacja Kaleckiego, 2016), but merely accelerating the decision to have a child (OECD, 2011). In turn, international research shows that successful family policies are based on the diversification of instruments, including housing policies, parental leave, money transfers and institutional care (Luci-Greulich & Thévenon, 2013). Moreover, analysts have also observed a positive correlation between gender equality and fertility; they noted that instruments promoting gender equality, e.g. state-funded institutional care, paternal leave and policies helping women return to the labor market, have a much bigger impact on women's decisions to have a child than child benefits alone (Sobociński, 2015). Moreover, in 2017 PiS decided to lower the retirement age to 65 years for men and 60 years for women. In case of the latter, party officials pointed to the role of this policy in “reinstating their care potential” (MPiPS, 2016a)

and thus facilitating the rebuilding of multigenerational households. While the jury is still out on the effects of *Family 500 plus* for the gender order, in the light of clear position of the ruling party on care work as belonging to women, and lack of incentives for men to participate in it, the program has a high chance of not advancing women's situation with relation to paid employment and care work, or – at worse – cementing the traditional family model.

But while the program is expected to be inefficient in increasing fertility and facilitating a more equal division of labor within the household, its social justice impact cannot be denied. As the most expensive and wide-scale redistribution policy in post-1989 Poland, *Family 500 plus* has been met with a positive response from the society (77% viewed it favorably in 2017, CBOS, 2017), most significantly by socially disenfranchised groups seeking for recognition of their dignity and risk relief. By and large these segments of the society coincide with a significant category of PiS core voters who are more likely to be older, to have lower education and income and come from rural areas (CBOS, 2015). Moreover, early analyses point to the program already substantially reducing poverty among families with children (IBS, 2016). Therefore, while not advancing gender equality, the program does indeed serve women's practical gender interests linked to children's wellbeing and household welfare and can thus be seen as beneficial (Grzebalska & Zacharenko, 2018).

Hungary has also made a reputation for its pro-family stance and generous family benefits. The Fundamental Law, which substituted the constitution, declares that Hungary “shall protect the institution of marriage as the union of a man and a woman” because the family is “the basis of the nation's survival”, and the government has been acting accordingly in its family policy (Szikra, 2014: 486–500). In 2010, the FIDESZ government reintroduced three years of paid paternal care after it has been decreased to two years by the socialist-liberal government for budgetary reasons. Unlike Polish family benefits, which are universal, Hungarian family and social policies favor those better off. Thus, generous tax benefits are inaccessible to the poor and decrease in household energy prices mostly benefit those living in bigger apartments. Moreover, both flat income tax and the *GYED Extra* package have also benefited the middle and upper class by giving them access to both childcare facilities and tax reduction (see e.g. Missetics, 2014). Moreover, policies are often framed in a way that assumes and reaffirms traditional gender roles, as in the case of early retirement provisions, which were granted to women with forty years of social security contributions. Years spent in higher education do not count as contributory years, whereas time spent on maternity leave does, reflecting the preference of the cabinet for women's caregiving roles. The two governments place heteronormative families at the center of their politics at the expense of individual rights. While some policies undoubtedly benefit women, they also conceptualize them primarily as mothers, and not as citizens whose equal rights need to be assured. The year of 2018 is named as the “Year of the Families” as the election campaign in 2018 is planned to be centered on the alleged success story of the FIDESZ government's family policy.

5. Illiberal transformation as a polypore: appropriation of liberal democratic concepts, institutions and mechanisms

In what follows, the paper describes the distinctive pattern of operation of the illiberal transformation with respect to how it has been implemented on the level of the previously existing state, as well as on the level of transnational and civil society institutions, mechanisms and concepts. Scrutinizing the step by step process that is illiberal transformation, we argued that it can be best understood by comparison to a polypore — a parasitic fungus that feeds on a rotten tree while contributing to its decay, and produces a fully dependent organism in return (Pető & Grzebalska, 2016). Likewise, in the first stages of regime transformation, illiberal elites in Hungary and Poland have appropriated and divested resources from already existing policy,

institutional and funding infrastructure of the European liberal democratic project rather than attempted to erect a new one. Contrary to popular belief, neither FIDESZ nor PiS are interested in leaving the European Union or rejecting its basic tenets and mechanisms. Rather, they wish to exploit the funding and political opportunities the EU offers, while at the same time pursuing their own political agenda of building an *illiberal international* (Sierakowski, 2016). What is different with regards to the clientelism of illiberal elites is that they openly “colonize or occupy the state” (Müller, 2016) and treat “all public institutions (...) as the personal property of the leader” (Tamás, 2017), leading to a point where the very idea of a modern democratic state as independent from the ruling party becomes inadequate. What allows them to do so is the populist ideology of majoritarian nationalism in which nepotism and clientelism are not seen as an anomaly, but as a legitimate way of ensuring that power and assets are concentrated in the hands of the rightful representatives of the real people.

Just like the polypore usually attacks already damaged trees, illiberals rise to power in the context of a failing liberal democratic project, accompanied by weak and divided progressive parties, and deficient nation states significantly weakened by neoliberal globalization. Therefore, illiberal states can be seen as adjustment models stemming from a deficit of genuine liberal democracy, the failures of liberalism to deliver in the present (Krastev, 2016). In fact, both in Hungary and Poland the formerly ruling parties have left office amidst corruption, lack of dedication to human rights, and clientelism scandals. However, as various commentators point out (see e.g. Fiala & Tamás, 2016; Krastev, 2007, 2016; Ost, 2016), these failures of liberalism to deliver cannot be reduced to opportunism of liberal elites, but ultimately stem from gradual demise of left-wing emancipatory politics which provided counterbalance to the power of the ruling classes. When it was gradually dismantled with the rise of neoliberalism to hegemony from the 1980s onwards, there were no actors which could provide the checks and balances keeping the liberal capitalist system democratic.

Next sections offer an insight into the polypore-like workings of illiberal states with respect to their effects on the human rights and gender equality sector. More specifically, the sections describe three distinct ways in which the illiberal state exploits and drains the existing institutional setup of the liberal democratic state: by appropriating the language and infrastructure of human rights and gender equality, by building a parallel civil society, and by misusing democratic procedures to serve the ruling elite and their allies.

5.1. Hijacking of the human rights language and infrastructure

When the Hungarian and Polish governments introduced the concept of family mainstreaming as an alternative to gender mainstreaming, both the distinguished human rights experts in the CEDAW Commission and feminist activists back at home were unprepared for this major paradigm shift happening in Central Europe and within the institutional structures of the European Union.

After family mainstreaming has been introduced by the Hungarian government in 2010, one could observe a gradual vanishing of the focus on gender, indicating that family mainstreaming is seen by illiberals as an alternative to gender mainstreaming rather than just an additional policy tool. While some gender mainstreaming initiatives still continued in the first couple of years, “Hungarian officials gradually distanced themselves from the idea of gender equality”, moving to family mainstreaming instead (Juhász, 2015: 29). This was also accompanied by the transformation of the government apparatus that is responsible for gender equality into secretariats dealing with family and demographic issues. For instance, the Department of Equal Opportunity in Hungary was moved under the auspices of the Department of Social and Family Affairs, and the Council for Gender Equality has not convened since 2010.

In Poland, the introduction of this new public policy concept of family mainstreaming, aimed at “bringing the family to the core of the

political rules of the government” (MSZ, 2016), was announced in a speech given by the Plenipotentiary for Equal Treatment and Civil Society, Wojciech Kaczmarczyk, at the 60th Session on the Status of Women hosted by the UN in March 2016. While not openly rejecting gender mainstreaming, and acknowledging its importance in some areas, Kaczmarczyk presented family mainstreaming as a more comprehensive alternative, and argued that it should be implemented into all spheres of social life, ranging from economy and law to healthcare and education. Later that year, Polish Deputy Minister of Foreign Affairs, Aleksander Stepkowski, took part in the Fundamental Human Rights Forum in Vienna. When asked about what he understands under governance based on human rights, he confounded his co-panelists by talking about how families were the victims of the transformation and how the Polish government fulfills the aforementioned principles through the advancement of economic and social standing of families (Fundamental Rights Forum, 2016).

Just like Hungarian feminists, who long perceived family mainstreaming as a “homemade concept” (Juhász, 2015: 29), in conversations on social media, Polish feminists reacted to Stepkowski’s address with a mix of surprise and enlightened irony. Yet family mainstreaming is hardly a new concept, nor one designed ad hoc to hide government officials’ incompetence in the field of human rights. In fact, the concept appeared in the documents issued by the United Nations Department of Economic and Social Affairs (UN, 2003) and the European Parliament as early as in 2003 (EP resolution on reconciling professional, family and private lives 2003/2129(INI)). In this context, it was viewed as a tool to identify the impact of policies on families, engrain family concerns more deeply in policies, and strengthen the functions of the family. At the same time, both documents adopted a broad, functional definition of family, instead of a narrow traditional one, and stressed the importance of individual rights alongside those of families. In the hands of illiberal actors, however, family mainstreaming shifted its original meaning and became an alternative policy model. One in which the family rather than an individual is the subject of rights, and one seen as a tool for promoting fundamentalist values. For example, Brussels-based Federation of Catholic Family Associations in Europe, which has been running a 2014 campaign “Vote for Family!” promotes family mainstreaming in a package with the idea of complementarity of sexes, rejection of ‘gender ideology’, protection of life from contraception, and parents’ right to raise their children in their own beliefs (see e.g. *Vote for Family Manifesto*, 2014).

Another example of the appropriation of the critical gender studies discourse to advance the conservative agenda, has been the speech given on the occasion of the 8th Congress of Women in Warsaw by Wojciech Kaczmarczyk. That Kaczmarczyk did not decline the invitation to the Congress, and began his speech by professing his dedication to full equality between men and women, was a clear statement that the new government does not wish to outright reject the gender equality paradigm but rather to redefine it. When talking about women, who, in his opinion, deserve special recognition and respect, Kaczmarczyk underlined that too little attention is given to nuns who “fulfill their evangelic vocation often providing very difficult help to those in need” (reference). Coupled with his earlier suggestion that “glass ceilings exist only in women’s heads” (TVN24, 2016), as well as his statement that Polish law guarantees women “full protection of their rights” (TVN24, 2016), this speech gave an indication of women’s roles that the illiberal party considers worthy of support, as well as the types of under-privilege that are seen as valid.

Far from being a Central European phenomenon, the aforementioned examples are of course part of a broader transnational campaign waged by the religious right since the 1990s — the battle for symbolic control of the human rights discourse. As argued by Lynn M. Morgan, after initially rejecting the secular language of human rights, many Catholic organizations have begun to adapt it to the goals of antimodernist politics, aiming to “use the United Nations framework to lobby for family rights, natural rights, and the rights of the unborn”

(Morgan, 2016: 478). One especially striking example of this reworking of the human rights framework is the so-called 'pro-life' movement which constructs embryos and fetuses as moral and political subjects, and then applies the concept of human rights to the unborn to undermine the reproductive rights of living women, as well as deny full personhood and citizenship rights to children born through IVF (see e.g. Korolczuk, 2016). In Poland, the ruling party has often pledged to introduce new laws saving 'the life of the unborn'. In 2016, the parliament has initially voted through a proposed bill submitted by a fundamentalist NGO, *Ordo Iuris*, which proposed to introduce a total ban on abortion even in case of rape or fetal deformation, and criminalized any form of interference with the fetus' life. After mass protests which engaged over 140,000 people (mostly women) across Poland, PiS withdrew its support for the *Ordo Iuris* project and announced it would propose its own bill.

5.2. Building a parallel civil society

As argued by experts and academics on the example of Hungary under FIDESZ (Krekó & Mayer, 2015; Pető & Vasali, 2014; Tavares, 2013), the goal of illiberal parties in Central Europe is 'transforming the transformation' (see e.g. Minkenberg, 2015) — reconfiguring of the institutions and infrastructure of post-1989 liberal democratic state in a way that strongly benefits the new ruling elite and its voter base. The key aspect of this correction of the post-1989 transformation is the transfiguration of the previously existing civil society in a way that openly re-politicizes it in line with anti-liberal and anti-modernist values. This re-politicization ultimately means the re-normativization of politics — the introduction of norms and values to the heretofore largely technocratic political and economic realms, and the subordination of the latter under political control of governing elites representing 'the people'.

This nationalist re-politicization is put forth by illiberal elites against the background of the dominant character of the civil society sector in post-1989 Central Europe. As PiS leader Jarosław Kaczyński stated already in 2006, elites of the post-1989 Republic supported the Western concept of civil society, because they did not want "a strong state and strong politics" and wanted to pacify a possible political awakening of citizens (Michalski & Kaczyński, 2006). Academic critics have shared some of his views, arguing that the civil society sector has in part aided the legitimization of the neoliberal transformation, serving the role of an instrument that de-politicizes citizens, and rephrases political dissent in the language of expertise, consultancy and service-provision (see e.g. Lang, 1997; Roy, 2014, for feminist critiques; Załęski, 2012 for NGOization in Poland). Illiberals are fundamentally questioning the previous unsaid consensus about what civil society should be. As neoliberal states after 1989 outsourced different services to donor-dependent NGOs, during their fight against neoliberal actors illiberal states now use political socialisational fights in shaping and evaluating the agenda of previously depoliticized civil societies. Their aim is to change the language, the actors and the framework occupies not only the social space that previous secular, human rights based NGOs were occupying but also support and resources.

However, what this re-politicization of the civil society entails is replacing certain NGOs which work within the liberal democratic human rights paradigm with pro-government or even government-organized NGOs which support the illiberal agenda. This replacement is largely achieved through the ideological distribution of EU and state funding, as well as through the securitization of human rights NGOs. While often the newly-elevated NGOs seemingly have the same profile and target group, as the previous ones, they operate within a blatantly different framework which is openly fundamentally religious and illiberal. They also claim to be the only true representatives of the society, portraying progressive organizations as foreign-steered, a notion best contained in the government rhymed slogan "ulica i zagranica" (street and abroad) used to denote the ostensible steering of civil

society protests by foreign donors.

FIDESZ in Hungary has successfully set up its own bogus NGO sector which acts in coordination with the government's agenda, and initiates pro-government grassroots mobilizations. Since 2012, one such government-organized NGO — Civil Cooperation Forum (*CÖF*) headed by László Csizmadia who is also the president of Hungary's main grant-giving body, the National Cooperation Fund, has been among the organizers of pro-government Peace Marches for Hungary (*Békemenet*). During the 2014 election campaign, *CÖF* headed a smear campaign against the opposition which involved 'most wanted billboards' portraying opposition leaders as criminals, thus allowing FIDESZ to concentrate on issue-based campaigning. The National Cooperation Fund itself has been known to grant funds to pro-government media outlets as well as organizations led by FIDESZ politicians.

Besides these widely recognized phenomena a less visible, but more profound change has been happening as far as restructuring the NGO sphere is concerned. The deprivation of human rights NGOs of funding and the sidetracking of funding for initiatives which fulfill seemingly similar, but in fact strikingly different goals. One widely publicized example in Hungary has been the controversial 2011 anti-abortion poster campaign, which used an image of a fetus asking its mother to give birth and give it to adoption (Euractiv, 2011). As it was revealed, the campaign was launched as part of a government work-life balance project and as such, it was funded by? the EU employment and social solidarity program PROGRESS. On a similar note, while there are two key women's NGOs in Hungary that deal with the role of fathers in families and work-life balance (the long-existing liberal *Jól-lét* and the newly founded, conservative *Három Királyfi*), recently only the latter has received significant state funding for its projects.⁶

Likewise in Poland, where the government announced plans to implement a new National Plan for Civil Society Development in 2016, a restructuring of the NGO sector has been observed. Besides rightful postulates about how to solve problems faced by the third sector, the impulse that drives the National Plan, has been largely of ideological nature. In fact, government officials have not been hiding their intention to build a new and 'authentic' civil society, one "independent from foreign influence" (Dudkiewicz & Kulik-Bielińska, 2016). and one that grants place to religious and right-wing organizations which are believed to have had difficulties obtaining funding under the former government (NGO.PL, 2016). As observed by the director of the Batory Foundation, Ewa Kulik-Bielińska, since PiS came to power in 2015, the civil society sector has experienced a series of breaches from democratic standards. Among them were the dismantling of expert bodies working with ministries, the cancelation? of grant competitions or their jury boards, the changing of priority areas in already announced tenders, withholding or revisiting the results of tenders, odd justifications of funding refusals, and the granting of funding to entities which do not meet formal criteria (Dudkiewicz & Kulik-Bielińska, 2016).

Systemic changes enlisted by Kulik (*ibid.* 2016) include concrete examples, resulting in very real consequences for the underprivileged members of the society who rely on NGOs to provide services abandoned by the state. One widely discussed instance has been the denial of funding to the Centre for Women's Rights, a foundation set up in 1994 with a mission to support gender equality, and specializing in providing assistance to female victims of different types of violence. The foundation has offices and mobile spots across Poland and helps up to 3000 women annually, in large part thanks to grants from the Ministry of Justice. Yet the new government denied its funding due to the fact that it only offers services to women and not all victims of violence, a requirement that has not been listed in the ministry's regulations, and one that goes against international standards, e.g. the Istanbul Convention which clearly states that women constitute the majority of victims of violence. Other organizations, which did not receive funding,

⁶ <http://www.haromkiralyfi.hu/tamogatások>.

included the BABA Association that provide help to women, and the Nobody's Children Foundation that specializes in child victims of violence. Instead of the first one, funding was granted to a Catholic NGO Brother Krystyn Association and a familialist organization The Lubuskie Movement for Women and Family; and instead of the Nobody's Children Foundation it was given to Caritas (see RPO, 2016). What all organizations deprived of funding have in common is the fact that they have long been the target of attacks of religious conservatives due to their alleged anti-family stance, that is, promoting the rights of individuals affected by violence within the family rather than working towards saving the family, e.g. through mediation. The Centre for Women's Rights in particular has long been accused of promoting 'gender ideology', and attacked for supporting the ratification of the Istanbul Convention which was later signed by President Komorowski in the Centre's office.

In case of some tenders, priority areas have been changed to privilege projects and organizations which concentrate on promoting values and attitudes central to the new government's ideology. For instance, in 2016, the evaluation sheet of Civic Initiatives Fund subsidies contest has been amended to favor "activities in favor of family, motherhood and parenthood" (MRPiP, 2016). Another example of serious blurring of the separation between party ideology and the state has been the cut of the Commissioner for Human Rights office budget by 2.33 million EUR in 2016, an amount which made the office unable to perform many of its tasks. That same year, 42 million EUR were allocated from the budget for the Catholic World Youth Congress organized in Cracow. The biggest winner of 2016 has been the Church and Catholic CSOs. The charismatic leader of Radio Maryja, Father Tadeusz Rydzyk, alone received over 6 million EUR for his different enterprises. In order to grant Rydzyk's Foundation 47 thousand EUR, the Ministry of Foreign Affairs changed requirements in an already announced tender to include "the promotion of Polish contribution to the civilizational and cultural development of Europe in the aspect of the 1050 anniversary of the Baptism of Poland, and in the context of the 2016 World Youth Day" (MSZ, 2016a).

Ideology-driven distribution of funding also affected gender studies as an academic discipline. In 2016, right after taking office, Minister of Education, Jarosław Gowin, announced that "some gay or lesbian studies" journals should be removed from the ministerial list (PAP, 2016). He later added that while he has no power over universities which are autonomous by law, he considers gender studies a "pseudoscience" similar to Marxism and Leninism in the Communist era, and regrets that European grants are wasted on research in this field (PAP, 2016). These statements were a continuation of the anti-gender campaign which also attacked gender studies. While gender studies have never had a strong position in the region, both in terms of institutionalization and funding (Pető, 2000), they have not been the target of comparable attacks by government officials before. One of the reasons for this lack of attacks is the fact that the first MA in gender studies in a Hungarian speaking state university was accredited only in the spring of 2016, together with a PhD in Gender Studies in English, in the midst of the anti-gender rhetoric (Pető, 2017 297–299).

5.3. Appropriation of democratic procedures

Another potent example of the operational workings of the illiberal transformation is the appropriation of democratic procedures such as referendums or procedures for passing laws. As observed by Batory Foundation's Citizens' Legislation Forum, during the first 100 days in power, the PiS government passed 42 bills, three and a half times more than the former government has passed in this period (*Obywatelskie Forum Legislacji*, 2018). 75% of these bills were notified as private members' bills, a mechanism created for members of the opposition and one which does not require providing opinions, inter-ministry consultations, public consultations or impact assessment. In terms of governments' bills, Citizens' Legislation Forum has observed a general rush

and sloppiness: many bills were not consulted with the parties involved, others did not contain proper impact assessment. Likewise in Hungary, lawmaking process accelerated under illiberal rule. Just between 2011 and 2013 the Parliament adopted up to 226 bills per year, almost twice as much as between 1990 and 2009 (CRCB, 2015). This rush has affected the quality of laws, with civil society actors reporting lack of consultations on planned acts. Just like in Poland, most of the bills have been notified as private MPs' bills which do not require consultations.

This accelerated lawmaking process coupled with ideology-driven policy making has serious consequences for the situation of women and emancipatory politics. In 2016, during the accelerated parliamentary work on the anti-abortion law, the ruling party denied women's rights activists access to the debates, despite the fact that they were granted attendance earlier. Yet even in the case of less contested laws, consultations are skipped altogether or reduced to a bare minimum, and involve often only pro-government NGOs. This means that it is impossible for civil society actors to intervene in the process, make their opposition heard, or even make sure that an evidence-based approach is present, where just solutions are put forth, and the voices of disadvantaged groups are heard.

6. Conclusions

Adding to the growing literature discussing the emergence of new political actors rejecting liberal democracy and the implementation of equal rights across Europe, this article analyzes the *modus operandi* of the illiberal political transformation in Hungary and Poland which we concede emerged as a reaction to the challenges created by the hegemony of the global neoliberal system. Looking at the step-by-step process of illiberal transformation and comparing the rhetoric, policies and mechanisms of illiberal parties in Hungary and Poland, the paper argues that a gender-sensitive perspective is crucial for understanding the logic and mechanisms of current regime changes. As we demonstrate, this is the case, because illiberal parties rise to power by countering the gender equality paradigm and exploiting the effects of 'neoliberal neopatriarchy'. Illiberal parties use gender and family politics as tools for creating their counter-hegemonic political project, thus strengthening the ruling elite, their allies and voter base. These tactics entrench the illiberal system by appropriating concepts and mechanisms which have formed the basis of the liberal democratic infrastructure for advancing women's rights.

If not properly recognized and suitably resisted, the illiberal transformation will have detrimental consequences for the future of emancipatory politics in Central Europe. In both Hungary and Poland, attempts at securitizing human rights and open society activism have been combined with the re-politicization and re-normativization of the illiberal civil society as the only one serving the people. This has further strengthened the destructive identity politics framework (see Ost, 2005), in which differing visions of the politico-economic system are articulated as conflicts between national and foreign interests, "the people" and "the traitors". Moreover, because the illiberal transformation operates through the hijacking of previously existing political mechanisms, concepts and funding opportunities, it contributes to a shrinking of the formerly available and institutionalized spaces, tools and financial opportunities for civil resistance. Stripped of funding, demonized as threats, as well as operating in an illiberal context where their voice is not heard, women's NGOs, academics and feminist civil servants are pushed into a position where they have little outreach, cannot influence policy making through previously utilized, technocratic channels like advocacy or consultancy, and are often unable to function without relying on foreign donors. Thus, through the polypore-like workings of the illiberal transformation, the progressive civil society is becoming exactly what the illiberals need it to be — an ineffective, delegitimized and foreign-funded enterprise. Therefore, we believe the illiberal Right is not so much trying to eliminate the progressive civil society but rather turn it into a bogeyman that governing

elites can activate whenever they need to mobilize their supporters.

In the short run, the restructuring of the civil society sector and the securitization of human rights activism will certainly harm feminist organizations and those who – like victims of domestic violence – benefited from their support. Yet as the recent wave of Polish protests – from women's Black Protest⁷ to demonstrations against judicial reforms – has shown, one way in which social justice actors are still able to effectively participate in national politics is through older forms of non-violent political resistance such as mass protests and grassroots organizing. Therefore, whether the illiberal transformation will turn out to be lethal for the pro-democratic civil society, depends as much on the next steps of the regime as on social justice actors' own ability to engage in the reconceptualization and re-politicization of their role in society. If civil society actors use the current attacks to move away from technocratic and NGOized ways of functioning and engage instead in building legitimacy and mass support for their causes through political means, the reinforcement of illiberal governance might be considerably slowed down, allowing more time for new political alternatives to emerge.

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⁷ In 2016, a legislation was proposed further restricting access to abortion and including penalties of up to five years of imprisonment for both abortion providers and women accessing the procedure. In response to the draft bill, hundreds of thousands of women and men wore black and demonstrated across the country on 3 October 2016, leading the government to withdraw from the bill. For more see e.g. Kubisa, 2017.

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