

It is a pleasure to respond to Prof. McNulty's excellent comments. With only limited space to answer a multitude of important points, I would like to focus on the (in my view) three most fundamental theoretical ones.

But before doing so, a brief comment on the policy relevance of studying growing legal constraints on civil society organizations in established democracies: Long considered a problem of transition countries, it is by now clear that the much criticized measures against NGOs in Hungary form part of a broader development, as recognized by international actors such as the European Union or the Council of Europe. Over the last two decades, virtually all long-lived democracies have introduced legal reforms that – intentionally or unintentionally – affect civil society space. Prominent examples are restrictions on charities through counterterrorism legislation, structural reforms curtailing union power, the scrapping of organizational tax credits as part of government austerity packages or the reforms of media regulation and judicial institutions by populist governments. This just to illustrate that democracies – even those consolidated for many decades - are by no means 'immune' and that a detailed understanding of legislative choices has important practical implications.

Now moving to the actual criticisms of my study, I start with the comment which caught me by surprise. Prof. McNulty asks whether a more parsimonious framework would have been more conducive to 'truly develop a mid-range theory of state regulation of civil society organizations in long-established democracies'. My expectation was to be accused– if anything – of the opposite – given that we have (with few exceptions) predominantly very case-orientated research on civil society regulation focusing on single countries or an 'N' smaller than 19 democracies. My framework formulates theoretical expectations on five macro conditions derived from research cutting across literatures in politics, sociology and law. Only three of them (in different configurations) form part of three main 'paths' shaping democracies' dispositions towards either an (overall) more permissive or more constraining approach to civil society regulation, which affects the nature of legal regulation of political parties, interest groups and of public benefit organizations: experiences of democratic (dis)continuity and (in)stability, voluntary sector type and legal family. Asking for more parsimony suggests at least one of these three could be removed without diminishing the ability of the approach to account for the variation in legal permissiveness or restrictiveness across the 19 democracies covered. In empirical terms, the analysis clearly suggests that it is configurations of (respectively two of three) conditions rather than any single one that grants the best grasp of the legal differences found. In theoretical terms, there is no general yardstick for when any theory is 'parsimonious enough' without consideration of the phenomenon it is developed to account for. The question then becomes whether we would understand more about long-established democracies' legal dispositions towards or against legally constraining organized civil society by focusing from the outset (in terms of theoretical framework) on less. Based on earlier works inspiring my study and the research on which the latter is based, it is probably no surprise that my answer to this question would be no.

Furthermore, McNulty rightly queries whether the approach could be more widely applied to democracies outside Europe and beyond the long-lived Common law democracies that are considered fully consolidated and my answer to this would be in principle yes. For instance, the expectation that governments heavily subsidizing voluntary organizations to provide public services are more inclined and legitimized to regulate the latter in a constraining fashion than those governments that do not is likely to apply more broadly. So are the expectations regarding

democracies' 'defensive' legislative responses to internally triggered threats to the democratic system. That said, some of the classifications used from which central arguments were derived (e.g. types of voluntary sector regimes or legal family) were developed with the long-lived European democracies (plus the United States) as central reference points. A wider application would pose the challenge that cases are more likely to cut across the 'templates' to which theoretical expectations about legal dispositions towards civil society tend to be tied. Mechanisms expected to affect legal dispositions would have to be operationalized across systems without being able to fall back on 'standard classifications'. Though predominantly a challenge of operationalization, it is one with possibly far-fetching implications for testing the theoretical expectations in a methodologically sound fashion on a broader scale.

Related to this point, McNulty also asks what we could learn from a broader application. To briefly respond to one specific comment related to this important question, suggesting me to look at countries with an 'actual experience with instability' such as Chile, I do not think democratic instability in Chile is more genuine or telling than instability experienced by various European countries over the last century (which included democratic breakdowns). However, where I would expect a broadening of the scope to newer democracies to lead to potentially different findings from my current study is related to differences in states' administrative capacity. This factor is theorized in my framework as an enabling facilitating condition but did not play an important role empirically. In newer democracies, administrative capacity might gain relevance to account for whether or not democracies tend to apply constraining legislation to civil society actors as such regulation might be – given greater resistance – costly to implement. Broadening the scope to newer systems and thereby enhancing differences in administrative capacity is likely to make issues related to implementation of legislation generally more crucial for understanding what type of legislation we are likely to find. This of course links back to the important lessons of Prof. McNulty's own study on the implementation of legal reforms in developing countries, where policy implementation is a much bigger hurdle than in the long-lived European and North-American democracies.

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