

### What is Civil Society? A Primer

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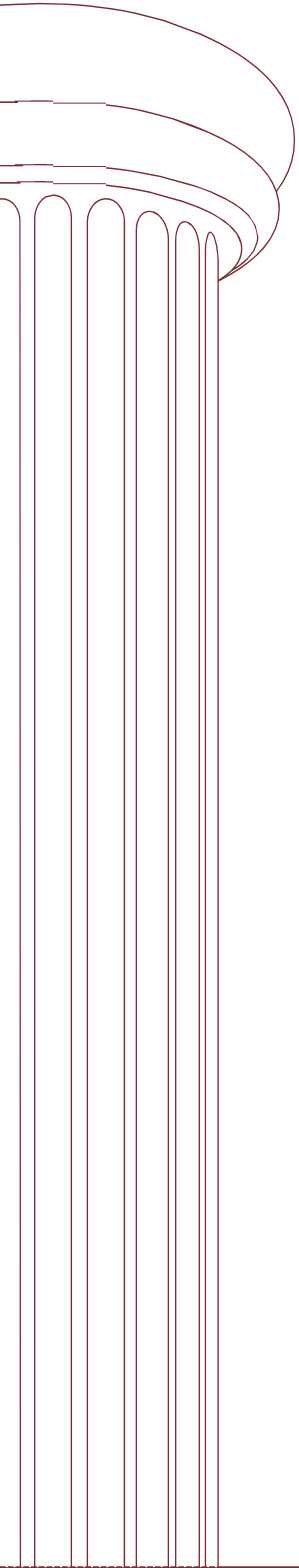
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Rupert Graf Strachwitz

## **What is Civil Society?**

A Primer

### About the Author

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### About the Maecenata Institute

The **Maecenata Institute for Philanthropy and Civil Society, Berlin**, was founded in 1997 as an independent research and policy centre. The Institute's mission is to promote knowledge and understanding of civil society, civic engagement, philanthropy, and foundations through research, academic teaching, documentation and information as well as to promote an exchange between academia, politics and practice. The Institute is part of an independent think tank.

The Institute is an unincorporated organisation of the Maecenata Foundation (Munich) and is based in Berlin. For further information please visit: [www.institut.maecenata.eu](http://www.institut.maecenata.eu)

### About the Publication

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This summary is designed to serve as an initial source of information on the topic of civil society for elected officials, political advisors, the media and other interested citizens. Designed as a working document, it builds on the standard international definition of civil society. It deliberately omits the discourses conducted among experts and, although published in the academic series OPUSCULA, it omits intertextual references in the interest of readability. The selection of literature at the end is intended to stimulate further study of the topic. The staff of the Maecenata Institute for Philanthropy and Civil Society will be happy to provide further information.

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## 1. Introduction

**German civil society consists of about 800,000 organised movements, organisations and institutions as well as numerous loosely structured or spontaneous collective actions. They**

- **are based on voluntary action,**
- **see themselves as pursuing goals pertinent to general welfare,**
- **do not fulfil governmental tasks,**
- **do not aim to generate profits,**
- **do not distribute surpluses from their activities to members, partners or third parties,**
- **act in a self-empowered and self-organised manner,**
- **rely significantly on gifts of empathy, time, material resources and others.**

Civil society is a lively arena of collective public action, and it contains a plethora of positions on social problems, solutions and procedures. Its actors may face agreement as well as strong disapproval from individuals or from society at large. Actors belonging to civil society (henceforth collectively referred to as CSOs) may be very diverse in terms of their purpose and aim but share common characteristics that distinguish them from state and for-profit organisations.

Vague ideas and numerous misunderstandings about all this abound in the German public. This may arise when outdated opinions or clichés from other countries arrive in Germany. Regardless of this, the perception of what we now call civil society has shifted significantly over the last generation. Whereas in the past the focus was on helping the needy, and the promotion of culture and sport were further important areas of action oriented towards the common good. Since the late 1960s new social movements that exercise rights of freedom and pursue goals of social change, political participation or the denunciation of grievances, have become much more central. Since the 1980s, we have been able to observe the rebellion against repressive regimes paving the way for transformation processes as a core element of civil society action. Today, we not only associate civil society with worldwide humanitarian aid, but also with the confrontation of global as well as local challenges and spontaneous civic action. The more traditional fields of activity of CSOs live on to a large extent, although they have changed in part.

The brief summary presented here is intended to provide initial information on the overall picture of modern civil society in Germany. It deliberately refrains from including intertextual citations, from describing discourses and from making comparisons with understandings of civil society in

other regions and countries of the world. For this purpose please refer to, for example, the Handbook on Civil Society prepared by the Maecenata Institute, and the study on civil society understandings in Europe (both published in 2020), also prepared by the Maecenata Institute on behalf of the *Institut für Auslandsbeziehungen* (ifa, the Institute for Foreign Cultural Relations), in addition to a wealth of specialist literature, excerpts of which are listed at the end of this text.

## **2. The Term**

### **Civil society is a new term for an old universal phenomenon.**

The term civil society has become accepted as a term for the arena of collective action in society alongside those of the market and the state. The actors belonging to this arena are called civil society organisations (CSOs).

The term civil society has been used in the German context since the 1990s and has increasingly come to replace older terms such as third sector, NGO, NPO, non-profit organisations, etc. It has undergone a change compared to older understandings and is no longer synonymous with civil society (in the sense of Hegel) or civic society. Nor does the term civil society cover all civic action. Civic action also includes, for example, participation in elections, jury service or the exercise of honorary municipal offices, which are not counted as civil society. Moreover, civil society is distinctly separate from the individual and their immediate family environment.

Civil society can be stronger or weaker compared to other arenas, such as the state and the market. The focus of its work may differ and its relationship to these areas can be shaped by cooperation or conflict. In any case, just like the other arenas, it participates in the struggle for the distribution of power in a society and in this sense always has a political dimension. Its actors have fewer material resources than those in other arenas and no special instruments of power; but it can draw attention to and prompt reactions to a challenge, an emergency or a shortage more than others today. As a result, it is now an essential component of civic space and an area of civic engagement.

### 3. Manifestations

**The heterogeneity of civil society is as great as that of the other arenas. Depending on the point of view taken, civil society actors can be assigned to different sub-sectors.**

Civil society organisations can be classified as follows:

1. According to their function (Note: Many actors are active in several functions.)
  - a) services (e.g. helping the needy and vulnerable),
  - b) advocacy (e.g. advocacy for nature conservation),
  - c) watchdog (e.g. consumer protection),
  - d) intermediary (e.g. charitable foundations),
  - e) self-help (e.g. patient self-help),
  - f) community building (e.g. amateur music groups),
  - g) political participation (e.g. protest movements),
  - h) personal growth (e.g. religious communities).
2. According to their relationship to society
  - a) loyal (e.g. complementing / replacing state action),
  - b) exit (e.g. associations of minority groups),
  - c) voice (e.g. human rights groups).
3. According to their relationship with the other arenas
  - a) corporatist (part of an overarching system, often associated with dependencies),
  - b) pluralistic (acting independently).
4. According to their form of organisation
  - a) membership organisations (associations),
  - b) foundations / trusts,
  - c) organisations owned by external parties (companies).
5. According to their aims, such as
  - a) welfare
  - b) research
  - c) education and upbringing
  - d) culture
  - e) nature conservation and environmental protection



- f) sports
- g) human and civil rights
- h) religion

6. According to their degree of organisation and consistency

- a) spontaneous civil society,
- b) movements,
- c) organisations,
- d) institutions.

Many civil society actors believe that only those actors who belong to the same sub-sector and take a position similar to their own on certain social issues belong to civil society. In the public sphere, too, often only certain actors are considered as belonging to civil society. However, this is wrong. Civil society is an analytical and broad concept that initially has nothing to do with civility or other normative categories. It therefore also has a dark side.

#### **4. General Conditions and Organisation**

**The general framework for civil society is set by the state because the citizens have given it the mandate to do so. However, the state may not act entirely of its own accord, as it is bound by the basic principles of our society, by constitutions and agreements under international law.**

*N.B. The following statements are based on German law.*

An active, independent civil society is the prerequisite for the functioning of democracy. It must conform to state systems and democratic principles. Both are based on rights that are inherent to every citizen. These rights are enshrined in the Basic Law but precede any constitution; Germany has committed itself to respecting them in numerous declarations and treaties that are binding under international law. With the establishment of the principle of 'Responsibility to Protect' (R2P), the international community can also enforce these rights against national governments. This is where state sovereignty reaches its limits.

Germany's membership in the European Union is bound to the fact that human and civil rights, the rule of law and democracy are the guiding principles of every legislative, judicial, and executive power. The monopoly on the use of force that citizens have granted to the state, and indeed the mandate that they have given to it as masters of the procedure, finds its limit here. The activity of

self-empowered, self-organised, independent collective actors in the public sphere is not subject to the disposition of state organisations, and is certainly not and in no way a concession subject to approval, but an original, untouchable right of all citizens.

The binding frameworks of civil society include in particular

- the Universal Declaration of Human Rights, adopted by a United Nations resolution (1948);
- the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) with subsequent additional protocols;
- the Charter of Fundamental Rights of the European Union (2000);
- the Constitution (Basic Law) of the Federal Republic of Germany (1949) with later amendments, in particular Section I (The Fundamental Rights);
- the constitutions of the states (*Länder*) of the Federal Republic of Germany.

The German legislature has enacted numerous legal frameworks for civil society and has also authorised the government to issue administrative regulations. However, a great many of them are older than the above-mentioned constitutions and obligations under international law and are by no means always compatible with them, if not on paper then in spirit.

Organised civil society essentially follows one of the following forms:

- a) **Association:** The association is the typical and most common organisational form that civil society takes. Its foundation is based on the fundamental right of freedom of association and is not dependent on state authorisation. However, associations that wish to engage in legal and business transactions on a wider scale must be entered in the state register of associations. The basic principle of the association is the constant process of formation of the will of its members. This may be restricted to a certain extent by the association's bylaws but must not be hindered. The details are regulated in a statute. The legal framework can essentially be found in the Civil Code.
- b) **Foundation:** The foundation is an organisation bound to the will of the founder for the duration of its existence. In this respect, the organs of the foundation are not free in their decisions. Foundations exist in several legal forms, in particular as legally capable foundations under civil law, and as trusts without legal personality. The details are regulated in a constitution or in bylaws.
- c) **Non-profit corporation:** limited liability companies, stock corporations and entrepreneurial companies belong to civil society as long as they adhere to the general principles of civil society organisations.

However, this is only so in exceptional cases. The details are regulated in a partnership agreement.

- d) **Cooperative:** Cooperatives can be counted as part of civil society if they are recognised as serving non-profit purposes. The dual purpose (common good and profit) inherent in every cooperative is not sufficient in fulfilling this condition. The details are regulated in a statute.
- e) **Civil law society:** Civil society movements and groups, including those that arise spontaneously, acquire the status of a civil law society automatically and without any action on their part, provided that their actions are recognisable as joint action. These are partnerships. They do not require articles of association but may have articles of association in which details of joint action are regulated.

As a rule, associations and foundations form part of civil society and are predominantly recognised as serving charitable, benevolent or ecclesiastical purposes in accordance with §§ 51 et seq. of the German Tax Code – provided they meet certain criteria. They are exempt from income and property taxes. (Contrary to an often-cited opinion, about 95% of all German foundations belong to this group). Corporations and cooperatives, too, can be recognised as serving charitable, benevolent or ecclesiastical purposes and be exempt from income and wealth taxes, if they meet the criteria for this.

## 5. Figures

### **The empirical basis of knowledge of civil society is dissatisfactory.**

*N.B. The following statements are based on the situation in Germany.*

### **Although intensive work has been carried out for 30 years now to improve the empirical basis of German civil society, the result is still unsatisfactory. This is essentially due to the facts that**

- CSOs are not obliged to provide information to the public and, as a result, many smaller CSOs in particular do not publish reports,
- official statistics are incomplete and do not include categories for CSOs and CSO activities,
- all surveys are based on extrapolations,
- tax offices do not allow access to the tax records of CSOs, either individually or in an aggregate manner, on the grounds of tax secrecy,
- there are no binding guidelines for the preparation of CSOs' accounts,
- there are no binding guidelines for the valuation of CSO assets,
- there is no adequately funded research institution that would collect, analyse and update empirical data from a scientific point of view and in keeping with recognised scientific methodology.

Some important figures are given below:

- The number of registered associations in Germany is around 600,000 and rising.
- The number of unregistered associations is estimated at around 150,000.
- About 50% of the registered associations in Germany operate with an annual budget of less than €10,000.
- The number of civil law foundations with legal capacity in Germany is around 23,000 and rising.
- The number of trust foundations without legal capacity is estimated at around 30,000 and rising.
- The number of church and parish foundations is estimated at around 100,000, with numbers decreasing.
- About 65% of all civil law foundations with legal capacity have a capital of less than €1 million.
- The number of non-profit corporations is around 25,000, and this is rapidly increasing.
- The number of cooperatives totals around 8,000 and is declining. The share of cooperatives that can be attributed to civil society is increasing.
- In 2014, according to the data of the Volunteer Survey, 43.6% of German citizens aged 14 and over were involved in voluntary work.
- According to data from the SOEP (Sozio-Oekonomisches Panel), individual life satisfaction increases with (the frequency of) doing voluntary work.

From 2007 to 2016, the share of employed staff (falling within the scope of national insurance and marginally employed) rose from 2.9 to 3.7 million. The increase in employment in the non-profit sector thus exceeded the general increase in employment. 61% of these employees work in the health sector. Projections for the annual volume of donations in Germany vary between €3.7 billion and €8 billion.

## 6. Theory

**Civil society is an essential part of the civic space. Collective action in society takes place in this space just as it does in the market and the state.**

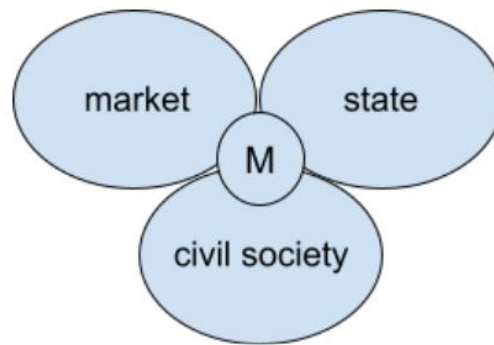
For about 20 years, civil society has been recognised as an arena of collective action in society with common characteristics. The modern concept of civil society is based on two fundamental assumptions:

1. the starting point of society is the human being in their distinctive and indispensable dignity.
2. collective action in and for society takes place in three arenas. Civil society is one of these arenas (alongside those of the state and the market).

The term civil society was first introduced into the social science debate in the 1960s in the USA to make it clear that the distinction between 'state' and 'market' is not sufficient to describe actual social processes and manifestations. The differences between profit-oriented and non-profit-oriented enterprises are thereby inadmissibly negated; too much importance is attached to the state, and important manifestations are omitted. Conservative, liberal and Marxist thinkers were and are independently involved in the development of the concept.

However, with few exceptions, civil society has always had a place in history and in all cultures. It is not a product of liberal "Western" democracy; rather, it is inconceivable without civil society. On the other hand, the term has held other meanings for a long time. Even today, there is a debate about what civil society is and who belongs to it. This applies, for example, to religious communities, trade unions and political parties. However, there are many convincing arguments that religious communities and trade unions belong to civil society, whereas political parties do not, because they are very close to the state, for example by determining the selection of candidates for parliamentary mandates.

In each arena, specific tasks are performed for society. In each arena, there are collective actors who are very different in size and function, but who also share common characteristics.



The immediate personal sphere (**M**) includes the individual person in their unmistakable singularity and dignity, but also includes the family into which they were born or grew up and their close environment.

The arena of the **state** includes nation states, regional and local authorities and transnational treaty systems, as well as other institutions and organisations charged with exercising state regulatory tasks. Their common feature is participation in the exercise of sovereign power. Only the state, for example, necessarily levies taxes and, on the other hand, can force people to perform certain acts or to not perform others on the basis of laws.

The arena of the **market** includes the companies that are directed towards producing raw materials, products and services. These include multinational, global corporations as well as small and micro manufacturers, craft or trading enterprises. All of these organisations are driven by profit.

The **civil society** arena includes organised movements, organisations and institutions as well as unorganised or spontaneous collective actions that operate in the public sphere without the intention of making a profit and without participating in the exercise of sovereign power and that have another common characteristic (see above).

Earlier debates on whether civil society must be characterised by attributes such as civility or be understood as the opposite of a 'military society' are largely obsolete today. The international academic and political debate is largely agreed on the definition presented here based on formal characteristics. This does not affect the demand that the actions of and in civil society should be characterised by civility of conduct.

Civil society has a political dimension. In an open society, it is a place of deliberative democracy (in Habermas' sense). Without civil society, human and civil rights, the rule of law and democracy are not developed – but not vice versa. The indispensable added value of an active civil society for

society as a whole primarily lies in its creative contributions to social change, but also to social peace in the form of opportunities for engagement, inclusion and participation, and in the formation of social capital and community.

Over the last 30 years, civil society has not only found a common name, but it has also grown and consolidated. More and more people are expressing solidarity within their communities of choice, which engenders more loyalty and offers forms of identity other than the nation state and other *communities of fate* into which one was born. More and more civil society movements, organisations and institutions, on the other hand, are multifunctional; they are both service providers and issue advocates, they promote community building and offer help for self-help, they are mediators and participate in deliberative democracy — and, unlike the state and the market, they help people to lead self-fulfilling lives. It is obvious that no policy can be made against civil society today.

Around the world there are discussions as to whether civil society by definition follows normative criteria i.e. whether it is necessarily "good". This is not the case. Rather, a distinction must be made between the question of whether an organisation can be classified as civil society and the question of whether its activities are to be approved. The wording of the second question makes it clear that the answer can only be given subjectively.

A distinction must be made between

- a) gradual disapproval because of different views on a concrete issue,
- b) fundamental disapproval because of fundamentally different positions.

While in each case respect for other actors and their positions is a characteristic of a good civil society, the assessment of an actor as being part of 'good civil society' can find its limits where this actor does not recognise basic principles of human coexistence, such as

- a) human and civil rights (according to the standard of international agreements),
- b) the rule of law,
- c) the plurality of civil society actors,
- d) the public accountability of all actors in the public sphere,
- e) the principles of an open society



## 7. Civic Engagement

**More than 80% of civic engagement is organised in civil society.**

Civil society follows its own logic of action. It is essentially determined by the attribute of the gift, whereas the market is based on the principle of exchange and the state exercises a monopoly on violence. Therefore, civil society is the primary goal of philanthropy. This manifests itself in the establishment of its own CSOs (predominantly associations and foundations) as well as in the support of existing CSOs through gifts. Gifts may come in the form of

- empathy,
- ideas,
- know-how,
- reputation,
- material resources,
- time.

Today, the giving of time in the narrower sense is called civic engagement. The older terms 'honorary' and 'volunteer' (German: *Ehrenamt*) have become ambiguous because the question of compensation is unclear and as a result functionaries in associations (e.g. in sport) as well as elected officials in the state sector like to describe themselves as volunteers, although the expense allowances granted are equivalent to the remuneration of a professional activity.

Civic engagement refers to the voluntary, mostly collective activity of people for the general good, as defined subjectively in each case, which is not geared to material consideration. The term also encompasses the classic concept of honorary office, but supplements it with a political component in a general sense. In this respect, the term is closely related to the concept of the citizen (citoyen or citoyenne) in the sense of a general global citizenship.

Civic engagement is an original human and civil right that is traditionally exercised primarily in organised form, for example in associations and foundations, but increasingly also spontaneously and outside of traditional structures. It predominantly takes place at the local level; increasingly, however, it also presents itself as an expression of a global society. A connection to one's own interests (for example as parents, neighbours, etc.) does not fundamentally devalue this engagement.

Civic engagement is an essential component of civil society, but is also found in the state and in the market. It is the prerequisite for the development of a civil society, i.e. a society that lives directly from its citizens and is shaped by them. This is particularly true in an increasingly diversified society. Civic engagement essentially has the character of a gift, offered voluntarily in the form of empathy, knowledge, creativity, reputation, time and material resources.

Civic engagement has a purpose of its own, it does not require or is not subject to any regulation or control, and helps to shape the *res publica* in the sense of deliberative democracy. In this respect, it develops independently of the state-structured community, but can also question its actions or pursue goals of the general good together with it. As a rule, it is realised in the public sphere, but also behind closed doors, in exceptional circumstances.

Today, civic engagement is a prerequisite for success in overcoming social challenges. (E.g., it may be said that without civic engagement, there would have been no civil rights movement, no women's movement, no environmental movement, no fall of the Berlin Wall.) This is currently particularly evident in the area of refugee aid. Creating, promoting and preserving an encouraging space for this is therefore a primary task of all social actors.

In recent years, there has been a noticeable tendency to shift civic engagement

- from involvement in large, older organisations to involvement in new young movements,
- from a permanent or long-term commitment to a short-term commitment,
- from involvement in hierarchical structures to involvement with participation in decision-making processes,
- from engagement in organised civil society to spontaneous unorganised engagement.

## **8. The Added Value of Civil Society**

**Every society needs the participation of its members. Enabling this participation is the most important task of civil society.**

Every society thrives on its members having a positive relationship to it and participating in shaping it. Both can take on diverse forms. Any attempt to organise and develop a society without consensus and participation is doomed to failure in the medium term. It is just as important to note that participation can only be successful if the order for it has been given.

This is where the self-image of civil society comes in. Its actors generate the creativity and the wealth of ideas that society depends on for its development, while on the other hand they do not attach any material profit expectations to their activities. This in no way calls into question the legitimacy of the approaches of the other arenas. However, these need to be complemented by the civil society approach. Moreover, an active civil society is an expression of personal responsibility and participation in the overall responsibility of all members of a society. What is more, civil society generates the social capital on which the state and the market depend without being able to generate it themselves. Finally, an active civil society promotes social cohesion and contributes to social change. In crisis situations and in the search for ways out of the crisis and solutions to challenges, civil society is particularly relevant in a systemic sense.

That is why attempts to establish a state-led civil society cannot be successful in the long run. They will either die off because of the lack of voluntarism or they will free themselves from state dependency in order to survive.

The added value of civil society includes in detail:

- inclusion, integration
- reputation
- participation
- social capital
- contribution to social change
- promotion of social cohesion
- subsidiarity – ownership

## 9. Legitimacy and Quality Assurance

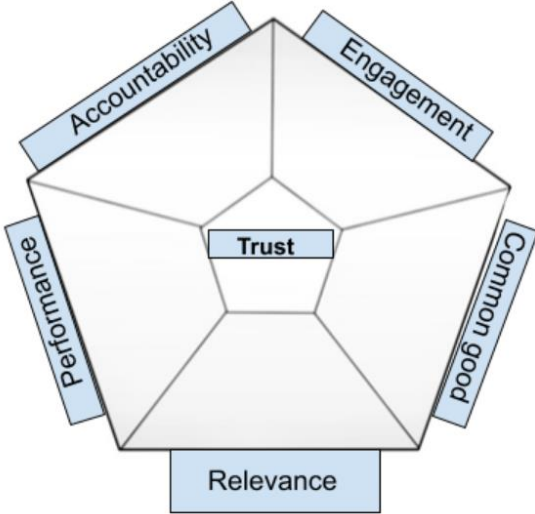
**A category model that is based on the main criteria of engagement, common good, relevance, performance and accountability can help civil society to secure trust and legitimacy.**

CSOs are fundamentally not democratically legitimised: even the largest association (or federation) only ever represents the community of its members and cannot claim to represent the general public. Religious legitimacy and legitimacy based on the CSOs' own, often very long history, are generally questioned and only claimed by a few CSOs (e.g. religious communities). Therefore, CSOs today mostly rely on legality, input or output legitimacy – and have benefited from legitimacy through acceptance. In the last 15 years or so, output legitimacy has become more prominent in the discussion, with the terms 'effect' and 'impact' being used as common vocabulary to justify legitimacy. The reference to measurable and thus objective factors on the one hand, and to innovation on the other, has reinforced this prominence.

This focus, however, contains a fallacy. On the one hand, problematic measurement procedures can lead to desired but not necessarily valid results; on the other hand, the focus on output legitimisation appears problematic as such. In addition, factors that cannot be measured, but are indeed observable, are not taken into account. This becomes clear, for example, when procedures of this kind encourage comparisons between the successes of CSOs and those of commercial enterprises, where CSOs often lag behind.

Such comparisons do not do justice to the special character of the work of CSOs and neglect the special logic of action of civil society, which is important for society as a whole. In addition, large CSOs fear being dragged into the maelstrom of the loss of trust in large organisations, which is confirmed by numerous studies that differ in their individual statements but are consistent in their basic message. CSOs must be able to answer the question "What for?" as well as the question "Why?"

A model of categories attempts to generate and link essential criteria of a trust- and legitimacy-based civil society:



Three sub-criteria can be assigned to each main criterion:

<b>Engagement</b>	Compassion, understanding, respect
<b>Common Good</b>	Goal orientation, needs orientation, integrity
<b>Relevance</b>	Sustainability, success, impact
<b>Performance</b>	Standard of practice, willingness to engage in a dialogue, quality of governance
<b>Accountability</b>	Transparency, responsibility, compliance

The aim of this holistic approach is to secure and, where necessary, to restore confidence in the work of civil society.

**10. Transparency**

**Transparency offers indispensable compensation for the lack of representativeness that characterises civil society action.**

In an open, democratic society, the statement that one is doing something good for the general public is, with very few exceptions, indispensably linked to the willingness to tell the general public what is being done, how the work is being funded and how the decision-making processes are structured. In particular, the general public is entitled to an insight into

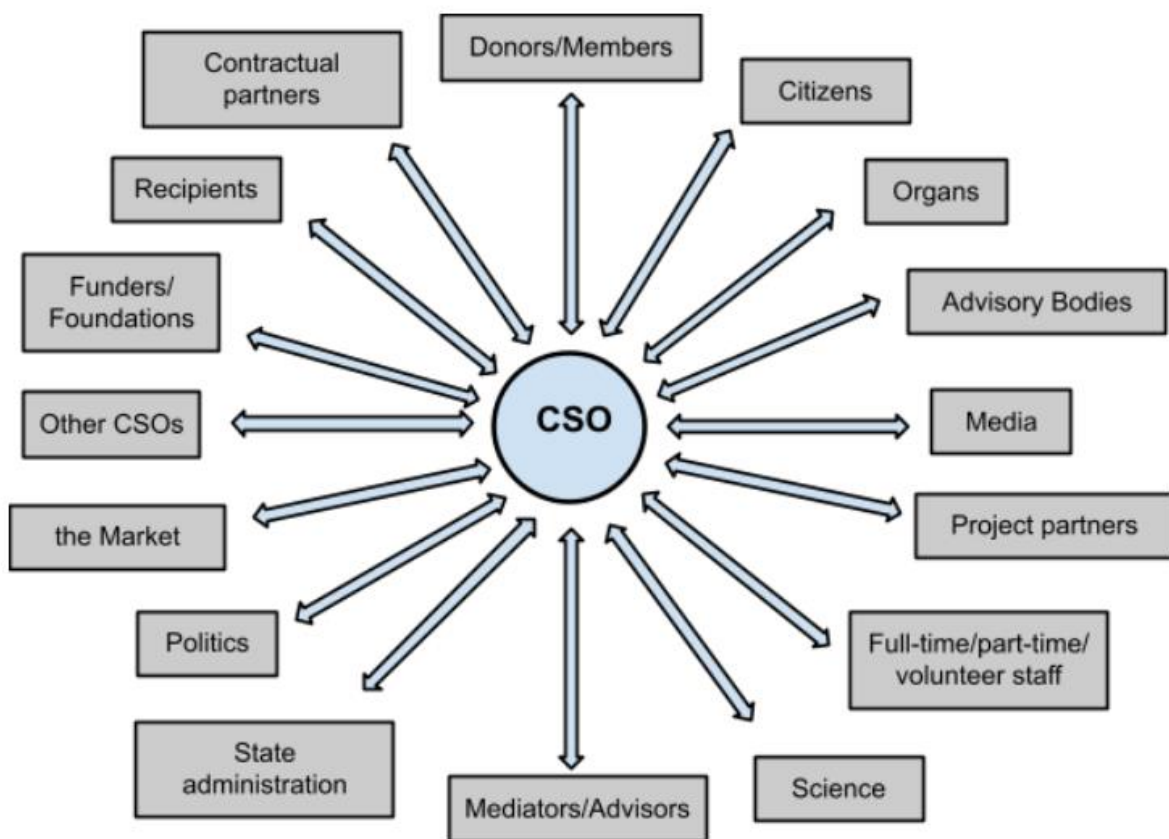
- sources of funding,

- use of funding and,
- decision-making processes.

Transparency provides the necessary information basis and protection for the stakeholders of each CSO. Transparency contributes to the avoidance of corruption and enables the necessary scientific monitoring. It helps to avoid misjudgements and misperceptions by outsiders, especially by political decision-makers, administrations and the media, and enables an informed debate on civil society as a whole and on the work of individual actors. Finally, transparency establishes the necessary empirical basis for political-administrative regulations and documents civil society's contribution to strengthening democracy and the development of an open society.

Internally, transparency serves as an excellent steering tool and helps to improve governance. It also contributes significantly to making civil society itself and its importance more publicly known, whilst also dispelling prejudices.

Every CSO is necessarily in constant dialogue with numerous individuals and institutions that have a legitimate interest in its work, functioning, structure and funding:



## 11. Operating Space

**Civil society can exercise power, while the state and the market try to contain this power.**

The containment of civil society is taking place worldwide and is alternately referred to as *Shrinking Civic Space* or *Shrinking Space for Civil Society*, or, for short, simply as *Shrinking Space*. Whether *Changing Space* or, on the other hand, *Closing Space* would be more appropriate is being widely discussed in academic circles. Given the general use of the former terms, this debate prevents a more intensive type of debate from urgently taking place. In any case, the space for action can be characterised as contested.

At stake here are the fundamental rights of all citizens, such as freedom of expression, freedom of information, freedom of assembly and association, but also classical civil society functions such as advocacy, humanitarian aid, political participation and consumer protection and other watchdog functions. The important traditional sector of social services, education, culture, etc. is not spared either. This goes beyond the existence of individual organisations. Fundamental principles of our polity, such as the protection of human and civil rights and the rule of law, are in danger of being violated.

Since the beginning of the 2000s, the debate on the space of civil society has been rife with arguments about alleged or actual constellations that make the strict monitoring of civil society actors by state organisations appear indispensable. The fact that the topic of shrinking space is present in the debate both nationally and internationally is not least due to continuously expanding measures to prevent money laundering, tax evasion and the fight against terrorism. Civil society actors are severely affected by such issues, although the extent of their involvement cannot be proven.

Civil society actors, academia, think tanks and the media are often unable to classify phenomena correctly and take the wrong countermeasures or none at all. The instruments for limiting the scope of action of civil society are more diverse than is apparent at first glance. Notwithstanding more precise differentiations, it can be described as follows:

1. discrediting, delegitimisation, criminalisation and stigmatisation,
2. legal restrictions,
3. restrictions through administrative action,
4. takeover of services by the state or the economy ("crowding out"),
5. restrictions on economic activity,

6. restrictions on freedom of assembly and association,
7. restrictions on the right to freedom of expression,
8. personal reprisals against activists,
9. allegations of terrorism and money laundering,
10. extortion and coercion.

These instruments are being used in many ways. Politicians and the media participate in acts of discrediting and defamation by using expressions such as "compassion industry," "outrage industry" or "anti-deportation industry" in public speech. The fact that in this country business and professional associations with the same tax status are allowed to lobby without restriction, is being deliberately overlooked here.

Pressure on civil society is not only exerted by the states. The business community also participates in exerting pressure where civil society is at odds with its activities and subsequently allies itself with the state.

Finally, restrictions on civil participation taken by governments and intergovernmental organisations may represent an attempt to disrupt civil society, although this may not be apparent at first glance.

## **12. Twelve Rules for Good Civil Society**

**To define civil society analytically does not mean depriving it of a normative assessment. Civil society action in our society should be guided by the following criteria:**

1. Act authentically for the common good!
2. Act in accordance with the concept of an open, cosmopolitan and democratic society!
3. Act out of responsibility for your fellow citizens!
4. Act with passion, reason and a sense of proportion!
5. Give what you can give: Empathy, time, ideas, reputation, assets!
6. Earn trust through your actions!
7. Have respect for other positions!
8. Do not exert coercion!
9. Do not mix your interests with those of others!
10. Seek allies, but always preserve your freedom!
11. State publicly what you do and where your resources come from!
12. Accept payment for your efforts where necessary, but do not expect a share of the profits or a social wage!



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