

Civil Society in Times of Change: Shrinking, Changing and Expanding Spaces

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The roles of civil society organizations (CSOs) have become more complex, especially in the context of changing relationships with nation states and the international community. In some instances, state-civil society relations have worsened, leading some experts and activists to speak of a “shrinking space” for civil society. How wide-spread is this phenomenon? Are these more isolated occurrences or indeed part of a more general development? How could countries achieve and maintain an enabling environment for civil society to contribute to social cohesion, to enhance political participation and processes, to encourage social innovations, and to serve as a vehicle for philanthropic impulses? Based on quantitative profiling and expert surveys, the brief arrives at initial recommendations on how governments and civil society could find ways to relate to each other in both national and multilateral contexts.

Challenge

Civil society is a highly diverse ensemble of many different organizations that range from small local associations to large international NGOs like Greenpeace, and from social service providers and relief agencies to philanthropic foundations commanding billions of dollars. It is an arena of self-organization of citizens and established interests seeking voice and influence. Located between government or the state and the market, it is, according to Ernest Gellner (1994: 5) that “set of non-governmental institutions, which is strong enough to counter-balance the state, and, whilst not preventing the state from fulfilling its role of keeper of peace and arbitrator between major interests, can, nevertheless, prevent the state from dominating and atomizing the rest of society.” For John Keane (1998: 6), civil society is an “ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with the state institutions that ‘frame’, constrict and enable their activities.” Taken together, CSOs express the capacity of society for self-organization and the potential for peaceful, though often contested, settlement of diverse private and public interests.

Thus, civil society harbors significant potentials in terms of social innovations, resilience, service-delivery and giving voice to diverse interests and communities otherwise excluded. However, CSOs operating locally, national and across borders have experienced many changes in recent decades. Following a period of rapid growth in both scale and scope after the end of the Cold War, and carried by growing expectations, resources and capacity, the current decade has brought about a more complex, challenging environment (Anheier 2017). There are more frequent indications that the “space” for civil society organizations is shrinking as a result of increased regulation, greater reporting requirements, but also curtailing CSO activities, and even harassment of staff and threats of violence (Civicus 2018; see ICNL 2018; USAID 2017).

Proposal

To assess the state of civil society across the G20 countries, and, particular, to probe how wide-spread the shrinking of civil society space has become, we used available data from international social sciences projects. They measure the space for civil society organizations over time along three dimensions (Coppedge et al. 2018; see Appendix III for measurement details):

- Control of the formation of civil society: To what extent does the government achieve control over entry and exit by CSOs into public life?
- Control of the operations of civil society: Does the government attempt to repress CSOs?
- Degree of Self-organization and Participation: Which of (the statements below) best describes the involvement of people in CSOs?
 - Most associations are state-sponsored, and although a large number of people may be active in them, their participation is not purely voluntary.
 - Voluntary CSOs exist but few people are active in them.
 - There are many diverse CSOs, but popular involvement is minimal.
 - There are many diverse CSOs and it is considered normal for people to be at least occasionally active in at least one of them.

We made no assumption that only minimal regulations of, and for, civil society would be needed; nor do we advocate regulations that could stifle the potentials of civil society nationally as well as internationally. The purpose here is to show how the space of civil society has changed in the course of the last decade, i.e., from just prior to the global financial crisis of 2008 to 2016. In a second step, we look into the policy context to gauge how countries manage to balance the potential civil society offers with the mandate of government of state and international organizations to serve as keepers of peace and arbiters between major political and economic interests.

The results presented in Appendix I are striking, and several stand out:

- Figures 1-3 do indeed confirm a general, gradual erosion of civil society space: values measuring freedom from government control over the entry or formation or exit or dissolution of CSOs are generally lower in 2016 than they were in 2008, as indicated by the red trend line. The same holds for government repression and self-organization and participation as well. While these values are lower, they are not lower in the sense that they would have dropped suddenly or by much. Nonetheless, the overall trend suggests some gradual erosion rather than dramatic decline.
- Few countries show overall improvements (Figures 4-6), and the great majority reveals a pattern of either stability or decline in some dimension of civil society space. By contrast, in no G20 country did civil society space expand considerable along all three dimensions (even though ceiling effects exist due to measurement), and in several countries did space contract to significant degrees, sometimes at already low levels. Specifically, Argentina and Canada reveal the most positive developments, as do Indonesia (until 2016) and Saudi Arabia, the latter by cautiously opening up a highly restricted civil society space in recent years. Germany, France and UK are more or less stable, while all others (Brazil, India, Mexico, Italy, Japan, Korea, South Africa, India, US) show a slow erosion or contraction in space in at least one dimension. China, Turkey and Russia witness a shrinking space.
- If we differentiate by regime type, Figures 7-9 show a slow erosion of civil society space in democracies and autocracies and a faster erosion in anocracies. In anocracies – regimes that are not fully autocratic, but also not democratic – (see Marshall et al. 2017), we see a faster erosion. This suggests that democracies may at least not actively seek to develop civil society space through reform efforts. Instead, they more or less passively letting civil society space slowly erode either through the impact of other policies (mostly anti-terrorist, anti-corruption, and national security related legislations and measures) or lack of reform. It also suggests that autocracies are the clearest case of a shrinking (e.g., Turkey) and shrunk (e.g., Russia) civil society space, whereas for consolidated democracy, it would be better to speak of a slow process of erosion.

Of course, the relationship between civil society and government is complex and multifaceted. What are the policy rationales why government and CSOs develop some form of relationship? Economic theory offers three answers to this question, each casting CSOs in a different role: substitute and supplement, complement, and adversary (see Steinberg 2006; Anheier 2014, Chapter 8, 16).

The notion that CSOs are supplements and substitutes to government rests on the public goods and government failure argument first advanced by Weisbrod (1988): they offer a solution to public goods provision in fields where preferences are heterogeneous, allowing government to concentrate on median voter demand. CSOs step in to compensate for governmental undersupply. The theory that CSOs are complements to government was proposed by Salamon (2002), and finds its expression in the third-party government thesis whereby CSOs act as agents in implementing and delivering on public policy. Indeed, we find that service-delivery is a role CSOs assume with state support even in autocracies. CSO weaknesses correspond to strengths of government (public sector revenue to guarantee nonprofit funding and regulatory frameworks to ensure equity; and CSO strengths (being closer to actual needs, more responsive) complement government weaknesses.

The theory that CSOs and governments are adversaries is supported by public goods arguments (see Boris and Steuerle 2006) and social movement theory (Della Porta and Felicetti 2017): if demand is heterogeneous, minority views may not be well reflected in public policy; hence self-organization of minority preferences will rise against majoritarian government. Moreover, organized minorities are more effective in pressing government (social movements, demonstration projects, think tanks) than unorganized protests; however, if CSOs advocate minority positions, the government may in turn try to defend the majority perspective, leading to potential political conflict.

Young (2000) suggests a triangular model of government – civil society relations of complementarity, substitution, and adversarial. He argues that to varying degrees all three types of relations are present at any one time, but that some assume more importance during some periods than in others. It is the task of policy to balance this triangle.

To probe deeper into these issues, we asked a group of civil society experts (see Appendix III) three questions:

- What are the main challenges for CSOs, both domestically and in terms of cross-border activities, and what opportunities present themselves?
- What are likely trajectories for CSOs over the next five to ten years, especially with changing geo-politics?
- From a policy perspective, what could be the roles of national governments and international organizations in that regard? Are reforms and models of state – civil society relations being discussed?

We also asked if, in the course of the past five years or currently, changes to, or new, laws and regulations have been put in place or are being passed or envisioned that either facilitate and improve or complicate and worsen the establishment and operations of:

- domestic CSOs;
- international CSO headquartered abroad and working in the country;
- domestic CSOs working internationally.

Table 1 in Appendix II presents a synopsis of answers received along three dimensions: the state of civil society, the implications for its expansions, stability or contraction, and the need for reform and dialogue. While Table 1 offers a rich portrait of the diversity of civil society, its relationships with governments, and its trajectories across G20 countries, there are also four overarching results:

- the general trajectory of a slow erosion in most consolidated democracies is confirmed, as are the developments in anocracies and autocracies, although the expert reviews add important nuances;
- few countries have open, proactive dialogues in place to review civil society – government relations; the most common pattern is the absence of a policy engagement rather than some form of contestation;
- fewer countries still have reform efforts under way, even though a general sense of reform needs prevails among expert opinions;
- most countries seem to do little to stem the erosion, perhaps out of unawareness, lack of civil society activism and organizational a capacity to find a common voice, or the absence of political will on behalf of governments.

More specific results are:

- There are characteristic “pendulum policies” in a number of G20 countries with more pronounced differences between center-right and center-left governments that tend to politicize the relationship with civil society and contribute to inconsistencies over time;

- Several G20 countries have seen the need to respond to the hybridization of CSO, especially around service-provision, and established new forms like social enterprises or public benefit corporations as part of an effort to modernize regulatory frameworks;
- Government bureaucracy is seen as a major stumbling block to more efficient relations, especially in middle-income countries; there is a need to simplify registration processes and reporting requirements in particular; in some countries, registration is also used as a tool to control CSOs and restrict their activities;
- Few countries have umbrella organizations for CSOs, which leads to disjointed civil society voices, and decreases advocacy capacity;
- Some countries establish dedicated government agencies for CSO oversight, control, and also development.

Proposal

The policy challenge is clear: How can the goals, ways and means of governments, and civil society be better coordinated and reconciled? What is the right policy framework to balance their respective interests while realizing the potential of civil society? What rules and regulations, measures and incentives would be required? How can the profoundly adversarial relations be transformed into complementary or supplementary ones?

Civil society, challenged in many ways yet harboring huge potential, finds itself at a crossroads in many G20 countries. Against the backdrop of the erosion of civil society space, it is time to act and chart a way forward. Fifteen years after then Secretary General Kofi Annan initiated the first ever expert panel to examine civil society in a broader, international context (United Nations 2004), it seems urgent to revisit the role of CSOs in a geopolitical environment that has radically changed. There is an urgent need to cut through the cacophony of policies regulating CSOs and find ways to counter-act even reverse the general deterioration of civil society space.

Therefore, we propose an independent high-level Commission, managed and convened by the Global Solutions Council, to examine the often-contradictory policy environments for CSOs, and to review the increasingly complex space civil society encounters domestically as well as internationally. Working closely with, but independently of, the Civil-20 (<http://civil-20.org>) and the Foundations-20 (<http://foundations-20.org>), the Commission is to make concrete proposals for improvements. The charge to the Commission would be to:

- Review the policy environment for CSOs and identify its strengths and weaknesses across the G20 countries;
- Propose model regulations for different legal and political systems, and reflective of levels of economic development;
- Point to areas for legislative reform as to the regulatory and enabling functions of the state;
- Identify best practices in government – civil society as well as business – civil society relations.

The Commission would report to the T20 and G20 meetings in Japan and Saudi Arabia, and present its interim findings at the Global Solutions Summits 2019 and 2020. What is more, it is time to explore the possibility of an independent future observatory of civil society, especially at the international level, perhaps linked to the Civil-20. The process for such an independent commission should be initiated under the Argentine Presidency of the G20, and to be taken up by Japan, as it prepares to take over the Presidency for 2019. At the G20 summit in Japan that year, the Commission is to report to G20 member states.

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