Manoeuvring towards Success: Reconstruction of the State and Its Effective Campaign Countering Corruption and State Capture*

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Abstract: In the period from 2013 to 2017, the Czech Parliament passed five bills against corruption. A civil initiative called Reconstruction of the State was heavily involved in the process. Before the 2013 elections, the initiative prompted the candidates running for an MP mandate to publicly commit to supporting selected legislation proposals. The initiative used a variety of advocacy and campaign tactics to support passing the bills after the elections. This paper uses process tracing to answer the following research questions: (1) What path led to this success?, (2) Is there sufficient evidence about the actual role of the initiative in seeing the proposals passed by the Parliament? and (3) What has determined the initiative's advocacy decisions? The first research question is treated descriptively, focusing on the key milestones in this historically unique advocacy campaign. To answer the second question, we conducted a non-formal counterfactual assessment of whether the absence of the initiative would have resulted in passing fewer proposals. This is important for evaluating civil society's potential to effectively influence the political process. Finally, in answering the third question, we show that advocacy tactics have markedly changed throughout the Reconstruction of the State campaign. Building on this observation, we argue that tactics are not only policy- or campaign-specific but also change within a single case.

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Introduction

In the past decade, the supposedly weak civil society of post-communist countries has been mobilised against corruption. In 2011, unions protested corruption in Prague. In February 2017, the world watched massive rallies in Romania against corruption, and just two months later, anti-corruption protests on the streets of Slovakia once again drew international attention.

In the meantime, an initiative called Reconstruction of the State (hereafter ReSt) was extremely successful in setting the agenda for the Parliamentary election campaign in 2013 and persuading politicians to publicly pledge their support for nine anti-corruption legislative proposals. In the run-up to the elections and the subsequent four-year electoral period, ReSt advocacy workers managed to follow the bills through the legislation process and see that five of them passed. This case study shows how civil society in Central and Eastern Europe (CEE) can fight corruption and promote government transparency, even without large mass mobilisations. We use process tracing to provide a detailed account of the ReSt initiative and how its strategic decisions contributed to the campaign's success. The overarching theoretical goal of this paper is to analytically connect the structural level of political opportunities (McAdam & Tarrow, 2018) with the activists' agency to deliver a complex understanding of this historically important case.

Specifically, we strive to answer three related research questions: (1) What path led to the advocacy success?, (2) Is there sufficient evidence about the actual role of the initiative in seeing the proposals passed by the Parliament? and (3) What has determined the initiative's advocacy decisions? The first research question is treated descriptively, focusing on the key milestones in the advocacy process. The initiative achieved high visibility, and its proclaimed goals were in large part fulfilled, which makes it an important and possibly inspirational case deserving detailed description. To answer the second question, we conducted a non-formal counterfactual assessment of whether the absence of the initiative would have resulted in passing fewer proposals. This is important for evaluating civil society's potential to effectively influence the political process. Finally, in answering the third question, we show that advocacy tactics have markedly changed throughout the Reconstruction of the State campaign. Building on this observation, we argue that tactics are not only policy-specific but also change within a single case. This, among other things, has implications for comparative research discussed in the conclusion. In the discussion, we also link this case to broader considerations about the post-1989 development of civil society in the Czech Republic (and, to some extent, CEE in general).

The case: Reconstruction of the State

ReSt was publicly announced in March 2013 as an anti-corruption initiative of then 19 NGOs. Before going public, the initiative had selected nine proposals that

it deemed should be implemented in Czech legislation to limit corruption and state capture opportunities. Their original idea was to pressure the government to pass these proposals before the next election, which was due to take place in May 2014. However, this approach was compromised after a governmental crisis that resulted in the elections being brought forward. The ReSt quickly changed their plans and addressed the politicians who were running for election with a novel offer: as candidates, they could pledge to support the initiative's nine anti-corruption proposals if they were elected. In return, ReSt would endorse them in the election campaign. If, however, they chose not to pledge their support for the proposals, ReSt would label them with a derogatory 'blah blah' (*bla bla* in Czech, indicating empty talking and no willingness to action) in a pre-election flyer that was to be distributed to Czech households, and hence undermine their position in the election campaign.

This confrontational strategy was effective. More than 1,500 of the almost 6,000 candidates signed the pledge. When the ballots were counted and the new Chamber of Deputies of the Czech Parliament established, 157 of the total 200 MPs were bound by their pre-election pledge to support the anti-corruption proposals. Before the end of the election term in October 2017, five of the proposals were, indeed, passed[1].

Within Czech civil society, the initiative has become a leader in advocacy

[1] This is a brief and simplified summary of the bills supported by ReSt which were passed in the 2013–2017 electoral period: (1) Amendment to the law of political parties (no. 424/1991). This amendment made it obligatory for political parties to have transparent bank accounts. It also introduced some other regulations concerning how political parties are financed and established an office to control political parties' economic activities. (2) Amendment to the law of conflicts of interest (no. 159/2006). This amendment required about 50,000 politicians and civil servants to file an inventory of their property not only on 30th June each year, but newly also upon taking up office. The amendment also established a single database run by the Ministry of Justice to administer these files. (In the past, the property inventories had been dispersed across thousands of physical offices). (3) Law establishing an electronic register of governmental contracts (no. 340/2015). This law ordered that all contracts entered into by the state and public institutions be published in an open online register. (4) Law of transparency (no. 134/2013). This law abolished anonymous stocks and shares. This one law was passed already before the 2013 elections in the run-up to it. (5) Amendment to Parliamentary law (no. 90/1995). This amendment helped to make the legislative process more transparent and hence prevent so-called legislative add-ons, an infamous practice used in the past by which last minute legislation changes were added on to unrelated legislation. Furthermore, the following proposals were also strived for by the initiative, but were NOT passed: (1) De-politicizing the appointment process for state-owned companies' supervisory boards. (2) Making public administration more independent from politicians (the corresponding bill was passed but in a form that the initiative considered not in line with the original pledge and inadequate for the anti-corruption purposes it was meant to serve). (3) Bolstering the independence of public prosecutors to prevent political interference in investigations. (4) Extending the powers of the Supreme Audit Office.

know-how and several other platforms, and even at least two foreign initiatives (from Hungary and Slovakia) have consulted with ReSt and had their own approaches informed by the initiative's strategy. ReSt could easily be considered one of the current benchmarks of the extent to which civil society actors can enter the political process and exert influence in Czechia. In this sense, the case study sheds new light on the potential outcomes of civil society capacity-building in new democracies.

Theoretical framework

Corruption and state capture

Zakaria (2013) suggested that in CEE in particular, corruption may explain low levels of social trust and an overall malaise in the societies. Despite efforts to curb corruption in CEE, scholars express doubt about the effects of anti-corruption measures, speaking of '*poor, if any, enforcement of the existing laws and norms*' (Kotchegura, 2004, p. 140), and referring to the target population's insufficient compliance with the laws (Batory, 2012; Falkner & Treib, 2008). While such analysis may be correct, an important conceptual distinction is in place: First, scholars including Batory and Kotchegura often address everyday '*street-level*' corruption: bills targeting '*the citizenry as a whole*' (Batory, 2012, p. 68) or ground-level officials, limiting the opportunities for bribery among policemen etc. (Kotchegura, 2004). Second, the proposals advocated by ReSt all target those in political office and those who might try to corrupt them. The distinction between laws targeting the '*citizenry as a whole*' and laws targeting political elites and government institutions loosely parallels the distinction between corruption in general and state capture. While corruption can be conceptualised very broadly, state capture is a more nuanced concept, which does not just mean widespread corruption. '*Rather, its essence lies in a distinct network structure in which corrupt actors cluster around parts of the state allowing them to act collectively in pursuance of their private goals to the detriment of the public good.*' (Fazekas & Tóth, 2016, p. 320). Specifically, Czechia represents a case where powerful firms and business groups have tended to seize control of the state and shape the political environment so as to extract rents, often at high costs for the society. Analysing the Czech case, Innes described this as '*corporate state capture*', which '*intensified as the rents available from privatization dried up and this shrinking market encouraged political parties and their established business networks to turn to state-based opportunities*' (Innes, 2014, p. 100). State capture is linked to a lack of administrative independence from political pressure (Innes, 2014) and can be countered by increasing transparency and empowering civil society (Hellman et al., 2000). On the other hand, petty corruption may be explained by the low likelihood that perpetrators are reported, the absence of positive incentives for reporting such incidents, and ambiguous social norms concerning corruption (Batory, 2012).

Civil society in CEE

Post-communist civil societies have been labelled as weak and are marked by low levels of participation and low potential to mobilise (Howard, 2002). Henderson (2002) argued that it was the distrust in voluntary organising and the economic hardship of post-communist societies that made the development of organised civil society in CEE largely dependent on foreign assistance. Much of the scholarship in the early 2000s contended that the dependence on foreign assistance introduced something of a vicious circle, further undermining popular participation. According to this argument, foreign donors have encouraged civil society organisations to professionalise, but disincentivised them from connecting to grassroots organisations (Fagan, 2004, 2005; McMahon, 2001; Narozhna, 2004). This critical account of civil society in CEE emphasises the risk of neutralising or co-opting social movements via the process of so-called NGO-isation fuelled by Western influence (see also Mendelson & Glenn, 2002; Waller, 2010). Some later studies, however, were contrastingly optimistic about the fitness of civil society in CEE when they pointed at the surprising capacity of civil society in CEE to effectively engage in political activism and advocacy without broad mobilisation. Their argument emphasised the conceptual distinction between mass participation and so-called transactional activism as two legitimate alternatives (Petrova & Tarrow, 2007). The term transactional activism refers to '*the ties—enduring and temporary—among organized nonstate actors and between them and political parties, power holders, and other institutions*' (p. 79). They summarised the thrust of the idea as follows:

> [A] low level of individual civic participation does not necessarily imply a lack of capacity for transactional activism, which may provide incentives for as well as constraints on civic and political elites and their international allies, even in the face of weak mass participation (pp. 87–88).

It could be deceptive to imagine a sharp empirical distinction between participation and transactions. Clearly, social movements and civil societies have always benefited from exchanging and building coalitions. Civil society actors have always drawn their power not just from the numbers behind them but also from their position in networks. Specifically, advocacy is marked by the strong presence of small, professionalised organisations with few members in the West (Skocpol, 1999; cf. Minkoff, 2008). Professionalisation was made possible thanks to Europeanisation due to the formation of communicative connections between national and European levels via political demands (Klásková & Císař, 2021). Yet the transactional character of civil societies in CEE countries, and seemingly in Czechia in particular (see Korolczuk & Saxonberg, 2015), is different in that it did not develop on top of more participatory forms of civic organising, but as an alternative when engagement of the broader public seemed out of reach. The above-mentioned distrust is also true for Czech civil society. This disbelief towards civil society actors on the side of citizens is caused by their conviction

that civil society organizations (CSOs) represent business interests and not civic ones. According to Navrátil and Pospíšil (2013, p. 26), there is specific tension in contemporary Czech society:

> We observed a clear distance of citizens towards practical (pro-)active engagement in CSOs' activities and a tendency on the side of the CSOs to ignore the citizens and to rely on technical expertise and their employees in fulfilling their missions. Both the citizens and the CSOs are active but they do not connect very well. The CSOs thus fail to perform the role of the intermediary between the individual and politics, and the citizens as a rule do not make use of CSOs when they encounter a societal problem.

Now, let us focus on the ReSt itself. The initiative was founded as a coalition of 19 NGOs, most of which were small with only a few members, for the purpose of building expertise in a specific area and often focusing on networking, watchdogging and lobbying. Many of them had a history of some cooperation or exchange with each other from before starting the ReSt initiative (Mazák & Diviák, 2018). The core organisations of the initiative had been around since the early 1990s, and their ability to launch a large-scale campaign and quickly get access to both the media and most prominent politicians resulted from a well-described process of civil sector capacity building in CEE (Císař, 2010, 2013; Císař & Navrátil, 2015) sponsored in post-communist countries by foreign or international donors, including, in the past two decades, the European Union's structural funds, European Economic Area Grants and Norway Grants. Overall, the European Union had enormous influence over the accessing countries, even though the path to admission to the EU was not ideal for the Czech Republic because of its slow introduction of the required administrative reforms. This is due to its stagnant reformist legacy from the communist past, hence the hesitancy for institution-building after the collapse of communism. The Klaus government in the early 1990s ignored demands for anti-corruption laws; later, the Zeman government tried to implement them, but those efforts were obstructed by the Civic Democratic Party. In the end, requirements from the EU were met, but only due to the union's coercive conditionality mechanism (Camyar, 2010).

The ambition of this paper is to move beyond the path-dependency explanation towards uncovering the scope of activists' agency and decision-making against the background of a given structural context.

Bridging political opportunity structure (POS) with agency

The idea that social movement research has been overly rooted in structural approaches at the expense of studying agency has been around for some time. Calling for more cultural and agency-oriented approaches has given birth to the

popular framing perspective (Snow et al., 2014). However, its applications have mostly been static, neglecting the processual reality of civil society actors engaging in political struggles (Benford, 1997). Within POS scholarship, there have been efforts to make space for agency by refocusing on perceived rather than objective political opportunities. Social movements themselves can craft opportunities through their deeds, not just wait for opportunities to open up for them (della Porta, 2015 as cited in della Porta, 2018; McAdam et al., 2001). Doherty and Hayes (2012) stressed the importance of activist tradition as a bridge between structure and culture, where the concept of activist tradition helps to understand how social movement actors build ranges of action. Devoted activists are essential for the grander efficiency of civic initiatives, for they can realise powerful programmatic activity and shape organisational capacity. The social movement's anti-corruption paradigm has shifted in the contemporary neoliberal context from spreading through the flow from the top-down to the problematisation of deregulation and privatisation (seen as the cure for corruption in the neoliberal paradigm) and to the perception of anti-corruption *'as a matter of social justice'* (della Porta, 2018, p. 663). Nevertheless, accessible resources and a favourable political context also carry some weight in the context of corruption. When a closed political opportunity structure appears, external strategies of anti-corruption actors and conflict-ridden discourses on corruption prevail. A promising political background may lead to cooperation between established actors and collective actors likewise stimulating a wide-ranging discussion on corruption, which actually meets outcomes (Andrews et al., 2010; Pirro & della Porta, 2020). The analytical framework for connecting the structural level of political opportunities with the activists' agency is based on combining process tracing (e.g. Bennett & Checkel, 2015) with Jasper's (2004) suggestions about analysing strategic decisions. As he puts it in his critique of the dominance of structural approaches in scholarship on social movements, '*[p]articipants in social movements make many choices, but you would never know this from the scholarly literature*' (p. 2).

Jasper suggested analysing social movements' strategic choices as dilemmas. For example, there is the naughty or nice dilemma of choosing between more and less contentious approaches (Jasper, 2004, 2011). He also suggested that organisations' decisions about various dilemmas can be coded as variables and used for comparative research. However, organisations' responses to different dilemmas may not be definitive. They may be responsive to changing contexts (and hence hard to code as variables). In other words, an organisation may switch between being naughty and nice multiple times, and it is important to understand why these changes happen and to what effect. In a single-case study like this one, we are trying to describe various strategies that helped make the initiative a success. To achieve this methodologically, we will use process tracing, which is designed for the analysis of causal processes in single-case research. Beach and Pedersen (2016) recommended conceptualising a causal process as a chain of directly subsequent parts, where each part is represented by an 'entity' (an agent) and an

'activity' performed by this entity. Each part of the causal process should then be empirically substantiated with its observable manifestations. For our analysis, we specifically focused on tactics as the activity, and we look for evidence of the decisions' impact. The data collection was focused on understanding why certain decisions happened and how they were influenced by their context, by things that preceded them and what they probably caused next.

Conceptually, the literature on process tracing distinguishes between exploratory (inductive) and confirmatory (deductive) process tracing (Bennett & Checkel, 2015). The first is related to theory building or explaining the outcome of an important event, while the latter builds on an existing theory and tests it, often against alternative explanations. In this case study, we are using the first approach, which is more inductive: We have collected evidence about the case, and the evidence gradually crystallised into a set of strategies explaining ReSt's success. In conclusion, we argue that the resulting explanation can contribute to the theoretical discussion of the civil sector in young democracies, specifically the discussion on NGO-isation.

Lobbying and advocacy for anti-corruption

Lobbying tactics denote efforts to assert various group interests in the political domain and/or influence this terrain. Generally, the literature dealing with this phenomenon distinguishes between inside and outside lobbying, sometimes also termed 'direct' and 'indirect' or 'voice' and 'access' (Beyers, 2004; Colli & Adriaensen, 2020). Research has mostly focused on inside lobbying, which involves private gatherings with officials or partaking in consultative groups. Outside strategies centre on media campaigns, organising press conferences, opening public debates (online or face-to-face) or leading demonstrations. Inside and outside strategies are often intertwined, as in our case (Binderkrantz, 2005; Colli & Adriaensen, 2020).

Flow of information in the access (or inside) strategies is direct with the public officials, and this takes place where the political negotiation occurs. However, this bargaining frequently happens 'behind closed doors' and is invisible to a larger audience (Beyers, 2004). This most likely contributes to a negative perception of lobbying in general in the CEE. Citizens can perceive this behaviour as an illicit influence of politics, mainly from the side of businesspersons (Perottino et al., 2020). On the other hand, outside (or voice) strategies are observable by a wider audience, happen in the public and aim to draw attention to the subject. Therefore, the flow of information between initiatives and policy makers is indirect (Beyers, 2004; Colli & Adriaensen, 2020). A significant part of the literature deems outside strategies as a 'plan B' option for those initiatives with some kind of deficiency, which prevents them from getting in touch with the decision-makers directly (Binderkrantz, 2005).

Beyers (2004) further distinguished between information politics and protest politics as two outside strategies. Protest politics deliberately intend to expand conflict and make an impression on government officials. Indeed, tackling corruption from below can be diverse. Civil society actors can adopt a more disruptive repertoire of collective action, which has occurred throughout history, such as protests in Bosnia or Gezi Park in Turkey (della Porta, 2018). Troublesome actions focusing on transparency have also been caused by dispersed groups, such as Anonymous or WikiLeaks. However, professionalised organisations use milder forms of mobilisation and turn to lobbying (in the sense that it excludes protest politics). They are skilled at acquiring grants; they know how to spread awareness, how to evaluate corruption issues and, overall, how to lobby for new customs (della Porta, 2018).

Nonetheless, the analysis presented in this paper shows that it was largely due to a shift away from white-collar, always-polite transactional activism towards adopting more contentious strategies that the initiative was successful. It is this changeability of agency that we have identified as the underlying mechanism of the initiative's success.

Empirical analysis

Data

From April to June 2014, we conducted face-to-face interviews[2] with 10 representatives from nine of the participating NGOs. We first approached the campaign coordinator, a person then frequently mentioned in the media in relation to ReSt and speaking on its behalf. He suggested a few further interview partners from among the participating organisations, including some who were critical of the mainstream positions within the initiative and sometimes had dissenting views in internal debates. Further interview partners were snowballed.

Subsequently, in June 2014, we sent out structured questionnaires to all 19 participating NGOs, 18 of which responded (after two rounds of reminders). The main goal of the questionnaire was to analyse internal cooperation among organisations within the initiative (see Mazák & Diviák, 2018). In addition, we made a systematic analysis of articles in printed country-level media that mentioned the ReSt initiative over the period from March 2013 (when the initiative went public) to March 2014. This period covers both the election campaign and the closest aftermath of the election, that is, the peak of the initiative's activity.

[2] All interviews were conducted as personal face-to-face interviews and were audio-recorded with permission of interviewees based on an interview script. The scripts were expanded in between individual interviews if new information came to light which required triangulation. Word-by-word transcripts were produced for the analysis.

The aim was both to evaluate the initiative's media presence (see Figure 1) and to identify important events and controversies related to the initiative. This knowledge was then valuable when preparing interviews with politicians and, in some cases, having follow-ups with our past interview partners from the organisations when necessary for clarification. We also reviewed the initiative and political parties' webpages, social network sites and online media outlets to find supportive evidence, which helped us test emerging theories about the causal process as our primary data analysis progressed. As a further reality check on our results, we conducted interviews with four MPs from four different political parties and with various attitudes towards the initiative, from supportive to hostile. We mostly discussed ReSt's actions in lobbying and their legitimacy. Finally, we conducted three further interviews with other ReSt representatives in May and June 2018 after the electoral period was over, and the results of the campaign had been made clear. This was important to get some hindsight.

Overall, our interview partners from the initiative included two of the then three directors at the guarantor organisations who had the main decision-making power, three legal experts who were responsible for the legislation analysis and preparing materials to persuade politicians, two communication and PR coordinators, two econometricians and data analysts, two lobbyists responsible for continuous contacts with politicians, a director at a donor organisation, which was also part of the initiative and supported networking and cooperation, and the campaign coordinator mentioned earlier. We briefly re-interviewed the campaign coordinator and one of the directors to clarify some new questions that arose from the media article analysis and other online material research.

Political opportunities

We began our analysis by examining the broader social and political contexts. To begin with, at the time, the perception of corruption as a major problem was peaking in public opinion. In March 2012, a year before ReSt was publicly announced, The Public Opinion Research Centre, a polling agency, reported that 74% of the adult Czech population thought that over half of all public officials were involved in corruption (CVVM, 2012). This was a substantial increase compared to 61% in 2008. As a result, it was easier for the initiative to make corruption one of the election's major topics:

> People's frustration with the way things are mismanaged and stolen [due to corruption] here reached a point where people were more sensitive to this type of campaign (Employee, Transparency International).

Second and related to that, there was swift growth in the number of anti-corruption NGOs. Visiting webpages of the 19 organisations involved in ReSt revealed

that 10 of them originated during the period from 2008 to 2012. This was also reflected as an important aspect by the initiative's representatives:

> My personal experience from [a previous anti-corruption initiative in 2008 and 2009] was that we were very out… But gradually, the media began to write about [corruption] cases… The Parliamentary election in 2010 was key. The initiative Exchange Politicians emerged, Klus started to write his [protest] songs and several organisations which are now our members were created. Without that, we would not have had the partners to approach (Employee 1, Frank Bold).

Furthermore, the political situation was unusually turbulent. In the elections in 2010, which preceded the campaign and the elections in 2013, two new parties successfully entered the Chamber of Deputies of the Parliament, while the Christian Democrats failed to surpass the 5% electoral threshold for the first time since 1990. The new parties were a central-right conservative party TOP 09, and more importantly Public Affairs (*Věci veřejné*), a party that defined itself in terms of fighting corruption and raised the topic to the wider public awareness[3]. This showed that substantial change in the composition of the Parliament is possible. On top of that, the Civic Democratic Party, the most important right-wing party of Czech post-communist history, was a mere shadow of its former self and heading for what later turned out to be less than 8% of votes in the 2013 elections, a stark contrast to its approximately 30% gains in the previous decades. Related to the Civic Democrats' tumble, other new parties were knocking on the door of the Parliament in 2013, most importantly ANO, a new central-populist party that then finished second in the elections, and Úsvit, a far-right party that won almost 7% of the vote (Císař & Navrátil, 2019; Hanley, 2012).

In addition, the standing of individual politicians within parties was being reshuffled, too, due to a change in voters' behaviour. In Czechia, voters cast party ballots, but they can also give preferential votes to candidates on the party ballot and potentially overwrite the order of candidates suggested by the party. Morkes (2008) showed that historically in the 1996, 1998, 2002 and 2006 elections, preferential voting resulted in a different MP being elected than the candidate suggested by the party in 0, 2, 12 and 6 cases, respectively (out of the 200 MPs). In 2010, this number rose to 48, probably due to campaigning by civil society organisations. This means that almost a quarter of the elected MPs were elected thanks to preferential voting, effectively making preferential voting a truly relevant part of the electoral system for the first time and a tool to be used by ReSt in 2013. It was no accident that the pledge was framed in the media as a potential guideline for preferential voting in the upcoming election.

In his book, O'Dwyer (2006, p. 58) saw the Czech bipolar party system as comparatively stable within the CEE. Yet, in 2010 and 2013, after more than two

[3] However, this party collapsed in 2013 due to several scandals, including corruption.

decades dominated by two parties, the left-wing Social Democrats and the right-wing Civic Democrats, the political landscape was changing. A window of opportunity opened.

This context, however, was only a background for the initiative's conscious decision to approach political candidates as individuals and pressure them to make a public pledge. The remainder of our analysis focused on deliberate decisions that the initiative's leaders made as a result of the backdrop of a favourable context. In the 1990s, there were similar opportunities to make political issues out of well-known corruption scandals; however, because of the lack of capable actors, this topic was not brought to the fore by the members of the Parliament. The importance of our case lies in the power of activists' agency, which was able to thematise corruption and to mediate this issue forward.

Therefore, our focus on the ReSt's strategies and our use of process tracing to map those manoeuvres will contribute to the still limited literature that deals with the political actors and their capacities, since the research area is still more attentive to the structural conditions of activism (Císař & Navrátil, 2022). We are presenting innovative strategies, campaigns and tactics that ReSt used or, on the other hand, those that were intentionally abandoned.

Analysis

In this section, we identify the schemes ReSt's leaders devised throughout the campaign, and we empirically substantiate how these influenced the campaign's trajectory.

Strategic selection of laws

The first important thing for the initiative was selecting the laws. According to interviews with the activists, about 30 ideas were gathered for consideration, often inspired by existing legislation abroad. The selection process to pick the final nine was driven by pragmatism and feasibility. For example, no laws were included among the nine, which would bring an additional burden on common people. This idea was expressed in one interview:

> The laws only create obligations for people who handle public budgets and administer this country on our behalf. This was important to me in the selection process (Employee 2, Frank Bold).

While this meant that some of the laws were rather technical and not easily relatable for the median voter, it prevented any law from becoming a target of active popular resistance. In their effort to avoid increasing the burden on citizens,

ReSt's leaders sidestepped all legislation concerning everyday common corruption and exclusively focused on issues of high-level corruption and state capture. Also, they did it very much along the lines of increasing transparency, administrative independence from political pressure and empowering civil society, as suggested in the literature (see Fagan, 2004, 2005; Henderson, 2002; McMahon, 2001; Narozhna, 2004).

Another pragmatic consideration in the selection process concerned public communication, which was to become a crucial part of the campaign:

> We also wanted to include things which are easy to communicate, such as the register of governmental contracts. If all the laws were as complex as the civil service act, for example, people would never have taken ownership of the issues (Employee 1, Frank Bold).

On the other hand, the selected laws were probably not 'too easy' in the sense that they would have been passed without the initiative, too. This claim is substantiated by the difficulties ReSt encountered later in the process and corroborated by an MP interviewed for this study who reflected that:

> …the topics [individual laws] were well selected. They are important matters and matters that have been discussed here for decades, well, some of them, but nobody had managed to get them passed (Jan Farský, MP).

The academic discussion about NGO-isation has often stressed the risk for NGOs to lose authenticity and be neutralised via professionalisation (see Fagan, 2004, p. 173 for unrooting communities or McMahon, 2001, p. 48 about women's groups). However, there is a different perspective. Due to its capacity for combining complex expertise, professionalised and sufficiently funded NGOs can develop effective campaigns based on pragmatic analysis of political opportunities and an understanding of public sentiments.

Confrontational strategy

The dynamics of civil sector development in CEE resulted in the existence of professional NGOs with a focus on expertise and less interest in contentious action. Despite some internal disagreements, ReSt's representatives thought that it was time for change. However, ReSt, reflecting on a low level of popular readiness for mobilisation[4] (see Petrova & Tarrow, 2007), did not rely on traditional contentious

[4] However, subsequent development showed a higher level of emergence of collective action: In February 2017, the whole world watched massive rallies in Romania against cor-

action such as demonstrations. In fact, ReSt's leaders saw an unsuccessful demonstration as a potential source of embarrassment, where the best one can hope for in a successful demonstration is media coverage. But the same media coverage can be won with a small public happening if it stirs debate. As one interview stated:

> …in my experience, a successful campaign must be controversial. Unless it provokes debates, nobody cares. I always do my best to add controversy to campaigns (Employee 1, Frank Bold).

Most visibly, ReSt shamed politicians for undermining anti-corruption legislation. Apart from the pre-election 'blah-blah' campaign described earlier, they publicly awarded a corruption anti-prize to Vít Bárta, the leader of the Public Affairs party. Explaining the anti-prize, ReSt accused Vít Bárta of voting against anti-corruption laws, even though the party presented itself in anti-corruption terms. The event received substantial media coverage, including in some of the most widely read tabloids (e.g. novinky.cz and blesk.cz). Later, ReSt continued to pursue this strategy and put up billboards, denouncing politicians who, in ReSt's view, undermined the advocated anti-corruption bills.

Interviews with the initiative's representatives revealed that the strategy to go 'naughty' and exert a lot of pressure at some points of the campaign was not well accepted by all the participating organisations and became a source of inner tension:

> We also function as the more sceptical voice which says, 'Do not fool around so much with activism [as opposed to advocacy]'… (Employee, Transparency International).

> The first thing [source of conflict] is the way they [participating organisations] work. Some organisations do not like the fact that ReSt appears to be too heavily activist (Employee, Open Society Fund).

These observations show how the confrontational approach was not fully in line with the usual *modus operandi* of the professionalised Czech NGO sector. Exerting strong pressure was an important manoeuvre, which marks discontinuity with the previous work by professionalised NGOs. This is an important insight for the broader theoretical debate about civil society in newly emerging democracies. Even if foreign or other institutional sponsorship temporarily leads to NGOs los-

ruption, reportedly attended by 500,000 protesters. The events were covered by BBC, CNN, Al-Jazeera and other global media. Just two months later, anti-corruption protests on the streets of Slovakia once again drew international attention.

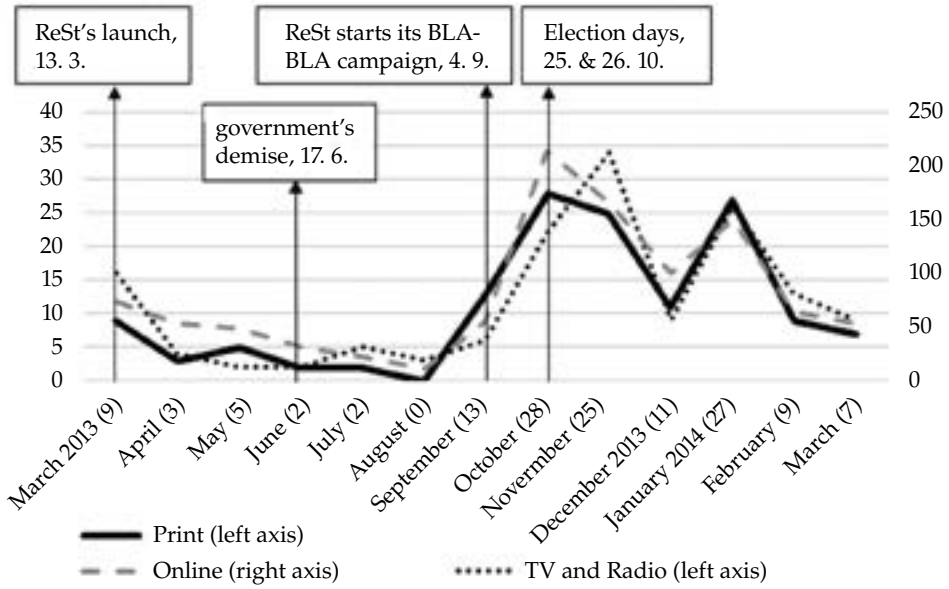
ing some sharp edges, it does not mean they will not become more radical and contentious again once they develop a strong enough capacity to become worthy contenders or once they feel favourable political opportunities.

Prioritising media coverage

ReSt's campaign before the election was designed around the pressure on political candidates under the threat that people would not vote for those who would not publicly pledge to fight corruption by passing specific anti-corruption laws. For that threat to be taken seriously, media coverage was essential, and confrontation was not the only way to raise it. Various events took place. For example, in June 2013, a large abacus was placed on the façade of a building opposite the Chamber of Deputies, showing the number of MPs who had promised to support the law to establish a public online register of governmental contracts. This event received media coverage in multiple large outlets.

The efforts to raise media coverage paid off and the media coverage became substantial in the two months before the election and the first months after it

Figure 1. Media coverage from the start of the campaign throughout its peak



Note: The numbers in brackets indicate the number of articles in country-wide printed media (eight outlets, solid line in the chart).

(see Figure 1). Furthermore, the initiative's YouTube channel produced a few successful viral pieces (one which has by now received over 700,000 viewings in a country with 10 million inhabitants, and one which has been viewed over 99,000 times).

Mobilisation was boosted via social networking sites. In April 2016, the ReSt Facebook page had ca. 19,800 likes. To put it in perspective, the number of likes for ReSt by far exceeded the number of likes for the Facebook pages of the best-known organisations in the initiative. At the same time, Transparency International Czech Republic had ca. 4,300 likes, Frank Bold had ca. 4,900 likes and Oživení had approximately 2,800 likes. These were all well-established organisations that originated in the 1990s and played a central role in the ReSt (Mazák & Diviák, 2018). This further shows that the initiative was not just a continuation of the professionalised approach to activism created and sustained by foreign sponsorship, but a campaign based on strategic innovations.

Inviting people to participate

A lack of a following makes NGOs much more vulnerable to accusations of illegitimacy and puts them in a weak position *vis-à-vis* politicians. When politicians do not deliver on their promises, organisations without a following can do little about it. ReSt's architects knew about this problem from their own experience and decided to boost leverage over politicians not only by focusing heavily on media coverage, but also by inviting citizens to participate as ambassadors. Interviews with ReSt's representatives suggest that ambassadors were important, especially in the election campaign, when they personally contacted political candidates in their regions and tried to convince them to pledge their support for the proposed anti-corruption legislation:

> We had an agreement with the political parties that they would send out our appeal centrally [to individual candidates]. That did not work very well. What did work was the… whirlwind of emails and phone calls, and we would not have been able to do that without the ambassadors (Employee 1, Frank Bold).

One of the interviewed MPs also confirmed the importance of ambassadors in the campaign:

> I think it was a masterstroke to expand the campaign to the regions, so that MPs did not only listen to what was going on in Prague but were also personally visited by ambassadors in the regions (Jan Farský, MP).

This was something politicians were not at all used to, and it created the impression of a broad civil movement.

Action and reaction

While at least some politicians felt pressured, surprisingly few expressed their indignation publicly before the election. The context of the volatile political situation and the momentum of the campaign's public and media engagement persuaded most politicians to jump on the bandwagon. While some of them were sincerely in favour of the proposed legislation, others probably just caught a whiff of opportunity and embraced ReSt as a means of gaining the upper hand over their opponents, or at least not being left behind.

As a result, ReSt became one of the key issues discussed during the so-called pre-election super-debate on Czech public television among the leaders of the strongest political parties when three party leaders named ReSt's laws as the first thing the new government could agree on after the election.

It was only after the election that more of the critical voices were raised against ReSt. The initiative was accused of disrespecting the principle of democratic discussion by exerting too much pressure on politicians. A conservative MP from the right-wing Civic Democratic Party complained about the initiative's lack of willingness for discussion:

> The idea that someone can bring us a 'most beautiful law' [ReSt's nickname for the online register of governmental contracts]… and because someone has dubbed it 'most beautiful', we are forbidden from talking about it, raising doubts about it and even making amendatory proposals. It is hardly legitimate for me (Marek Benda, MP).

Another MP, Radek Vondráček, otherwise more favourable to the initiative and the proposed laws, explained why many MPs were frustrated:

> They [ReSt] are not behind-the-scenes actors. They are transparent, but they go by a roundabout route. They use media pressure a little. They play with public opinion. Many of those [MPs] affected perceive this negatively.

According to the then head of communication at ReSt, the backlash after the election made it more difficult to actively manage media content, which was supposed to be one of the main sources of leverage over politicians after the election. Instead, it was now ReSt's position that became more reactive, such as when they had to deal with accusations of being partisan and secretly supporting Andrej Babiš, a claim that appeared in the media and was echoed by some politicians. This situation caused ReSt to change its tactics. When the initial efforts after the election to quickly push the legislation through backfired, it was decided to ease up the pressure, and the core of activist work shifted towards less contentious work and regular presence in the Parliament. Such presence enabled quick reactions to any threats to the anti-corruption laws, as some of them had already pro-

gressed through the legislation process. In other words, the work was continued, but controversy was suddenly seen as potentially harmful, so it was deliberately avoided by the initiative. Happenings and efforts to shame unsupportive politicians subsided and almost disappeared. Instead, ReSt's advocacy workers focused on understanding the inner dynamics of each party's group of MPs, identifying core influencers for each law and establishing and sustaining relations with them.

The case of ReSt shows that the election campaign and the period between elections had dramatically different dynamics, which required very different modes of operation. In sharp contrast to the pre-election campaign, when ReSt managed to come across as a strong actor with power to influence voters and was not hesitant to directly attack some of the most visible political figures on the Czech scene, the post-election advocacy was much more adjusted for the subtleties of everyday politics, changing power balance and changing popular moods and media attention. ReSt's advocacy workers tried to reposition themselves as useful for politicians, rather than threatening. They also started putting more emphasis on publicly praising compliant politicians as opposed to shaming those unsupportive of anti-corruption laws with the insight that public praise is something politicians rarely get and can react very positively to. At the end of the election period, five of the nine advocated laws had been passed.

Discussion and conclusion

This case study focused on understanding activists' agency and the success of the initiative via identifying key strategies. Our research demonstrates that activists have agency, and their strategic choices can result in unexpected discontinuities.

The campaign of the Reconstruction of the State cannot be perceived merely as a culmination of the process of professionalisation and white-collar transactional activism. On the contrary, the campaign was marked by strategic decisions deliberately aimed at discontinuing the allegedly ineffective white-collar advocacy. Instead, ReSt decided to attract the public and the media with contention, controversy and public happenings and by targeting individual politicians. The initiative tried to engage the otherwise not overly politically active public with viral videos and even invited citizens to shape the campaign as ambassadors by directly contacting politicians in their regional offices.

To answer our research questions about advocacy decisions made by ReSt and its overall path to success, on the following pages we summarise the initiative's strategic choices.

The first strategy was the selection of laws for the campaign. It was guided by the principle of not introducing any additional burden for the citizenry and some other pragmatic considerations to make the initiative less vulnerable and likelier to succeed.

Another tactic concerned the shift away from behind-the-closed-door white-collar activism towards a more contentious campaign and aggressive targeting of

individual politicians. This from-nice-to-naughty shift was the most obvious departure from the usual pattern typical of professionalised NGOs in Czechia and underscores the potential of activists' agency to bring about surprising discontinuity. Closely related to that was the decision to prioritise media coverage to set the agenda of the public discourse.

Yet another related manoeuvre was when ReSt decided to give up on full control of the campaign and invite ambassadors from among the public to shape it. This shift towards a more movement-like operation before the election also contributed to the campaign's success when the political candidates suddenly heard the name of ReSt coming from all directions.

The final strategy came after the election when the initiative faced a backlash from politicians who were no longer afraid that standing up against the ReSt would hinder their chances of being elected. Some politicians who had previously pledged their support started to push back against the initiative. It was at that moment that ReSt decided to ease up the pressure and refocus on a more standard lobbying and transactional approach.

Regarding the second research question, our analysis, of course, faces the counterfactual challenge: we do not know for sure what would happen in a world without ReSt. This is the place where we would like to discuss in more detail why we think our data allow us to make the conclusions we make. First, ReSt's leaders decided to take a far more contentious approach to advocacy than the individual member organisations had used (even causing some inner tensions in the initiative) and deliberately designed actions and events to attract attention, including tabloids. In the following months, media informed the public broadly, especially about the initiative's most contentious and controversial steps. Some of the initiative's videos went viral, and their Facebook page quickly gained a wide following, vastly exceeding that of any of the individual organisations. Taken together, these facts constitute strong evidence that ReSt marks a qualitative shift compared to how transactional activism and advocacy have been done in Czechia. In response to the media-amplified pressure and against the backdrop of a volatile political context, most politicians jumped on the ReSt's bandwagon, as evidenced by the sheer number of pledges, but also the fact that ReSt was the most frequently mentioned first-thing-to-do-after-the-election by party leaders in the pre-election super-debate. This constitutes strong evidence that ReSt's strategy was effective in setting an agenda for the then upcoming election. The initiative's contribution to passing actual anti-corruption laws is somewhat harder to prove. There were interviews with ReSt's advocacy workers who described their day-to-day routine of meeting politicians, disseminating information, explaining misconceptions that threatened to kill support for the bills, reminding politicians of their promises and occasionally ringing the alarm bell when the legislation was threatened at any stage of the process. Yet, people are not the most reliable informants when evaluating their own impact. To corroborate their perspective, we conducted interviews with four MPs across the political spectrum. They all asserted that ReSt helped to keep the nine anti-corruption laws on the agenda. At

least two of them were then critical of the initiative, and it was not at all in their interest to overstate ReSt's impact. In addition, there was at least one other politician's statement according to which the initiative helped to lubricate the legislation process around anti-corruption laws. According to an official record from the Senate's meeting on 26 May, 2016 Senator Miloš Vystrčil said:

I get informed by a representative of Reconstruction of the State about what Mr. Vondráček thinks and is going to say today in the Chamber of Deputies. Instead of us debating it directly. This way, we give the initiative some authority. And possibly rightfully so, when we are not able to communicate by ourselves.

Taken together with the fact that it was ReSt in the first place that brought up the nine anti-corruption laws for debate, it seems that there is fairly strong evidence that without the initiative, there would not be five new anti-corruption laws in Czechia in 2017.

To sum up the contributions of this paper, the most important lesson for practitioners is that advocacy is a process with various stages in which many actors mingle. To maximise chances of success, advocacy organisations need to continuously analyse the changing circumstances and learn and adjust their strategies, which sometimes means radically changing them.

The most important methodological innovation advocated in this paper is changing the perspective away from the centrality of structure and political opportunities (which are here seen as mere context, even if important and enabling) and towards agency and analysis of key decisions and tactics. We used inductive process tracing (Bennett & Checkel, 2015) to describe the above-mentioned successful strategies. These strategies of the initiative were treated as a performed 'activity' that was empirically validated (Beach & Pedersen, 2016). We also argue that Jasper's idea of simply coding different civil movements' decisions as variables to be used in comparative research (see O'Dwyer, 2006) can blur much of the insight we can gain from tracing the whole process. The case of ReSt demonstrates that strategies may be changeable, such as when the ReSt decided to ease up their pressure when facing backlash after the election.

Finally, the main theoretical contribution is to the discussion about NGOisation in emerging democracies. It has been argued that foreign sponsorship resulted in building a civil sector unconnected to grassroots, which was deradicalised and co-opted by the system (e.g. Fagan, 2004; Henderson, 2002; McMahon, 2001). This case study shows that even if foreign or other institutional sponsorship temporarily leads to NGOs losing some sharp edges, it does not mean they will not become more contentious again once they develop a strong enough capacity to become worthy contenders or once they sense favourable political opportunities.

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