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When Do Liberal Governments Restrict Civil Society?

Nicole Bolleyer[1] | Adam Eick[1] | Milka Ivanovska Hadjievska[2] | Leonhard Grevesmühl[3]

[1]Geschwister Scholl Institute of Political Science, Ludwig-Maximilians-Universität, Munich, Germany | [2]Department of Business Humanities and Law, Copenhagen Business School, Copenhagen, Denmark | [3]Department of Government, London School of Economics and Political Science, London, UK

Correspondence: Nicole Bolleyer (nicole.bolleyer@gsi.uni-muenchen.de)

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ABSTRACT

Liberal democracies increasingly restrict civil society organizations (CSOs), a trend frequently linked to illiberal governments. But when do ideologically liberal governments resort to such restrictions? Linking research on state traditions, party ideology and crisis governance, we theorize factors enhancing liberal governments' propensity to adopt normatively contentious CSO restrictions. Distinguishing formal-legal restrictions on CSO voice from those on CSO existence, we show that nearly 90 such restrictions were adopted by 17 cabinets in France and the United Kingdom over the last 2 decades. In line with theoretical expectations, restrictions on CSO existence are more prominent in statist France, while governments in the United Kingdom tend to restrict CSO voice. More right-wing governments adopt more CSO restrictions, while restrictions go up with government crisis pressure. Overall, understanding how liberal governments use CSO restrictions requires considering contextual opportunity structures and ideological dispositions in conjunction.

1 | Introduction

To which extent and under which conditions do ideologically liberal parties in government operating in long consolidated liberal democracies—referred to in the following as "liberal governments"—support normatively contentious restrictions of civil society actors through formal-legal (legislative or administrative) means? Civil society organizations (CSOs), encompassing formally organized, nonprofit, non-governmental voluntary groups, have long been exposed to a diversity of legal constraints (Bloodgood, Tremblay-Boire, and Prakash 2014; Bolleyer 2018; DeMattee 2019). Yet over the last decade concerns have been growing that government restrictions increasingly curtail CSOs' capacity to function and perform key tasks (Glasius, Schalk, and De Lange 2020; Chaudhry and Heiss 2022), a concern initially associated with authoritarian and hybrid regimes (Dupuy, Ron, and Prakash 2016; Toepler et al. 2020; Bromley, Schofer, and Longhofer 2020). By now, CSO restrictions have been put in place in many consolidated democracies (Swiney 2022; Bolleyer 2022; Chaudhry 2022; Simsa 2022), some of which might be rationalized by governments' endeavor to fight "bad," that is anti-democratic or illiberal, parts of civil society (Sivenbring and Malmros 2023). Yet, as they tend to curtail societal and political pluralism—both of which liberal democracy ought to protect (Sidel 2011)—they are nonetheless considered as normatively contentious (Malkopoulou and Kirshner 2019).

The latter development has been mostly attributed to right-wing populist and illiberal government parties, repeated crisis exposure or indeed a combination thereof.[1] Consequently, we know surprisingly little about how pervasive the use of essentially anti-pluralist CSO restrictions by not only democratically elected but also ideologically liberal governments is. For all we

know, CSO restrictions might have long been a "normal" part of these governments' toolkit to proactively "manage" civil society when in power, not only as part of governmental crisis responses but to counter undesirable organizations and critical voices outside of crises.

This paper addresses the important and increasingly salient theme of normatively contentious, formal-legal CSO restrictions being adopted in democracies, deliberately moving away from the "usual suspects" in Central Eastern Europe or radical right governments, to make the following conceptual, theoretical, empirical and normative contributions.

Conceptually, nuanced analytical tools to identify and classify "contentious restrictions" deemed negative for civil society are paramount because a certain level of oversight and control over the civil society sector is not only normal but desirable (e.g., DeMattee 2019). This is particularly the case when regulations concern CSO access to state benefits such as legal status, tax benefits or grants (e.g., Bolleyer 2018; Swiney 2022). To distinguish normal (limiting yet unproblematic or even enabling) legal provisions applied to CSOs from contentious CSO restrictions on which this paper focuses, we define the latter as administrative and legislative limitations curtailing either CSO voice limiting political pluralism (voice restrictions) or specific groups' ability to exist curtailing societal pluralism (operational restrictions). *Theoretically*, an account of liberal governments' usage of CSO restrictions is missing. Integrating literatures on state traditions and different self-understandings of liberal democracies with those on governments' ideological dispositions toward adopting restrictive policies in times of crisis and normal times (e.g., Bourne and Casal Bértoa 2017; Wenzelburger 2020; Boin and t'Hart 2022), we formulate theoretical expectations about three possible drivers behind liberal governments' adoption of CSO restrictions. *Empirically*, we present an analysis of new qualitative data covering 89 CSO restrictions adopted by 17 cabinets in France and the United Kingdom (UK) up to the end of 2022. In line with theoretical expectations, we find a stronger tendency to adopt operational restrictions curtailing societal pluralism in statist France than in the UK. Right-wing governments tend to adopt more restrictions than their left-wing counterparts. The implications of crisis exposure for the adoption of contentious CSO restrictions are complex, varying with country setting and the type of crisis confronting governments. *Normatively*, it is noteworthy that contentious CSO restrictions have been adopted by nearly all governments examined, both in periods with and without acute crisis exposure. This challenges widespread expectations toward the ability and readiness of fully consolidated, liberal democratic regimes governed by liberal parties—essentially "least likely candidates" to restrict CSOs—to play an enabling role towards pluralist societies (e.g., Sidel 2011).

We now conceptualize normatively contentious CSO restrictions and formulate three theoretical expectations on when ideologically liberal government parties in liberal democracies might adopt them. We then present our methodology and data, followed by our empirical analysis of CSO restrictions in France and the UK. We conclude with the broader implications of our study and avenues for future research.

2 | Conceptualizing Contentious CSO Restrictions in Liberal Democracies

Our study is interested in the restrictive administrative and legislative measures that democratically elected, liberal government parties officially adopt, i.e. binding measures[2] with direct, and often long-lasting, effects on CSOs' functioning and room for maneuver (DeMattee 2019; Glasius, Schalk, and De Lange 2020). The formal restrictiveness of CSOs' regulatory environments increases as privileges for or protections of CSOs and their affiliates provided through regulation are withdrawn/delimited or obligations imposed on them are added/enhanced. Such change can occur through altering legislation, the adoption of administrative measures or the stricter or targeted application of existing regulation. Importantly, not all legal or administrative changes that enhance formal restrictiveness defined this way qualify as *normatively contentious* within liberal-democratic frameworks. Measures *delimiting* certain CSO activities or certain parts of the sector can be legitimate as long as they are proportionate in light of the regulatory goal aspired to (e.g., the ban of violent groups or violence-inciting speech as "protective" measures) or counterbalanced by access to state benefits (e.g., transparency requirements on tax-exempt CSOs to enhance trust in the wider sector) (e.g., Bolleyer 2018; DeMattee 2019; Malkopoulou and Kirshner 2019).

We consider formal-legal limitations as *normatively contentious CSO restrictions* that directly curtail freedom of speech, assembly and association (rights essential for civil society to play a meaningful political role) but only when applied to those CSOs that do not inflict severe harm on others or prevent the latter from exercising fundamental rights, and therefore do not qualify as straightforwardly "protective" from a perspective of democratic self-defense (Kirshner 2014).[3] As CSO rights are not necessarily curtailed uniformly, we not only include measures tailored to wider parts of the sector, but also those that target specific groups of CSOs (e.g., unions, religious groups, migrant organizations) or, in the case of targeted measures, individual CSOs (Bolleyer 2022, 942–943; Roggeband and Krizsán 2021, 24–25; Ivanovska Hadjievska 2024). Furthermore, we consider measures that negatively affect CSO finances or administrative requirements (including those related to service provision) as contentious, if they disproportionately affect specific types of organization or individual CSOs, making their situation particularly precarious as compared to the fate of other CSOs in the sector not made subject to these measures. Even when leaving basic rights unaffected, their contentiousness rests in the inequality they enhance, which clashes with the normative conception that liberal democracies protect, if not promote, societal pluralism by creating a level playing field within the sector (Swiney 2022).

2.1 | Curtailing Political or Societal Pluralism? Distinguishing Voice From Operational Restrictions

We distinguish two subtypes of contentious CSO restrictions depending on the primary effect attributed to measures which can predominantly impact on CSOs' ability to survive or, alternatively, their ability to perform key tasks (Bloodgood,

Tremblay-Boire, and Prakash 2014; Glasius 2018). Considering the ability to engage in political advocacy broadly defined—whether as a primary or secondary function—as a key activity of CSOs in democratic settings, *voice restrictions* are conceptualized using Glasius' notion of authoritarianism to capture measures that undermine CSOs' ability to hold the government as well as powerful societal actors (e.g., corporations) to account (2018, 525–527). This consists in the ability to articulate publicly societal needs and demands as much as an outright critique of government agendas and policies. By passing legal measures restricting voice, the government de facto threatens or sabotages activities central for accountability, creating conditions for its domination over civil society and reducing political pluralism (Glasius 2018, 525–527). Central legal domains concern the protection of freedom of speech and the right to assemble and protest. *Operational restrictions,* in contrast, curtail *CSOs' ability to maintain themselves*. Self-maintenance presupposes CSOs' ability to engage in mission-relevant activities. The latter are not necessarily related to political advocacy, which might not be central to assure CSOs' survival. This category covering measures detrimental to societal pluralism includes restrictions on freedom of association (e.g., group ban regulations) but also administrative measures denying state benefits to specific subsets of (undesirable) CSOs essential for the latter to survive and can thus be considered as particularly intrusive.[4]

3 | When Liberal Governments Adopt CSO Restrictions: Theoretical Expectations

Clashing with normative expectations toward the liberal state as an enabler of a free society (Sidel 2011), the adoption of contentious CSO restrictions is likely to be challenged—by opposition parties, NGOs and parts of the media. Importantly, legal measures—having moved through the formal law-making process—cannot be denied by government and can be read as its official stance toward the civil society sector (Glasius, Schalk, and De Lange 2020). Consequently, contentious CSO restrictions expose an administration to reputational costs that risk lowering its popularity and support. So, what are the conditions under which governments whose parties do not as such endorse an ideologically illiberal agenda are inclined to adopt such measures? When do the perceived benefits expected from employing controversial CSO restrictions outweigh the costs linked to their adoption?

Starting with the systemic environment, while the CSO restrictions under discussion are, by definition, normatively contentious in consolidated liberal democracies, the extent of contention can be expected to vary with dominant notions of state-society relations underpinning democracies' institutional structures. These institutional structures embody norms about the proper scope of government, defining legitimate ways and means of intervening in different spheres including the CSO sector, a sphere that traditionally ought to remain protected from undue state interference. Differences in the acceptability of state interference in the societal sphere, in turn, suggest a varying readiness of governments to limit CSOs through legal or administrative means, depending on the system in which they operate (Bolleyer 2018, 178–179).

The readiness to adopt CSO restrictions can be expected to be generally more pronounced in democracies with strong rule of law traditions such as Germany or France. In such "statist" regimes, the state is perceived as a counterpart of society with the authority to regulate this sphere if it is in the public interest. In stateless societies (or weak states), such as the UK or Scandinavia, sovereignty is instead rooted in civil society, and the state is seen as a manifestation of it, rather than as a legal institution responsible for regulating matters of public concern (Birnbaum 1988, 8; Meadowcroft 1995). This dichotomy closely aligns with the prominent distinction between a substantive and procedural notion of democracy—distinguishing similar country clusters—used to account for democracies' different inclinations to employ repressive legal means against non-democratic or illiberal societal actors to "defend themselves" (Bourne and Casal Bértoa 2017; Capoccia 2013). The procedural notion is based on value pluralism assigning the state the role of a neutral arbiter, curtailing governments' role in "managing" society which contrasts with the substantive notion. The latter legitimizes the state's active promotion of core democratic and liberal values on which the regime is built. This provides the foundations for imposing right-restrictions in areas such as freedom of association or expression also on non-violent societal actors which only express ideological hostility to those core values (Malkopoulou and Kirshner 2019). If so, liberal governments should find it easier to adopt CSO restrictions in democracies endorsing a notion of the state as corporate actor embodying and entitled to proactively promote central values constitutive for the regime than those democracies endorsing a procedural self-understanding. Such "statist" systems should be especially conducive to more intrusive operational restrictions targeting organizations whose beliefs are deemed incompatible with fundamental values constitutive for the regime.

Expectation 1. *Liberal governments operating in systems with a "statist" tradition adopt more CSO restrictions, especially operational ones, than those without.*

That contentious CSO restrictions might be comparatively more acceptable in one systemic context than another, however, provides no rationale why governments might *want to* adopt restrictions likely to be controversial. Theorizing governments as central actors, we know that government parties' ideology is a central influence on their policy choices. While illiberal parties are not our concern, research on law-and-order policies has shown that the readiness to endorse illiberal and restrictive practices against dissenters and presumed enemies of the existing order is more pronounced among parties on the (mainstream) right (e.g., Wenzelburger 2020). We can assume that actors holding authoritarian orientations (associated with adherence to traditional norms, punitiveness and obedience to authorities) are ceteris paribus more likely to tolerate or even support CSO restrictions. Citizens endorsing such orientations, and consequently the parties they join and vote for, tend to prioritize social conformity over the protection of individual autonomy and to be strong supporters of government's power to suppress nonconformity (Feldman, Mérola, and Dollman 2021, 630). CSO restrictions (as punitive policies in other legal domains) help to enforce such conformity. Authoritarian views are more common among supporters of conservative or right-wing parties (Nilsson and Jost 2020, 150; Vasilopoulos

and Lachat 2018, 626–629), suggesting a greater propensity for restrictive policies when these parties govern. Relatedly, more left-leaning parties are not only more likely to hold anti-authoritarian and emancipatory values but also more likely to endorse norms of equality and equal treatment (Cochrane 2013, 112; Horn et al. 2017, 407–409). The latter suggests a disinclination especially toward restrictions on CSOs that (though leaving rights guarantees intact) involve unequal treatment or targeting of specific types of organizations, which is at odds with the state's role in maintaining a level playing field in the CSO sector (e.g., Sidel 2011). Vice versa, right-wing governments should be more inclined to adopt operational constraints, because they are more likely to consider "pluralism" as something that needs to be controlled and should more readily distinguish between different (types of) "good" and "bad" organizations in the policy instruments they develop (Sivenbring and Malmros 2023).

Expectation 2. *If liberal governments change from a left-wing toward a more right-wing ideology, more CSO restrictions —especially operational ones—will be adopted.*

Finally, the adoption of CSO restrictions has frequently been linked to democracies' acute crisis exposure, with crises defined as urgent threats to a system's core values and life-sustaining functions (Boin, t'Hart, and Kuipers 2018, 24). Societal acceptability of legally curtailing civil rights is bound to be higher when such threats (e.g., terrorism, pandemics) confront governments with a trade-off between fundamental values (e.g., liberty vs. security), forcing governments to adopt policies which compromise one to protect the other (Posner and Vermeule 2009; Amat et al. 2020). Such scenarios not only delegitimize the status quo, forcing governments into action (Boin and t'Hart 2022, 15). By granting the executive broad powers to protect fundamental rights, governments' acute crisis exposure should incentivize, facilitate and legitimize the adoption of contentious CSO restrictions to enhance societal control, suggesting—regardless of government ideology—a greater number of CSO restrictions as part of crisis management. Restrictions on CSOs then constitute "functional responses" to the crisis at hand (e.g., restrictions on freedom of assembly during pandemics). Nevertheless, government reactions to acute crises are bound to be colored by the ideology of those in charge and are always also strategic responses. An increasing number of CSO restrictions while governments are exposed to acute crisis pressure can result from the latter's prior ideological agendas or address political challenges unrelated to the crisis at hand (Bethke and Wolff 2023; Tang and Patterson 2023). What is "functionally necessary" or "efficient" is not easy to judge in crisis situations for outside audiences, when governments need to act swiftly, uncertainty is high and executives are granted more leeway from parliamentary control (Posner and Vermeule 2009; Bolleyer and Salát 2021). While governments exposed to acute crisis pressure should adopt more CSO restrictions overall, assuming ideological orientation and crisis exposure to operate jointly, we expect a higher propensity of right-wing governments to use such exposure as a "window of opportunity" to adopt crisis-unrelated CSO restrictions, measures they are ideologically more inclined to adopt than left-wing governments.[5]

Expectation 3. *While ceteris paribus liberal governments exposed to acute crisis pressure adopt more CSO restrictions than those that are not, restrictions adopted by left-wing governments under such conditions are more likely to form part of crisis management than those by more right-wing governments.*

4 | Methodology

4.1 | Case Selection and Central Operationalizations

We deliberately selected two consolidated, liberal democratic states—France and the UK—that have long histories of being governed by major mainstream parties that neither qualify as illiberal nor populist, that is two "least likely cases" for the adoption of contentious CSO restrictions in tension with liberal-democratic norms. Further similarities help to distil the impact of the three drivers central to our theoretical expectations. An index of regulatory constraints applicable to CSOs (that aggregates constraints in the regulation of group formation, resource access, core activities and dissolution) suggest that France and UK have adopted similarly constraining legal environments. Furthermore, the in-depth study of their respective regulatory developments suggests that the "baseline" of regulation has been relatively similar from early in our examination period (Bolleyer 2018). Differences in the adoption of CSO restrictions therefore cannot be related back to one democracy (due to a much more permissive environment) "catching up" with the other. In both countries CSOs are regulated on the national level/by national measures, which avoids the omission of relevant regional measures.[6] In "majoritarian" UK and France, national governments tend to face no major institutional or partisan veto players and governments' partisan preferences can be expected to directly feed into government-initiated CSO restrictions.

Importantly, the UK and France display critical variation enabling us to examine our three theoretical expectations. Regarding Expectations 1 and 2, France and the UK are two paradigmatic, contrasting cases in terms of state tradition, with France as a classical "statist" case and UK as the classical "stateless society" (Meadowcroft 1995). They are further clear representatives of a substantive versus procedural notion of democracy (Bourne & Casal Bértoa 2017) (Expectation 1). Over the last decades, both experienced clear shifts in the ideological make-up of their executives from (ideologically liberal) center-left to the center-right (Expectation 2). Examining a total of 17 cabinets, we cover two Labor governments (2005–2010) in the UK followed by a period dominated by six Conservative-led cabinets (2010–2022). In France we cover a shift from five Socialist governments (2012–2017) to four *La République En Marche!* (LREM) governments (2017–2022).[7]

Examining Expectation 3 requires countries to be exposed to crisis events unambiguously threatening liberal democracies' core values/entitlements that were perceived as such by the wider public (Boin, t'Hart, and Kuipers. 2018, 24). The pandemic and domestic terrorism qualify as such. They forced

governments to "trade" civil liberties against fundamental values/entitlements (security/health vs. liberty), thereby creating a permissive environment for governments to adopt contentious restrictions (Posner and Vermeule 2009; Bethke and Wolff 2020). Amongst European countries, the UK and France were highly exposed to the pandemic (Bobba and Hubé 2021, 17–30; 59–71), while suffering from frequent domestic terrorism attacks involving casualties. The number of casualties is widely considered the main indication of the relative severity of a terrorist event generating strong political pressure on governments to act (Chowanietz 2011, 681; Guohui et al. 2014, 706; Piazza and LaFree 2019, 9). We considered governments to be exposed to an acute crisis linked to terrorism from the point in time they suffered from a domestic attack or cluster of successive attacks with 10 or more deaths respectively, facing heightened public pressure to counter the crisis and its consequences, if necessary, through far-fetching and controversial measures.[8] If the crisis event occurs late in a government's term, leaving little time for a response, we consider the successor government to be affected by acute crisis pressure as well (see, for details on the specification of acute government crisis exposure, Supporting Information S1: Appendix Sections 3 and 4). Finally, for restrictions adopted by governments exposed to an acute crisis, we classified whether or not they were functionally related to the crisis confronting the government, that is whether they can be considered as part of crisis management. For this to be the case, the substantive content of a provision had to directly address a problem arising directly from the acute crisis at the time. Reference to a crisis as a justification, or for individual measures to be part of legislation or a package of measures that overall responded to a crisis, was not sufficient (for details see Supporting Information S1: Appendix Section 6).

4.2 | Collecting Data on and Classifying Contentious CSO Restrictions

Available cross-national datasets tend to count restrictive laws (that can encompass different restrictions), capture relatively narrow sets of provisions and do not distinguish voice from operational restrictions (e.g., Bloodgood, Tremblay-Boire, and Prakash 2014; Bromley, Schofer, and Longhofer 2020; Glasius, Schalk, and De Lange 2020; Swiney 2022). We therefore compiled new data on all contentious CSO restrictions in France and the UK adopted on the national level in the relevant periods (see above).[9] Information on measures was collected based on primary sources, that is a detailed analysis of legislation/regulation, official government information and reports, triangulated by secondary sources such as annual reports by organizations monitoring civic rights and complemented by media reports. Deductive Category Assignment was the most suitable strategy to operationalize "contentious CSO restriction" as a multidimensional concept which enabled us to distinguish voice from operational restrictions (Mayring 2014, 95–98). As specified in detail in Supporting Information S1: Appendix Section 6, all measures included as a data unit met the following criteria:

1. They directly affect CSOs and their activities;
2. Measures have been formally supported by members of government/party representatives;
3. They curtail the exercise of core civil liberties (freedom of association, expression and assembly) or negatively impact on principles of political equality (anti-pluralist measures);
4. They have been passed by parliament; administrative acts have been successfully submitted to independent bodies/judiciaries.

Eighty-nine measures in our data qualified as contentious CSO restrictions accordingly, 57 of them voice restrictions, 32 operational restrictions. Except for measures related to the Covid pandemic, all legislative measures were still in force by the end of our examination period, stressing their long-term implications for CSOs' regulatory environments. The following qualitative, comparative analysis will provide absolute counts of all measures alongside weighted measures to also consider the scope of applicability of restrictions (Roggeband and Krizsán 2021), weighting the 31 comprehensive measures affecting CSOs across the sector 1, and the 58 targeted measures tailored to parts of the sector 0.5. The basic patterns identified remain the same irrespective of weighting, enhancing confidence in our interpretation.

5 | Findings

Considering the 89 CSO restrictions adopted over our examination period, two general observations stand out. First, we find considerably more voice than operational restrictions (57 vs. 32 in unweighted counts; 41 vs. 19 weighted). This aligns with our conceptualization of operational restrictions as more intrusive given their impact on societal pluralism, rationalizing why liberal governments ought to be less inclined to adopt them. This is broadly consistent with Chaudhry's recent finding that liberal democracies (as compared to authoritarian regimes) tend toward adopting political (hence voice) restrictions rather than measures undermining CSO existence (2022, 567–569). Second, literatures from different fields suggest that increasingly forceful CSO demands for recognition as political stakeholder incentivize democracies to adopt restrictive measures. Domestically, the perceived failure of representative institutions generated domestic contestations outside the electoral arena, such as those by illiberal and populist actors, pushing even liberal governments toward adopting CSO restrictions (e.g., Rosanvallon 2008; Bourne and Rijpkema 2022). Recent International Relations scholarship, in turn, sees the rise of CSO restrictions since the early 2000s as part of a broader backlash against the liberal world order (Bromley, Schofer, and Longhofer. 2020, 282; Swiney 2022, 97–98; 112–113). Considering the rates of restrictions adopted over time, however, we find no clear upward (or indeed downward) trend in voice restrictions or contentious restrictions generally in either country (see Supporting Information S1: Appendix Section 8).[10] Relatedly, our examination period was marked by enhanced international pressure following the 9/11 attacks. After this critical juncture, countries were pushed to tighten CSO registration, monitoring and proscription regimes to prevent terrorist abuse, notably by the Financial Action Task Force (FATF) to which France and the UK belong since 1990 (Sidel 2009; Bolleyer and Gauja 2017; Romaniuk and Keatinge 2018). However, related provisions adopted in France and the UK in the period studied tended not to qualify as

contentious restriction as conceptualized here. And when they did (e.g., UK counter-terror laws criminalizing the glorification of terrorism), they followed severe domestic terrorist attacks, that is crisis exposure we theorize. Clearly, all these developments outlined contributed to a political climate favorable to CSO restrictions. However, the ebb and flow of such adoptions in France and the UK—along with pronounced cross-country differences—that we see in our data point to the need to consider the role of systemic, political, and situational opportunity structures within these countries, central to our theoretical perspective.

Table 1 shows that the average yearly number of CSO restrictions passed in France is higher than in the UK (column 4), in line with different state traditions associated with the two countries, substantiating Expectation 1. Polities' different systemic dispositions toward proactively regulating society rationalize why a substantive democracy such as France "need not tolerate the intolerant when its core values are at stake," a tradition alien to a procedural democracy such as the UK (Bourne and Casal Bértoa 2017, 225; Bolleyer 2018). In France 45% of all restrictions adopted fall in the voice category while 55% are operational restrictions (unweighted counts; with an even distribution when weighted). The UK shows the reverse picture (irrespective of weighting) with approx. 80% voice versus 20% operational restrictions (Supporting Information S1: Appendix Section 7). Typical voice restrictions in the UK are bans on marches, such as for right-wing groups. France, in contrast, more frequently bans political groups with illiberal, anti-democratic or anti-systemic ideologies, rather than "just" constraining their voice, thereby severely curtailing freedom of association (Rosenblum 2007; Bleich and Lambert 2013), again echoing its statist tradition.

Turning to the role of government ideology, Expectation 2 holds partially. In both countries the average yearly restrictions increase sharply when governments' partisan composition changes from left to right (Table 2). Against our expectations, however, right-wing governments do not generally adopt higher rates of operational restrictions. Instead, we find different types of restrictions under right-wing governments depending on the systemic environment, suggesting that systemic and ideological dispositions interact. In France, operational restrictions only dominate under right-wing but not left-wing governments, while in the UK, a less permissive environment for intrusive government regulation, voice restrictions dominate regardless of government ideology (Table 3).

Considering the nature of measures,[11] the banning of undesirable—mostly right-wing extremist—groups is a consistent policy tool in France, regardless of government ideology, to counter right-wing extremism, exemplified by the ban of "L'Oeuvre Francais" in 2013 under President François Hollande or the "Génération identitaire" in 2021 under President Emmanuel Macron. However, only the more right-wing Macron governments used bans against groups endorsing other ideologies such as pan-Africanist organizations, libertarian groups and anti-Islamophobic groups. Banning anti-Islamophobia groups is specifically linked to Macron's political priority of containing "radical Islam" and "Islamist separatism" (as part of a broader anti-terrorism agenda). This illustrates how France provides more space for—ideologically inclined—governments to proactively restrict a diverse range of groups deemed hostile to the liberal state and its values that can be rationalized as measures of liberal democracy to defend itself. Moving to voice restrictions in the UK, most are bans on marches limited to a certain time and place. Although temporary, they can still be intrusive, as the Public Order Act 1986 allows all marches in an area to be banned for up to 3 months, a provision highly unusual in Western democracies (Salat 2015, 106). The UK's voice restrictions also include comprehensive measures to limit CSOs' campaigning activities (Lobbying Act 2014) or their right to protest (Police, Crime, Sentencing and Courts Act 2022).

Turning to Expectation 3, Table 4 focuses on the adoption of CSO restrictions by governments exposed to acute crisis

TABLE 1 | Average yearly CSO restrictions by country and type of restriction.

	Unweighted values			Weighted values		
Restriction type	**Voice**	**Operational**	**Sum**	**Voice**	**Operational**	**Sum**
Country						
France	1.73	2.09	3.82	1.14	1.14	2.27
UK	2.11	0.5	2.61	1.58	0.36	1.94

Note: Average CSO restrictions per year by country and type of restriction (voice vs. operational).

TABLE 2 | Average yearly CSO restrictions by government ideology.

Country	Ideology of government in office	In office	Average yearly restrictions (unweighted)	Average yearly restrictions (weighted)
France	Left	2012–2017	2.17	1.5
France	Right	2017–2022	4.83	2.67
UK	Left	2005–2010	1.5	1
UK	Right	2010–2022	2.92	2.23

Note: CSO restrictions by government ideology in average restrictions per year.

TABLE 3 | CSO restrictions by government ideology and type of restriction.

Unweighted values				
Country	**Gov. ideology**	**In office**	**Voice restrictions (unweighted)**	**Operational restrictions (unweighted)**
France	Left	2012–2017	53.8%	46.2%
France	Right	2017–2022	41.4%	58.6%
UK	Left	2005–2010	77.8%	22.2%
UK	Right	2010–2022	81.6%	18.4%
Weighted values				
Country	**Gov. ideology**	**In office**	**Voice restrictions (weighted)**	**Operational restrictions (weighted)**
France	Left	2012–2017	61.1%	38.9%
France	Right	2017–2022	43.8%	56.2%
UK	Left	2005–2010	75%	25%
UK	Right	2010–2022	82.8%	17.2%

Note: Government ideology is categorized based on the political ideology of the head of state (left or right). For details, see Supporting Information S1: Appendix Section 1.

TABLE 4 | Number of restrictions: Periods with and without crisis exposure.

Country	Period	Type of government crisis exposure	Average monthly restrictions (unweighted)
France	15.05.2012–07.01.2015	—	0.22
	07.01.2015–06.12.2016	Terrorism	0.26
	06.12.2016–23.03.2018	—	0
	23.03.2018–11.03.2020	Terrorism	0.38
	11.03.2020–16.05.2022	Terrorism & pandemic	0.73
	16.05.2022–31.12.2022	—	0.14
United Kingdom	06.05.2005–07.07.2005	—	1
	07.07.2005–28.06.2007	Terrorism	0.21
	28.06.2007–22.05.2017	—	0.21
	22.05.2017–24.07.2019	Terrorism	0.08
	24.07.2019–11.03.2020	—	0
	11.03.2020–06.09.2022	Pandemic	0.43

exposure (expected to facilitate the passing of controversial restrictions) compared to governments that were not exposed (see Methodology section and Supporting Information S1: Appendix Sections 3 and 4 for details on the operationalization of "crises" and "government crisis exposure"). Table 4 uses monthly averages as some periods under consideration span less than a year.

France shows a consistent pattern of increased average monthly measures when governments were exposed to acute crisis pressure. Beginning in January 2015, there was a slight increase in average monthly measures from 0.22 in the period without crisis exposure to 0.26 during the first "terrorism phase." In the second terrorism period starting in March 2018, there was a more notable increase from no measures in the previous period, with no acute crisis pressure, to an average of 0.38 monthly measures under acute crisis pressure. We find the highest restriction average (0.73) during a period in which the government had to cope with both acute pressure from terrorism and the pandemic since March 2020, which increased from 0.38, a period with terrorism exposure, the second-highest restriction average. In line with theoretical expectations, the restriction level drops after this exceptional period from 0.73 to 0.14, the most significant decrease in the French data.

In the UK, the picture is mixed. The pandemic marks the highest increase of restrictions from 0 in the period prior to 0.43. As in France, the monthly average is highest during this phase (except for a two-month period in 2005, during which the monthly average is 1 due to its short duration), echoing work on "shrinking CSO space" post-Covid suggesting that this specific crisis created a particularly permissive environment for governments to pass controversial restrictions to protect public health even at the cost of civil liberties (e.g., Bethke and Wolff 2020). However, contrary to Expectation 3 and what we see in France, the number of restrictions was lower than in the periods without acute crisis exposure (dropping from 1 to 0.21 and from 0.21 to 0.08 respectively). These patterns are visualized in Figure 1 detailing the timing of the adoption of CSO restrictions in both countries with restrictions during acute government crisis exposure in red.

Figure 1 highlights the two periods in which the UK deviates from our Expectation 3 (few restrictions during crises; many outside crises). Indeed, Conservative governments between 2010 and 2017, which were not exposed to acute crisis pressure, adopted a high rate of restrictions. Several of these were bans of marches of

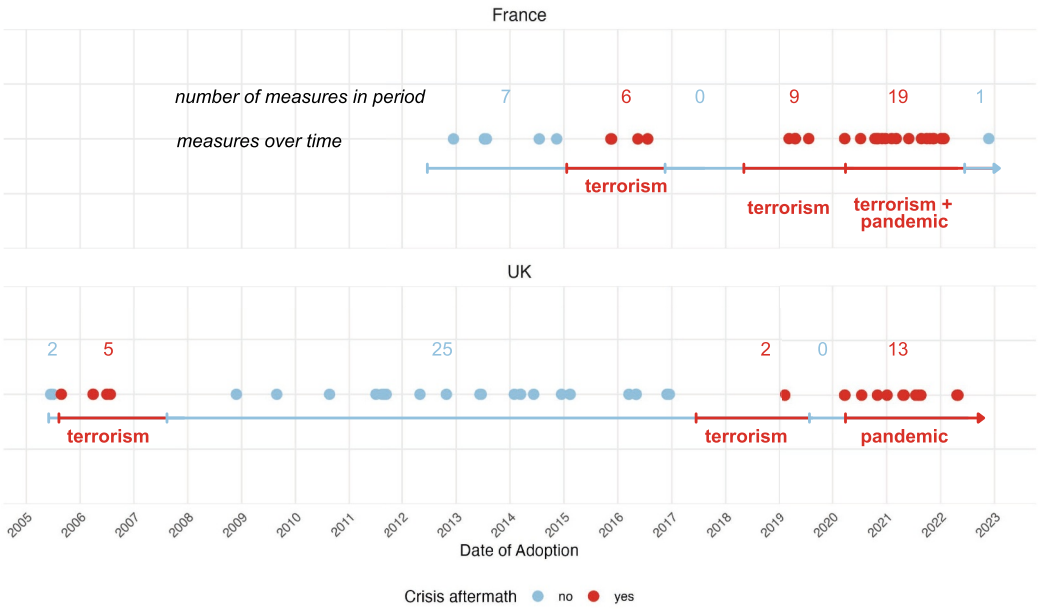

FIGURE 1 | Timeline of measures adopted in periods with and without government crisis exposure.[12] *X*-axis represents time, distinguishing crisis exposure periods (red) from periods without crisis (blue). Dots represent the timing of measures adopted. One dot may represent multiple measures adopted at the same date.

the far-right organization English Defence League (EDL). Established in 2009, the EDL emerged as a far-right social movement campaigning against Islam, gaining significant support and organizing demonstrations that drew crowds of thousands in 2010 and 2011, which coincides with the timing of the march bans in our data. After 2011, the group's relevance waned (Busher 2018, 326–327). Prime Minister David Cameron had announced a tough line against the EDL in his 2010 election campaign (Richards 2013, 181), which Home Secretary Theresa May implemented by banning various of the organization's marches, which appears to be driven by the escalation of violent far-right activity. In principle, preventive responses to such mobilizations by the extreme right can be seen as legitimate means of a liberal democracy to counter extremist threats. However, as highlighted above, the blanket nature of assembly bans common in the UK can easily restrict wider civil society, including groups unrelated to the original aim, such as a 2011 ban that targeted a planned march by the English Defence League but effectively banned all demonstrations in the London borough of Tower Hamlets for 30 days. Meanwhile, the same period saw legal changes reforming law enforcement in line with Cameron's "Big Society" agenda. This agenda aimed to reduce government size and spending, encouraging CSOs to fill gaps in public service provision without a focus on strengthening grassroots activism (Balazard, Fisher, and Scott 2017, 514–516; Cummins 2021, 105). This was accompanied by measures curtailing activist CSOs, or a stop to support of CSOs that strain public finances. For example, the Legal Aid Sentencing and Punishment of Offenders Act 2012 significantly reduced the availability of legal aid, affecting the activities of legal aid charities and CSOs engaging in litigation (Morris and Barr 2013, 81). The Criminal Justice and Courts Act 2015, in turn, restricted access to judicial review for certain CSOs engaging in public interest litigation, which was prompted in response to CSO-initiated legal challenges to the government's austerity agenda (Samuels 2018, 520).

The second notable deviation is the period after the 2017 Manchester bombings in which we find only two restrictions, both of which are crisis-related measures countering terrorism. During that exceptional period, the Conservative minority government under May was preoccupied with Brexit. According to the Whitehall Monitor 2017, "the Government's lack of a majority in the Commons, combined with the need to prepare the UK statute book for Brexit, has led it to focus its energies on key Brexit bills and limit its legislative ambition in other areas." Hence, legislation adopted in this period, unrelated to Brexit, was rare and small-scale (Institute for Government 2017, 75; 77). Aside from legislative changes in response to the attacks (that contained CSO restrictions), there was generally little regulatory activity.

Moving to the second part of Expectation 3, namely that right-wing governments are more likely to "exploit" acute crisis exposure to adopt restrictions not functionally related to the crisis at hand than left-wing governments, the picture is again complex. Table 5 zooms in on restrictions adopted by different governments under acute crisis pressure only, distinguishing crisis-related and crisis-unrelated measures and indicating the nature of the crises confronting governments.[13] Overall, we find slightly more crisis-unrelated restrictions than crisis-related ones, suggesting that increases in restrictions during acute crisis pressure (see Table 4) cannot be rationalized as a mere product of governments being pushed to adopt controversial choices. Furthermore, most crisis-unrelated measures were adopted by right-wing governments in both systems (9 of 11 in the UK, 15 of 18 in France) (Table 5), suggesting ideological inclinations to play a role.

More specifically, French right-wing governments adopted a higher proportion of crisis-unrelated measures than more left-wing governments when being exposed to terrorism. Similarly,

TABLE 5 | Restrictions during acute crisis exposure: Crisis-related versus crisis-unrelated.

Type of government crisis exposure	Country	Government ideology	Crisis-related restrictions	Crisis-unrelated restrictions
Terrorism	UK	Left	3 (60%)	2 (40%)
	UK	Right	2 (100%)	0
	France	Left	3 (50%)	3 (50%)
	France	Right	0	9 (100%)
Pandemic	UK	Right	4 (31%)	9 (69%)
Terrorism & pandemic	France	Right	13 (68%)	6 (32%)
		Totals	25 (46%)	29 (54%)

Note: Number of measures and percentage (in brackets). Considers restrictions from the onset of an acute crisis until the end of affected government(s). Unweighted.

the right-wing government handling the pandemic in the UK adopted mostly crisis-unrelated measures (row 6). However, contrary to expectations, UK right-wing governments exposed to terrorism have not adopted any crisis-unrelated measures, which is linked to legislative inactivity during Brexit, as discussed above. Similarly, during the pandemic in France, which coincided with terror exposure, right-wing governments have adopted relatively more crisis-related measures than unrelated ones. This dominance of crisis-related measures since the onset of the pandemic (13 as compared to 6 crisis-unrelated ones) goes back to a high number of nine public health measures curbing freedom of assembly in is in line with Macron's approach of "saving lives at all costs" by forcefully countering the pandemic (Or et al. 2022), that were adopted alongside four terrorism-related measures.

While right-wing governments generally seem to be more proactive in adopting crisis-related restrictions under pressure than more left-wing governments, the picture is not entirely clear-cut in either country, and the number of measures is partially very small. An exploration of the nature of especially crisis-unrelated measures by country and government ideology is thus insightful to reveal whether measures have been directed towards weakening opposition by, for instance, restricting government-criticism—an indication of a deliberate shrinking of the civil society space—or other policy issues facing the government at the time, such as fighting violent extremism.

Indeed, some crisis-unrelated measures as adopted by UK right-wing governments, though contentious, form part of an arsenal of defensive democracy common in many European countries (Malkopoulou and Kirshner 2019). Conservatives adopted two bans of far-right groups (with no recorded history of violence), a legal change increasing the prison penalty for speech promoting or glorifying terrorism, and stricter regulations on CSOs during election campaigns. Meanwhile, however, they also used measures targeting government-critical actors: Three formal complaints by Conservative MPs led to regulatory investigations of specific civil society organizations: The Runnymede Trust faced a formal investigation by the Charity Commission for pursuing a political agenda after criticizing the government's report on racial and ethnic inequality; Barnardo's was investigated by the Charity Commission following a blog post on "white privilege" which allegedly exceeded the charity's purpose; Stop Funding Hate was investigated by the Community Interest Company Regulator for allegedly engaging in prohibited political activities. Though the three complaints were not upheld by the respective regulators, the formal investigations initiated by government actors targeting groups created a chilling effect across the CSO sector nonetheless (Ivanovska Hadjievska 2024, 123–125). UK right-wing governments also formally removed a charity (Maternity Action) from a government advisory board for criticizing its limited political role and, importantly, extended police powers to control protests (Police, Crime, Sentencing and Courts Act 2022). In contrast, UK left-wing governments—though banning far-right marches twice—have not used such measures.

In France, both left-wing and right-wing governments adopted crisis-unrelated restrictions that impacted on civil society space, leading us back to France's statist tradition granting state authorities generally considerable leeway to interfere with society (Birnbaum 1988). Following the November 2015 Paris attacks, the left-wing Hollande government implemented several measures under the state of emergency that infringed upon the freedom of association in a problematic fashion. One legal change targeted religious organizations, allowing authorities to search and shut down mosques and Muslim associations without a warrant or proof of their connection to terrorism. Another legal change allowed the ban of public gatherings, even months after the attacks and without evidence of a link to terrorism or threat thereof. A decree in 2016 banned citizens from participating in a protest against the labor law, entirely unrelated to terrorism. French right-wing governments, in turn, imposed several bans of far-right groups endorsing violent ideologies but without history of violence in 2019 and 2021, which can be viewed as means of democratic self-defense. Yet again we find several measures difficult to rationalize in that way, impacting on civil society more widely: The 2019 Anti-Riot Law restricts CSOs' freedom of assembly by criminalizing face coverings and expanding police search powers when managing protests. Though French governments were pre-occupied with handling acute pressure from the pandemic alongside terrorism pressure (thus adopting predominantly crisis-related measures from March 2020), the 2021 Law of Republican Principles broadly restricts CSOs that provide publicly financed services by requiring that they sign a "contract of republican commitment," pledging adherence to state-defined "republican" values.

This final qualitative exploration showed that center-left and center-right governments alike have adopted restrictions that are crisis-unrelated, yet can be rationalized as democratic self-defense, with the latter adopting them more readily. While in

France—a more permissive environment—left and right governments have also adopted restrictions targeting government contestation, in the UK only more inclined right-wing governments resorted to such measures. Thus, when trying to understand the implications of government crisis exposure, ideological disposition and systemic opportunity structure need to be considered jointly.

6 | Conclusion

To understand when liberal democracies adopt CSO restrictions is clearly an important theme, both beyond new democracies and democracies governed by populist or illiberal parties. Our analysis of CSO restrictions in the UK and France has shown that governments' readiness to provide CSOs with political space cannot be taken for granted (Bloodgood, Tremblay-Boire, and Prakash 2014, 717), not even in fully consolidated regimes governed by liberal parties. For sure, some of the restrictions analyzed could be rationalized as protections against actors hostile to liberal democracy, protections that by curtailing societal pluralism remain contentious nonetheless (e.g., Ashworth and Zedner 2014; Malkopoulou and Kirshner 2019; Stahl and Popp-Madsen 2022). Nuanced cross-national assessments of the nature of legal and administrative restrictions are important complements to recent large-N studies capturing broader trends in legal frameworks (e.g., Bromley, Schofer, and Longhofer. 2020; Glasius, Schalk, and De Lange. 2020; Swiney 2022). Zooming in on two countries, we were able to differentiate between voice and operational restrictions, which affect political and societal pluralism differently. Our findings indicate that accounting for their adoption requires considering contextual opportunity structures and governments' ideological dispositions in conjunction. The measures' consequences for CSOs and thus the democratic process need further study, especially as our findings indicate that governments in different democracies tend toward different restriction types. Relatedly, we assessed to what extent restrictions are linked to governments' acute crisis exposure, whether they address acute policy problems or serve as strategic tools to curtail "undesirable" societal actors and government contestation (e.g., Ashworth and Zedner 2014; Sidel 2009; Bloodgood, Tremblay-Boire, and Prakash 2014; Bethke and Wolff 2020). Building on these findings, future research ought to zoom in on actual decision-making processes. Bringing in motivations and perceptions of decision-makers that shape the choice of CSO restrictions would provide deeper insights into when CSO restrictions are best considered byproducts of crisis management or indeed might constitute early symptoms of democratic decline (Chaudhry and Heiss 2022).

This avenue for future research has led us to a broader theme of the resilience of liberal democracy, not only as regime but also normative template (Ashworth and Zedner 2014). In the long run, a regular, if not frequent, adoption of contentious CSO restrictions by liberal parties might incrementally erode liberal regimes' normative foundation. Alternatively, it might shift the benchmark of what is legitimate in terms of government control, especially when being rationalized by crisis pressures (Sajó 2006; Posner and Vermeule 2009). Further research on CSO restrictions in long-lived liberal democracies will help to shed light on whether these regimes' normative foundations are incrementally eroding or are rewritten instead.

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Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

Endnotes

[1] For example, Sidel (2009), Simsa (2022), Bethke and Wolff (2020), Bolleyer (2022), Roggeband and Krizsán (2021), della Porta and Steinhilper (2021), Boda (2023).

[2] Non-binding guidelines—though they might have "chilling effects"—are not considered as the leeway for CSOs to exercise resistance remains wider.

[3] This includes provisions suppressing or criminalizing the cultivation of (anti-democratic or illiberal) beliefs. Though they can be rationalized as self-defense targeting "bad" civil society, they curtail pluralism which remains contentious, as highlighted by work on the preventive state (Ashworth and Zedner 2014) and on-going debates around which (coercive) legal means of self-defense are compatible with liberal democracy (Kirshner 2014; Malkopoulou and Kirshner 2019; Stahl and Popp-Madsen 2022).

[4] Operational CSO restrictions, as long as imposed on non-violent groups, would qualify as contentious whether they curtail pro-life groups, migrant, Neo-Nazi or environmental organizations.

[5] All operationalizations of concepts central to Expectation 3 are specified in the following Methodology section.

[6] Charity law in the UK is the exception, for which we consider regulation in England and Wales covering most of UK territory/population.

[7] For details on the partisan composition of all cabinets covered and parties' ideological positions, see Supporting Information S1: Appendix Sections 1 and 2.

[8] For Covid-19 we consider the WHO's official declaration of a pandemic on March 11, 2020 as starting point. For details see Supporting Information S1: Appendix Section 4.

[9] When multiple, qualitatively different, contentious measures were introduced by the same law, each was treated as a separate data point.

[10] In 2016 the FATF modified its controversial Recommendation 8 on CSO regulation towards a more permissive approach (Romaniuk and Keatinge 2018) which however did not lead to a decline or removal of legal restrictions adopted in the UK and France.

[11] A full list of sources used in the following qualitative assessments are provided in Supporting Information S1: Appendix Section 5.

[12] The time periods for the two countries differ, as they are set to capture comparable shifts from left- to right-wing cabinets (see Methodology section).

[13] See Methodology section for a specification of the operationalization.

References

Amat, F., A. Arenas, A. Falcó-Gimeno, and J. Muñoz. 2020. "Pandemics Meet Democracy: Experimental Evidence From the COVID-19 Crisis in Spain." *SocArXiv Papers*. https://doi.org/10.31235/osf.io/dkusw.

Ashworth, A., and L. Zedner. 2014. *Preventive Justice*. Oxford: Oxford University Press.

Balazard, H., R. Fisher, and M. Scott. 2017. "The 'Big Society' in the United Kingdom: Privatisation or Democratisation of Public Services." *Revue Française d'Administration Publique* 163, no. 3: 507–520. https://doi.org/10.3917/rfap.163.0507.

Bethke, F., and J. Wolff. 2020. "COVID-19 and Shrinking Civic Spaces: Patterns and Consequences." *Zeitschrift für Friedens-und Konfliktforschung* 9, no. 2: 362–374. https://doi.org/10.1007/s42597-020-00038-w.

Bethke, F., and J. Wolff. 2023. "Lockdown of Expression: Civic Space Restrictions During the COVID-19 Pandemic as a Response to Mass Protests." *Democratization* 30, no. 6: 1073–1091. https://doi.org/10.1080/13510347.2023.2209021.

Birnbaum, P. 1988. *States and Collective Action: The European Experience*. Cambridge: Cambridge University Press.

Bleich, E., and F. Lambert. 2013. "Why Are Racist Associations Free in Some States and Banned in Others? Evidence From 10 Liberal Democracies." *West European Politics* 36, no. 1: 122–149. https://doi.org/10.1080/01402382.2013.742754.

Bloodgood, E. A., J. Tremblay-Boire, and A. Prakash. 2014. "National Styles of NGO Regulation." *Nonprofit and Voluntary Sector Quarterly* 43, no. 4: 716–736. https://doi.org/10.1177/0899764013481111.

Bobba, G., and N. Hubé. 2021. *Populism and the Politicization of the COVID-19 Crisis in Europe*. Cham: Springer.

Boda, Z. 2023. "Shrinking Space: The Changing Political Opportunities of Advocacy Groups in Illiberal Governance." *European Politics and Society* 4: 664–683. https://doi.org/10.1080/23745118.2023.2287245.

Boin, A., and P. t'Hart. 2022. "Crisis to Reform? Exploring Three Post-Covid Pathways." *Policy and Society* 41, no. 1: 13–24. https://doi.org/10.1093/polsoc/puab007.

Boin, A., P. t'Hart, and S. Kuipers. 2018. "The Crisis Approach." In *Handbook of Disaster Research. Handbooks of Sociology and Social Research*, edited by H. Rodríguez, W. Donner, and J. Trainor, 23–38. Cham: Springer.

Bolleyer, N. 2018. *The State and Civil Society: Regulating Interest Groups, Parties, and Public Benefit Organizations in Contemporary Democracies*. Oxford: Oxford University Press.

Bolleyer, N. 2022. "Civil Society, Crisis Exposure and Resistance Strategies." In *Routledge Handbook of Illiberalism*, edited by A. Sajó, R. Uitz, and S. Holmes, 94–117. Abingdon: Routledge.

Bolleyer, N., and A. Gauja. 2017. "Combating Terrorism by Constraining Charities? Charity and Counter-Terrorism Legislation Before and After 9/11." *Public Administration* 95, no. 3: 654–669. https://doi.org/10.1111/padm.12322.

Bolleyer, N., and O. Salát. 2021. "Parliaments in Times of Crisis: COVID-19, Populism and Executive Dominance." *West European Politics* 44, no. 5–6: 1103–1128.

Bourne, A. K., and F. Casal Bértoa. 2017. "Mapping 'Militant Democracy': Variation in Party Ban Practices in European Democracies (1945–2015)." *European Constitutional Law Review* 13, no. 2: 221–247. https://doi.org/10.1017/s1574019617000098.

Bourne, A. K., and B. Rijpkema. 2022. "Militant Democracy, Populism, Illiberalism: New Challengers and New Challenges." *European Constitutional Law Review* 18, no. 3: 375–384. https://doi.org/10.1017/s1574019622000281.

Bromley, P., E. Schofer, and W. Longhofer. 2020. "Contentions Over World Culture: The Rise of Legal Restrictions on Foreign Funding to NGOs, 1994–2015." *Social Forces* 99, no. 1: 281–304. https://doi.org/10.1093/sf/soz138.

Busher, J. 2018. "Why Even Misleading Identity Claims Matter: The Evolution of the English Defence League." *Political Studies* 66, no. 2: 323–338. https://doi.org/10.1177/0032321717720378.

Capoccia, G. 2013. "Militant Democracy: The Institutional Bases of Democratic Self-Preservation." *Annual Review of Law and Social Science* 9, no. 1: 207–226. https://doi.org/10.1146/annurev-lawsocsci-102612-134020.

Chaudhry, S. 2022. "The Assault on Civil Society: Explaining State Crackdown on NGOs." *International Organization* 76, no. 3: 549–590. https://doi.org/10.1017/s0020818321000473.

Chaudhry, S., and A. Heiss. 2022. "NGO Repression as a Predictor of Worsening Human Rights Abuses." *Journal of Human Rights* 21, no. 2: 123–140. https://doi.org/10.1080/14754835.2022.2030205.

Chowanietz, C. 2011. "Rallying Around the Flag or Railing Against the Government? Political Parties' Reactions to Terrorist Acts." *Party Politics* 17, no. 5: 673–698. https://doi.org/10.1177/1354068809346073.

Cochrane, C. 2013. "The Asymmetrical Structure of Left/Right Disagreement: Left-Wing Coherence and Right-Wing Fragmentation in Comparative Party Policy." *Party Politics* 19, no. 1: 104–121. https://doi.org/10.1177/1354068811398057.

Cummins, I. 2021. *Welfare and Punishment: From Thatcherism to Austerity*. Bristol: Bristol University Press.

della Porta, D., and E. Steinhilper. 2021. "Shrinking Spaces and Civil Society Contestation. An Introduction." In *Contentious Migrant Solidarity Shrinking Spaces and Civil Society Contestation*, edited by D. della Porta and E. Steinhilper, 1–18. Abingdon: Routledge.

DeMattee, A. J. 2019. "Toward a Coherent Framework: A Typology and Conceptualization of CSO Regulatory Regimes." *Nonprofit Policy Forum* 9, no. 4: 1–17. https://doi.org/10.1515/npf-2018-0011.

Dupuy, K., J. Ron, and A. Prakash. 2016. "Hands off My Regime! Governments' Restrictions on Foreign Aid to Non-Governmental Organizations in Poor and Middle-Income Countries." *World Development* 84: 299–311. https://doi.org/10.1016/j.worlddev.2016.02.001.

Feldman, S., V. Mérola, and J. Dollman. 2021. "The Psychology of Authoritarianism and Support for Illiberal Policies." In *Routledge Handbook of Illiberalism*, edited by A. Sajó, R. Uitz, and S. Holmes, 94–117. Abingdon: Routledge.

Glasius, M. 2018. "What Authoritarianism Is...and Is Not: A Practice Perspective." *International Affairs* 94, no. 3: 515–533. https://doi.org/10.1093/ia/iiy060.

Glasius, M., J. Schalk, and M. De Lange. 2020. "Illiberal Norm Diffusion: How Do Governments Learn to Restrict Nongovernmental Organizations?" *International Studies Quarterly* 64, no. 2: 453–468. https://doi.org/10.1093/isq/sqaa019.

Guohui, L. I., L. U. Song, C. Xudong, Y. Hui, and Z. Heping. 2014. "Study on Correlation Factors That Influence Terrorist Attack Fatalities Using Global Terrorism Database." *Procedia Engineering* 84: 698–707. https://doi.org/10.1016/j.proeng.2014.10.475.

Horn, A., A. Kevins, C. Jensen, and K. V. Kersbergen. 2017. "Peeping at the Corpus – What Is Really Going on Behind the Equality and Welfare Items of the Manifesto Project?" *Journal of European Social Policy* 27, no. 5: 403–416. https://doi.org/10.1177/0958928716688263.

Institute for Government. 2017. Whitehall Monitor 2017: The Civil Service as it Faces Brexit. IfG Analysis Paper. https://www.instituteforgovernment.org.uk/publication/analysis-paper/whitehall-monitor-2017.

Ivanovska Hadjievska, M. 2024. "The Contestation of Civil Society Elites in the UK: A Frontlash/Backlash Approach." *British Journal of Politics and International Relations* 26, no. 1: 114–130. https://doi.org/10.1177/13691481221139806.

Kirshner, A. S. 2014. *A Theory of Militant Democracy: The Ethics of Combatting Political Extremism*. New Haven: Yale University Press.

Malkopoulou, A., and A. S. Kirshner. 2019. *Militant Democracy and Its Critics: Populism, Parties, Extremism*. Edinburgh: Edinburgh University Press.

Mayring, P. 2014. *Qualitative Content Analysis: Theoretical Foundation, Basic Procedures and Software Solution*. Klagenfurt: Beltz.

Meadowcroft, J. 1995. "State, 'Statelessness' and the British Political Tradition." *Contemporary Politics* 1, no. 2: 37–56. https://doi.org/10.1080/13569779508449878.

Morris, D., and W. Barr. 2013. "The Impact of Cuts in Legal Aid Funding on Charities." *Journal of Social Welfare and Family Law* 35, no. 1: 79–94. https://doi.org/10.1080/09649069.2013.774737.

Nilsson, A., and J. T. Jost. 2020. "The Authoritarian-Conservatism Nexus." *Current Opinion in Behavioral Sciences* 34: 148–154. https://doi.org/10.1016/j.cobeha.2020.03.003.

Or, Z., C. Gandré, I. D. Zaleski, and M. Steffen. 2022. "France's Response to the Covid-19 Pandemic: Between a Rock and a Hard Place." *Health Economics, Policy and Law* 17, no. 1: 14–26. https://doi.org/10.1017/s1744133121000165.

Piazza, J. A., and G. LaFree. 2019. "Islamist Terrorism, Diaspora Links and Casualty Rates." *Perspectives on Terrorism* 13, no. 5: 2–21.

Posner, E., and A. Vermeule. 2009. "Crisis Governance in the Administrative State: 9/11 and the Financial Meltdown of 2008." *University of Chicago Law Review* 76, no. 4: 1613–1681.

Richards, J. 2013. "Reactive Community Mobilization in Europe: The Case of the English Defence League." *Behavioral Sciences of Terrorism and Political Aggression* 5, no. 3: 177–193. https://doi.org/10.1080/19434472.2011.575624.

Roggeband, C., and A. Krizsán. 2021. "The Selective Closure of Civic Space." *Global Policy* 12, no. 5: 23–33. https://doi.org/10.1111/1758-5899.12973.

Romaniuk, P., and T. Keatinge. 2018. "Protecting Charities From Terrorists... and Counterterrorists: FATF and the Global Effort to Prevent Terrorist Financing Through the Non-Profit Sector." *Crime, Law and Social Change* 69, no. 2: 265–282. https://doi.org/10.1007/s10611-017-9755-6.

Rosanvallon, P. 2008. *Counter-Democracy: Politics in an Age of Distrust*. Translated by A. Goldhammer. New York: Cambridge University Press.

Rosenblum, N. 2007. "Banning Parties: Religious and Ethnic Partisanship in Multicultural Democracies." *Law & Ethics of Human Rights* 1, no. 1: 17–75. https://doi.org/10.2202/1234-1234.1002.

Sajó, A. 2006. "From Militant Democracy to the Preventive State." *Cardozo Law Review* 27: 2255–2294.

Salat, O. 2015. *The Right to Freedom of Assembly: A Comparative Study*. London: Bloomsbury Publishing.

Samuels, H. 2018. "Public Interest Litigation and the Civil Society Factor." *Legal Studies* 38, no. 4: 515–528. https://doi.org/10.1017/lst.2018.9.

Sidel, M. 2009. *Regulation of the Voluntary Sector: Freedom and Security in an Era of Uncertainty*. London: Routledge-Cavendish.

Sidel, M. 2011. "Civil Society and Civil Liberties." In *The Oxford Handbook of Civil Society*, edited by S. Edwards, 298–310. Oxford: Oxford University Press.

Simsa, R. 2022. "Changing Civic Spaces in the Light of Authoritarian Elements of Politics and the Covid Crisis – The Case of Austria." *Nonprofit Policy Forum* 13, no. 3: 211–228. https://doi.org/10.1515/npf-2021-0053.

Sivenbring, J., and R. A. Malmros. 2023. "The Good, the Bad, and the Ugly – Involving Civil Society Organizations in Nordic Policy for Preventing Extremism." *Journal of Civil Society* 19, no. 1: 1–19. https://doi.org/10.1080/17448689.2023.2206150.

Stahl, R. M., and B. A. Popp-Madsen. 2022. "Defending Democracy: Militant and Popular Models of Democratic Self-Defense." *Constellations* 29, no. 3: 310–328. https://doi.org/10.1111/1467-8675.12639.

Swiney, C. F. 2022. *The Associational Counter-Revolution: The Spread of Restrictive Civil Society Laws in the World's Strongest Democratic States*. Wilmington: Vernon Press.

Tang, P. M., and M. Patterson. 2023. "Governance in Crises: Ideologies, Political Systems, and Pandemic Responsiveness." *Journal of Leadership Accountability and Ethics* 20, no. 1: 94–113.

Toepler, S., A. Zimmer, C. Fröhlich, and K. Obuch. 2020. "The Changing Space for NGOs: Civil Society in Authoritarian and Hybrid Regimes." *Voluntas* 31, no. 4: 649–662. https://doi.org/10.1007/s11266-020-00240-7.

Vasilopoulos, P., and R. Lachat. 2018. "Authoritarianism and Political Choice in France." *Acta Politica* 53, no. 4: 612–634. https://doi.org/10.1057/s41269-017-0066-9.

Wenzelburger, G. 2020. *The Partisan Politics of Law and Order*. Oxford: Oxford University Press.

Supporting Information

Additional supporting information can be found online in the Supporting Information section.