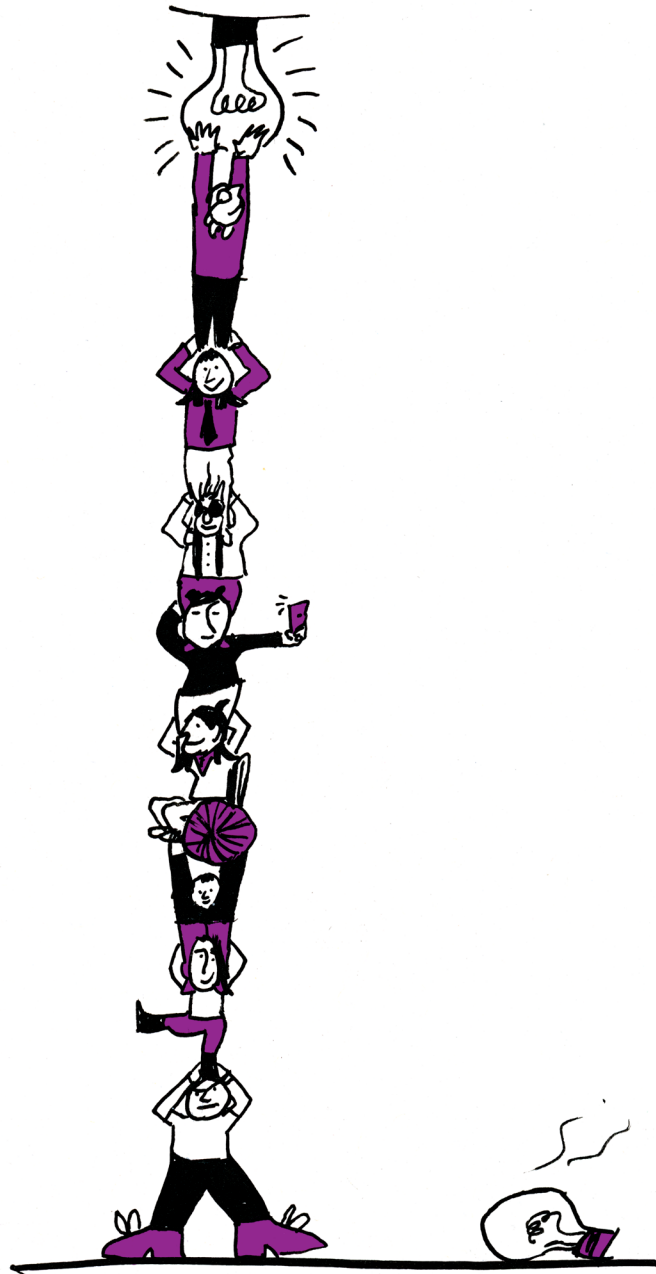# Enabling Citizens

Powering Civil Society

Active Citizenship Supported by a Thriving, Independent Community, Voluntary and Charity Sector

Enabling Citizens

Powering Civil Society

Active Citizenship Supported by a Thriving, Independent Community, Voluntary and Charity Sector

Nat O'Connor and Markus Ketola

Contents

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Foreword

Foreword

Three years ago, The Wheel, with support from the Carnegie UK Trust, embarked upon The People's Conversation, an initiative to support and encourage people to participate in shaping our collective future through action-oriented dialogue.

Fifteen groups took part in over 30 conversation groups, exploring the following questions: what is shaping our future, what do citizens expect and what is expected of citizens? The *Citizens Rising* report emerged from these conversations and sought to build a society where everyone can participate and make their full contribution. We identified five challenges which give us a framework for citizen empowerment:

- Increasing participation in public decision-making

- Developing and nurturing active citizenship

- Building trust and respect

- Making citizenship global

- Resourcing and empowring citizens.

We have been working hard since the publication of the *Citizens Rising* report to raise awareness of the challenges identified and what is required to address them. We recognised that moving from dialogue to action is itself a challenge, and to aid this process, and keep attention focused on responding to these challenges, we have worked with partners in the People's Conversation to produce three new research reports to inspire and inform collective responses to the challenges.

The three new reports address how we can:

- Enable people's economic participation by ensuring income adequacy and financial inclusion

- Enable people's participation in the democratic process through mainstreaming citizen's juries and re-understanding the role of the public servant

- Support a thriving community of active citizens by releasing the potential in organised civil society and the community and voluntary sector.

The other reports in the series are available at www.peoplesconversation.ie.

We are offering the reports as catalysts for change, as documents to be discussed and reacted to, not as documents that hold all the answers. It is only by coming together to discuss our shared challenges will we find collective solutions and build our shared future.

The Wheel will be working to engage with policymakers and communities, and with our partners, in bringing the necessary change about, change aimed at ensuring that all people have the means to participate, and are afforded opportunities to participate in proactively shaping our collective futures for the common good.

About the Authors

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Executive Summary

Executive Summary

This report makes the case that a good society based on active citizenship can be achieved for everyone in Ireland, but this requires a strong new public governance system to oblige all public agencies to foster participation, and it also requires civil society organisations to consciously take steps to redress power inequalities faced by citizens.

The current programme for government in Ireland includes a specific commitment to

"produce a coherent policy framework and develop a strategy to support the community and voluntary sector and encourage a cooperative approach between public bodies and the community and voluntary sector".[1]

This report is a response to that government commitment. It sets out a vision and a plan for how active citizenship can be supported by a thriving, independent community, voluntary and charity sector, and how, in turn, the active citizenship represented by civil society organisations can be supported by the establishment of a participatory public governance system.

Irish society is a community of active citizens, whose common bonds are created by sharing our interests and taking action collectively. That collective activity includes much of what sustains Ireland's cultural and social wellbeing, including: arts, culture, media, recreation, sports, education, research, philanthropy, voluntarism, health, social services, environment, local development, housing, advocacy, law, politics, international affairs, religion, professions and vocations.

People's freedom to be active citizens, to advance their interests and values and to work collectively to achieve a common goal, are under threat:

- The regulation of civil society organisations— and the associated requirements for specialist knowledge, paperwork and

  reporting—is increasing all the time, which is onerous for small, voluntary organisations;

- Civil society organisations are under financial pressure to act more commercially;

- Public authorities actively encourage civil society organisations to act like businesses, and in some cases impose competition between publicly-funded charities that undermines the ethos of co-operation and collaboration;

- State funders of civil society organisations sometimes seek to control and restrict the actions of those organisations, and to reduce their numbers, even when they also raise part of their own funding independently.

Civil society is the association of people in pursuit of common interests and values through formal and informal organisations. Everything from sports clubs, student groups and community associations through to trade unions, professional representative bodies and religious organisations is part of civil society, alongside traditional "charities". Civil society organisations express the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations.

Civil society organisations:

- Are a legitimate expression of people exercising their fundamental human rights

- Express interests and values

- Are independent and autonomous

- Involve and facilitate voluntary as well as collective action

1   https://merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf p.131

While some state commissioning of services and regulation are welcomed by many civic organisations that deliver public services, a range of concerns have been raised about how this limits the independence and autonomy of active citizens in civil society.

Active citizenship is quite simply doing *anything* to express values or to achieve something for the common good. Anyone in Ireland—regardless of nationality or residency status—can be an 'active citizen'. The term 'citizen' should be understood in this inclusive way throughout this document.

Active citizenship can be done individually, but more often it is about collective activity and working together as part of civil society organisations, which are a manifestation of active citizenship. However, a person's ability to be an active citizen also depends on rights, responsibility and power. Redressing economic, social and political power inequalities across Irish society is required to truly foster active citizenship. One of the ideas that informed this report is the Carnegie UK Trust's vision of an 'Enabling State', which supports and empowers civil society. One of the two sets of recommendations in the report are that the government establishes a set of rules and guidelines for all public authorities, to clearly set out how they should engage with citizens and civil society organisations. This would be called a Participatory Governance Framework, and it would meet the objective set out in the current programme for government. Under such as framework, people would be empowered, singly and through organisations, to be active citizens who participate directly in deliberations and implementation of public services (Recommendations A to G).

At the same time, there is a clear onus on existing civil society organisations to do more to encourage and empower people to be active citizens. The second set of recommendations suggest that civil society organisations should also take concrete steps to foster active citizenship (Recommendations H to L)

Recommendations for a Participatory Governance Framework

A. The government should formally adopt a participatory governance framework. This would fulfil the programme for government pledge to 'produce a coherent policy framework and develop a strategy to support the community and voluntary sector and encourage a cooperative approach between public bodies and the community and voluntary sector'. This implies adopting a set of regulations to require all government departments and agencies to take a more equitable participatory approach to their dealings with civil society organisations. Given its overarching nature, such as participatory governance framework needs to come from the Taoiseach's department.

B. The explicit goal of Ireland's participatory governance framework should be to foster active citizenship through empowering people, from all walks of life, to participate directly in deliberations and the implementation of public policy and public services, (such as implied by the co-design and co-production of public services). This implies open and transparent public administration (e.g. in line with Ireland's Open Government Action Plan). It also implies identifying the core competencies needed and providing core funding to support the empowerment of people from minority groups and in disadvantaged localities.

C. The government should formally recognise that organised civil society is a legitimate and authentic expression of active citizenship, grounded in fundamental human rights. In that vein, public agencies should not be permitted—e.g. through terms in funding agreements or contracts—to suppress the core function of civil society organisations to advance values and interests.

D. A comprehensive review of all laws and regulations affecting civil society organisations should be undertaken, in line with the state's own guidelines for Regulatory Impact Assessment, in order to remove duplication and to create a less onerous, streamlined regulatory regime.

E. Guidelines should be written for all public authorities that fund civil society organisations to ensure that they include social and environmental clauses and focus on the achievement of long-term socio-economic outcomes and public value, not just short-term financial value.

F. Funding rules for civil society organisations should be totally revised with respect to the holding of cash reserves. Civil society organisations should be encouraged to build up much larger reserves to better manage risk and to ensure their autonomy and sustainability.

G. Local authorities and localised branches of public authorities should be given greater responsibility—backed by training and funding as appropriate—to enter into dialogue with civil society organisations about the optimum delivery of publicly funded services and the achievement of socially beneficial outcomes identified in the programme for government, including how to address complex societal problems that require widespread public action (e.g. climate change, mental ill health). Such forums for dialogue should involve investment in existing structures, such as Public Participation Networks, to help them work more effectively and to avoid creating new structures where they are not needed. This should also involve greater engagement with people who are active in online communities.

Recommendations for Civil Society Organisations to Foster Active Citizenship

The first role of civil society leadership is to foster and support people generally to act out of kindness, sympathy and solidarity with others. But this moral leadership needs to be accompanied by practical leadership. Civil society organisations need to provide pragmatic and evidence-based solutions for society's problems, and they need to ensure that their organisations are managed and governed in such an open and participatory way that the inclusion of people—including the most marginalised in society—is facilitated and supported.

H. In all cases where it is possible to do so, civil society organisations must eliminate top-down ways of working and develop organisational cultures of working with people. This implies that many organisations will need to conduct a thorough review of their practices to identify where they are failing to be inclusive. For example, some organisations may need to re-visit their corporate governance to ensure that there are genuine opportunities for the voice of the wider community to be heard, including service users, and opportunities for people to attain an equal position as members of boards or executive groups. Likewise, this may imply a redesign of their communications to overcome significant barriers—including educational attainment and literacy—in order to empower people's participation. Service users and citizens should be routinely involved in the co-design and co-production of services;

I. Civil society organisations need to be open to a multiplicity of ways of working, in order to be more inclusive of people who are disadvantaged. Organisations need to ensure that they support the participation of people from all walks of life, not just people from relatively well-off sections of society. For example, this may mean meeting people on their own terms and in environments and contexts where they feel comfortable and empowered, including online communities. It may equally mean acknowledging the validity of different forms of knowledge—such as tacit knowledge or experience—which are not always articulated in the same frame of reference as written strategies or policies. Being inclusive may also mean allowing people from disadvantaged communities to challenge existing modes of corporate governance, which themselves may be barriers to participation;

J. Organisations should consciously transmit and develop the values that underpin democracy—such as dialogue and respect— and familiarise people with democratic processes.[2] They should also work to advance Ireland's international commitments—such as to fulfil human rights and mitigate climate change—which are societal responsibilities, not just the role of government;

K. Organisations should invest in the establishment and development of autonomous groups of people who are close stakeholders, even if these groups may disagree and oppose the activities of the organisation from time to time. Organisations should be open to provide a platform for individuals—including those who are marginalised—to voice their concerns and to challenge the actions and policies of public agencies and civil society organisation alike.

L. Organisations should be open to objective review of the efficacy of their work—from all stakeholders—and open to considering radical organisational changes where that would enhance outcomes in line with the values and interests that the organisation represents.

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2   http://www.wheel.ie/content/wheels-view-active-citizenship-and-community-voluntary-organisations

Introduction

Introduction

Civil society is incredibly wide and varied. As a sector it is distinct from either the commercial market or the state. Civil society organisations express the diverse interests and values of citizens and are a legitimate, collective form of active citizenship. In turn, active citizenship is crucial for a healthy society. A question for Ireland is whether we have an enabling state (supporting autonomy) or a controlling state (demanding compliance). There is a risk that by exercising excessive control over civil society organisations, public authorities are in fact regulating society and citizenship in a way that runs counter to human rights and democracy. In parallel, civil society faces opportunities and threats from commercialisation.

The current programme for government in Ireland includes a specific commitment to

'produce a coherent policy framework and develop a strategy to support the community and voluntary sector and encourage a cooperative approach between public bodies and the community and voluntary sector'.[3]

Enabling Citizens is a response to that government commitment. It sets out a vision and a plan for how active citizenship can be supported by a thriving, independent community, voluntary and charity sector, and how, in turn, the active citizenship represented by civil society organisations can be supported by the establishment of a participatory public governance system.

Why Active Citizenship?

Anyone in Ireland—regardless of nationality or residency status—can play a positive role as an active citizen by doing something for the common good.

From ancient philosophers like Aristotle to modern psychology, is has been argued that association with others and collective action heightens human flourishing. A life lived well is one that involves playing an active role in the community and wider society. But this is easier said than done in our complex and alienating circumstances, where people often—with justification—feel powerless. There is a need for civil society organisations to be at the forefront of fostering and empowering active citizenship as one of the necessary conditions for achieving a good society.

The Structure of this Report

Section 1 defines what is meant by civil society and civil society organisations. The common ground between civil society organisations is described and presented as a basis for co-operation between organisations in this sector, which are distinct from both state-controlled and commercial organisations. The section also describes the democratic legitimacy of civil society organisations.

Section 2 defines active citizenship and makes the case for increasing the level of active citizenship in Ireland, including the benefits to individuals from being active citizens and the benefits to society of having a greater level of civic activism.

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3   https://merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf p.131

Section 3 examines the differences and overlap between civil society organisations and commercial organisations. Civil society organisations can be positively and negatively drawn to mimic practices from other sectors, which is explored with reference to the concepts of 'hybridity' and 'isomorphism'. Pressures on civil society organisations to act commercially are identified, alongside longstanding commercial aspects of civil society organisations' activities.

Section 4 This section examines the differences and overlap between civil society organisations and state-controlled organisations. The numerous ways in which public authorities exert control over civil society are described. Key concepts in civil society's relationship with the state are 'governance' and 'independence'. The section raises questions about how state regulations may be reducing the scope for citizens to take collective action, especially through informal groups or networks.

Section 5 briefly examines the history and recent development of governance of civil society, both by the state and by civil society independently. This section defines the concept of a public governance system and outlines a typology of four archetypal governance systems, examples of each of which can be found in the relationship between some public authorities and civil society organisations in Ireland. It makes the argument in favour of moving towards a participatory governance system across government departments and agencies as the most appropriate way to fulfil the programme for government pledge of a framework policy for the relationship between the state and civil society.

Section 6 identifies several domains in which people can be active citizens, and outlines the challenges for civil society organisations to support and empower people to be active citizens.
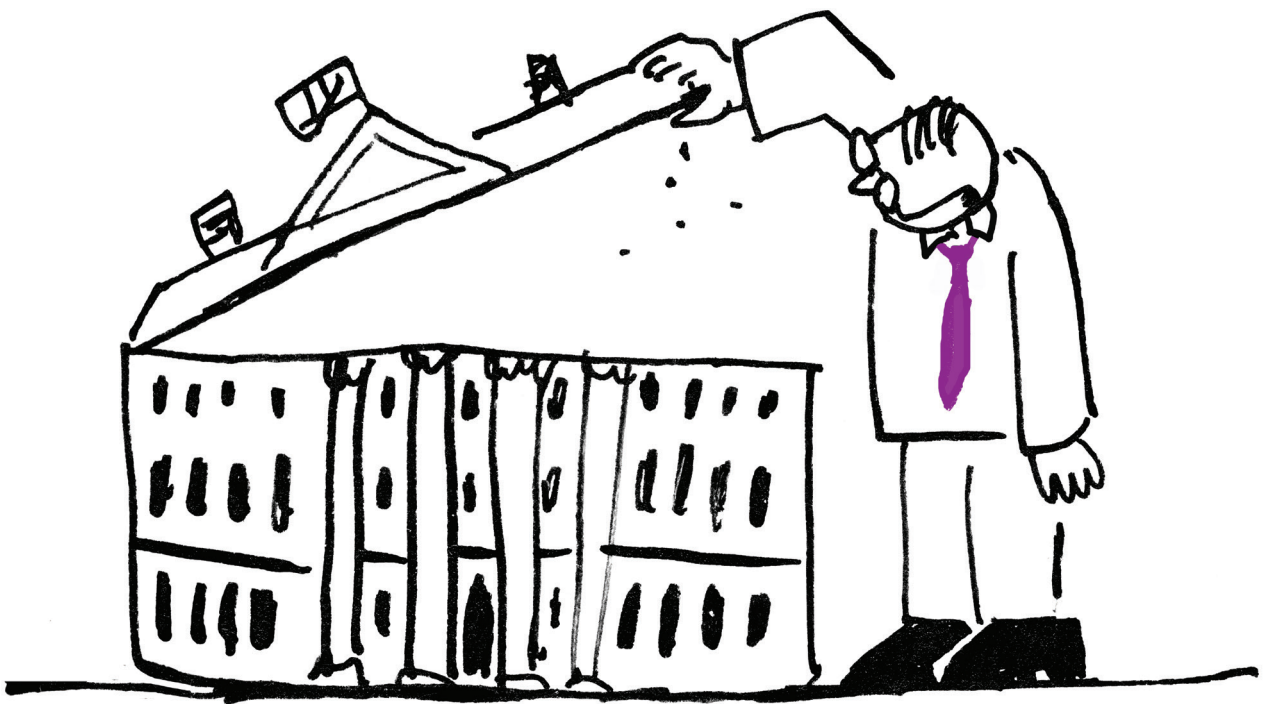
1. Ireland's Civil Society Organisations

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Defining Civil Society

'Civil society' is not easily defined. It is ambiguous, ever-changing and hybrid in character. An appreciation for the plurality and diversity of civil society also requires one to cope with messy, often undefinable boundaries for what is meant by the term. With that caveat in mind, this section attempts to define civil society in the Irish context in as rigorous way as possible.

The modern idea of 'civil society' first emerged in the eighteenth-century Enlightenment period, where it was seen as a space between the state and the market where citizens and their institutions could produce social solidarity and influence public affairs (Knight 2017: 39, Carothers 1999: 18). Interest in civil society came into sharper focus following the Second World War, and again from the 1990s (Carothers 1999: 18-19). For the purposes of this report, civil society is the association of people in pursuit of common interests and values through formal and informal organisations.

Civil society is much larger than just the activity of non-government advocacy groups or charities:

'Properly understood, civil society is a broader concept, encompassing all the organizations and associations that exist outside of the state (including political parties) and the market. It includes the gamut of organizations that political scientists traditionally label interest groups—not just advocacy NGOs but also labor unions, professional associations (such as those of doctors and lawyers), chambers of commerce, ethnic associations, and others. It also incorporates the many other associations that exist for purposes other than advancing specific social or political agendas, such as religious organizations, student groups, cultural associations (from choral societies to bird-watching clubs), sports clubs, and informal community groups.' (Carothers 1999:19-20).

Human rights law is unambiguous in its support for people's right to freely communicate and associate with one another, and civil society organisations are the concrete manifestation of people freely associating with others.

While civil society organisations are sometimes designated as 'not-for-profit', a positive and purpose-oriented definition is preferable. According to a study commissioned by the World Bank, civil society organisations are organisations 'expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations'.[4]

Common Ground among Civil Society Organisations

Despite the wildly diverse range of activities that they engage in, all civil society organisations hold certain features in common.

Civil society organisations:

- Are a legitimate expression of people exercising their fundamental human rights

- Express interests and values

- Are independent and autonomous

- Involve and facilitate voluntary as well as collective action

Most civil society organisations have one of a small number of legally recognised forms, including registered charities (see Annex 1 for a detailed analysis of how legal forms vary across civil society).

Many, but not all, civil society organisations are also characterised by their attempts to realise a **public benefit** from their activities (or to promote the 'common good').

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4   http://go.worldbank.org/4CE7W046K0

On a more basic level, many civil society organisations also share similar concerns, for example: how to operate independently, while also complying with regulations imposed by public authorities; and how to encourage voluntary action, while also adhering to best practice in relation to matters such as child protection, health and safety, and data protection. This has led to the emergence of sectoral organisations providing services and leadership on these shared concerns.

The Legitimacy of Civil Society Organisations

A number of fundamental rights underpin the existence of civil society organisations: freedom of conscience, freedom to hold and express opinions, freedom of association, freedom of peaceful assembly, and 'the right and the opportunity [...] without unreasonable restrictions: To take part in the conduct of public affairs, directly or through freely chosen representatives'.[5] Another important right underpinning civil society is the right to own property, individually or in association with others.[6]

Civil society organisations are a legitimate and authentic expression of democratic citizenship.

It is important not to fall into the trap of considering *all* civil society activity to be working towards the 'common good', or for this to be a requirement. On the contrary, some civil society organisations—such as professional associations or trade unions—may quite legitimately be advocating for the interests and values of subgroups in society. Nonetheless, it *is* in the interest of all of society that the fundamental rights and freedoms enabling civil society should be unrestricted as long as they are not used to actively promote harm to others.

Human rights law makes clear statements that the same rights do not apply to harmful activities such as the diminution of human rights, the promotion of war or hatred, or the incitement of discrimination

or violence.[7] Extreme examples of illegal 'uncivil' organisations are excluded from this analysis (see, for example, Daly and Howell 2006, Carothers 1999).

The legitimate aims of some civil society organisations can, and do, contradict one another. Even charities, which are recognised by the state as working towards a public benefit, can have radically different ideas of how to achieve that benefit, and there may be far from public agreement about what actually constitutes the 'public interest' or 'common good' in a particular area. Stepping back, and viewing civil society as a whole, it is precisely the existence of multiple organisations and diverse ideas of the common good that makes such a valuable contribution to society. Ireland needs such vibrant debate and innovation.

In contrast, state-controlled organisations tend to operate under the aegis of a ministerial department, with policy decisions made by the minister and the government. As such, public servants can be reluctant to articulate other viewpoints or perspectives on issues of policy, even when those views are informed by evidence and research or through contact with service users and other citizens (Grace 2018). Independent civil society organisations play a vital role in our democracy by providing a voice for alternative perspectives and for the diverse values and interests that exist in Irish society.

However, multiple civil society organisations articulating different conceptions of a good society is conceptually and practically very far removed from the market competition of commercial enterprises. It is essential to recognise and clearly distinguish civil society organisations from state-controlled and commercial organisations.

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5   For example, as articulated in Articles 18, 19, 21, 22 and 25 of the International Covenant on Civil and Political Rights, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

6   For example, as articulated in Article 17 of the Universal Declaration of Human Rights, http://www.un.org/en/universal-declaration-human-rights/

7   For example, as articulated in Articles 5 and 20 of the International Covenant on Civil and Political Rights, http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx

Civil Society, the State and Commerce

Civil society organisations provide an alternative form of social order from either state-controlled bodies or commercial enterprises, as illustrated in the table below. Although there can be overlaps between the archetypes—see Section 3—the essential characteristics of each is distinctly different.

Table 1. Distinguishing State, Commercial and Civil Society

	State	Commercial	Civil Society
Guiding principle	Hierarchy	Competition	Voluntariness
Prerequisite for participation	Legal authorization	Purchasing power	Commitment
Principal decision rule	Authoritative adjudication	Demand and supply	Debate
Positive externalities	Security, justice	Material prosperity	Social capital, public discourse

(modified from Dekker and van den Broek 1998: 13)

It is a debate as to whether organised civil society is part of wider community action (rooted in families and neighbourhoods) or whether it represents a distinct social space (Dekker and van den Broek 1998). None of these categories are exclusive, and many overlaps can be seen. For example, the people who organise in civil society and are active in community life are often the same people who work in commercial or state-controlled organisations. Nonetheless, it is important to recognise that the voluntary nature of organised civil society offers something distinct from other forms of social organisation. Individuals may be obliged to interact with state and market on a regular basis to comply with regulations and to meet their material needs, but a person has to actively commit, independently and freely, to a particular shared aim or set of values when choosing to join in with organised community or civil society activity.

Importantly, civil society organisations occupy a space that is neither public nor private, as these terms are generally understood, but provides for collective ownership of resources that are not for the distribution of profit among members of the organisation, but neither are they available to the whole public either. The resources are held collectively for the furthering of the values and interests to which the organisation is dedicated (Enjolras 2008).

At an extreme, some civil society organisations have found themselves pitted against a state-market axis, where the authority of public agencies has acted in tandem with commercial interests against the interests of particular communities or against certain value systems. For example, in the period 1991-2002, community and resident groups in the urban-rural fringe of a rapidly expanding Dublin city often found 'attempts to influence policy outcomes were undermined by powerful developer and landowning interests, resulting in a deep-seated cynicism towards the public participation process, particularly with regard to the relationship between developers and councillors, and the probity of the planning system,' (Scott, Russell and Redmond 2009). As subsequent tribunals of inquiry have established, there was considerable corruption in the Irish planning system.

When 'the system' fails, the activity of civil society is a vital democratic counter-balance, campaigning and organising to prevent or mitigate long-term negative consequences such as poor planning decisions, poverty, reduced social cohesion or environmental degradation. And as the economic collapse of 2008 showed, the state-market axis remains capable of spectacular failure, with the weakest in society bearing the brunt of the fallout, which shows the importance of maintaining a strong 'third sector' of community, voluntary and charitable organisations.

In its role as a counterweight to state and market, civil society organisations also have played an important role in limiting the effects of austerity cuts to health and social welfare, and they provide a democratic voice on behalf of marginalised or politically weaker people such as children, older people, people with disabilities and the working poor (Carney, Dundon and Ní Léime 2012).

Civil Society Activity in Ireland

The Benefacts database is a compilation of what it calls Irish 'nonprofits', which includes most types of civil society organisation that exist in Ireland (www.benefacts.ie). The database categorises them by 12 sectors, which are divided into a total of 54 subsectors. At a glance, this provides a useful snapshot of the great diversity of activity carried out by civil society organisations.

Arts, Culture, Media
- Arts
- Museums and libraries
- Heritage and visitor attractions
- Media, Film

Recreation, Sports
- Recreational clubs, societies
- Agricultural fairs
- Sports organisations

Education, Research
- Pre-Primary education
- Primary education
- Secondary education
- Vocational, technical education
- Third-level education
- Research
- Education support
- Adult and continuing education

Philanthropy, Voluntarism
- Philanthropy
- Fund-raising
- Voluntarism

Health
- Hospitals
- Residential care centres
- Residential mental health services
- Health services, health promotion
- Mental health services
- Addiction Support
- Hospices

Social Services
- Pre-school childcare
- Family support services
- Youth services
- Services for older people
- Services for people with disabilities
- Travellers, ethnic minorities
- Homelessness services
- Emergency relief services

Environment
- Animal welfare
- Group water schemes
- Environmental enhancement
- Environmental sustainability

Development, Housing
- Local development
- Job creation
- Social enterprise
- Sheltered housing
- Social housing

Advocacy, Law, Politics
- Politics
- Advocacy
- Civil and human rights
- Legal services

International
- International development
- International affiliation

Religion
- Places of worship
- Religious associations
- Diocesan, parishes

Professional, Vocational
- Trade unions, employer orgs.
- Chambers of commerce
- Professional/sector rep. bodies

Figure 1. Civil Society Organisations by Sector and Subsector

The same information can be listed differently, for example in terms of the core issues or groups that civil society organisations are focused on, such as animals, climate change, disability, ethnic minorities, heritage, Irish language, literacy, men, migrants, music, older people, poverty, sexuality, Travellers, women, young people and so on.

19,505

registered nonprofit organisations, of which
40 per cent are registered charities

c.50,000

people serving as voluntary directors or trustees

149,360

paid employees in 9,097 nonprofit organisations

€10.9 billion

annual turnover, of which less than half (€5.3bn)
comes from public sources

8%

percentage of public expenditure
funding nonprofits

1%

the percentage of people professionally
employed in nonprofit organisations paid
more than €70,000 per annum

Figure 2. Nonprofit Organisations Described through Numbers (based on Benefacts 2017b)

For comparison, civil society organisations employ more people than agriculture, forestry and fishing combined. Counting only €5.6 billion in non-government sources of income, civil society organisations also make a larger contribution to economic output than these other sectors of the economy. Yet the community, voluntary and charitable sector is not given the same level of recognition.

Informal Groups

What the Benefacts database cannot provide is information on the very many groups and associations, operating from local to international level, which are not formally constituted or registered. There is no record of how many such groups operate in Ireland, as many are informal and transient, nonetheless they are probably numbered in the tens of thousands and, in some cases, represent the seed from which more formally constituted civil society organisations may grow. Moreover, there is no limit to how people may, from time to time, come together in spontaneous or temporary public gatherings or events.

Examples of relatively unorganised collective action include allotment committees, book clubs, fan clubs, neighbourhood groups, residents' associations, (sport) supporters' clubs, and walking groups. Also, groups of parishioners or equivalent may undertake independent activities without being formally part of their parish's organisational structures. In most cases, the main purpose of the collective action is private individuals engaging in some activity for their mutual benefit. However, the existence of these loosely organised groups provides opportunities for social inclusion, and the discipline of keeping the associations going requires at least some members to keep records, manage small amounts of money, maintain communication with a network of others, and so on.

The existence of local groups might be so ordinary as to escape comment except that there are two important trends that present threats to people's ability to freely associate with others. Firstly, although freedom of association is one of the fundamental pillars of democracy and protected by the Constitution of Ireland, the Irish state has developed a piecemeal regulatory regime that makes it increasingly difficult for people to do things collectively. While there are good reasons for many of these rules, the regulations cover everything from formal registration as a charity before collecting money for a cause, to health and safety

rules and public liability insurance requirements preventing people from using public property to hold gatherings. Data protection restricts people from sharing phone numbers or email addresses, and the law forbids taking group photographs including children unless parents give their written permission. The dampening effect on active citizenship and the increased demands placed on volunteer organisers have not been fully taken into account.

Secondly, Ireland has a much more diverse population than in the previous generation, with one in eight residents being foreign born. Moreover, the large urban centres continue to attract workers from the rest of the country, and people increasingly live in apartment complexes or housing estates which lack civic amenities such as local halls or community centres. Likewise, new housing developments often lack public service provision and have a lesser presence of civil society organisations. For example, Kildare and Meath have the lowest concentration of civil society organisations per 1,000 people in the population, yet these areas grew enormously in population during the 2000s (see Annex 3 for a breakdown of civil society organisations by county). These areas have become outer suburbs for the Greater Dublin Area, yet they do not always benefit from the same amount of services and organisations that are active in more central Dublin locations. In addition, apartment living can lead to more isolation, as people have less physical access to their neighbours due to the tendency for there to be locked doors on each building as well as a locked entrance to apartment complexes as a whole. Apartments, rather than houses, are also much more likely to house people from ethnic minorities, who may be even less likely to form associations outside of their own community due to language barriers or through having fewer points of commonality with their neighbours (such as shared religion or sporting interests).

It is easy to take for granted that someone will always be willing to take on the tedious tasks involved in organising collective activity, but with increasing regulation, liability concerns and other barriers to civic behaviour, there is a need for reflection about how the state and existing civil society organisations can do more to boost people's capacities to engage in collective action and to ensure social cohesion (see, in particular, Recommendations B and I).

Online Civil Society and Social Media

Both new and old forms of civil society organisation are facilitated and enhanced by the structures and technology provided by social media and other Internet platforms.

As with informal groups, the Benefacts database does not include Facebook pages, online networks, online campaigns, websites and other ways in which people use social media to advance a cause or an ideal. Nonetheless, given the many thousands of people who may respond to online appeals by 'liking', forwarding or donating, the democratic potential of online media must be taken seriously.

The Internet is a disruptive technology for civil society, in both a positive and negative sense. The Internet makes information readily available to citizens, which enhances accountability, and it permits some forms of public action to be taken very easily. As part of this, ready access to information about civil society organisations usefully pushes them to be more transparent and responsive to other citizens. As an example of innovation driven by new technology, ad hoc representatives from civil society engaged with the Irish government to co-author a national Open Government Partnership Action Plan, the latest version of which (2016-18) makes 15 commitments to increase transparency in government and includes actions on citizen engagement in policy making and participatory budgeting.[8]

8   https://www.opengovpartnership.org/sites/default/files/Ireland_NAP_2016-2018.pdf

At the same time, individuals can present themselves online as organisations or campaigns, despite limited engagement with other citizens or communities. This is valid as individual freedom of expression but gives a false representation of associational life. In the worst cases, some online forums have become a breeding place for anti-social and abusive behaviour, hidden behind pseudonyms.

As with informal groups, Internet networks and forums have great potential to create social inclusion and they can help people to form online communities who would find it hard to otherwise locate one another. The state and existing civil society organisations need to engage more with the people involved in online communities, and to make stronger links between 'real world' activity and Internet-based associative life (see Recommendations G and I).

2. Active Citizenship

2. Active Citizenship

Active Citizenship

Active citizens are the people who seek to play a positive role in society by improving their own situation and that of others. Formally, citizenship describes the set of rights and responsibilities held by those living in Ireland. But the idea of active citizenship goes further. Anyone in Ireland—regardless of nationality or residency status—can be an 'active citizen'. The term 'citizen' should be understood in this inclusive way throughout this document; that is, active citizenship means demonstrating civic attitudes and behaviour.

Unsurprisingly, as civil society organisations are the expression of active citizenship, the shared attributes of active citizens are fundamentally the same. Active citizens are exercising their fundamental human rights, express their interests and values, are independent and autonomous, get involved in voluntary as well as collective action, and often promote ideas or actions with the aim of achieving a public benefit.

In contrast, the formal report of Ireland's official Taskforce on Active Citizenship (2007) failed to propose a democratic or rights-based definition of active citizenship. Instead, it proposed the bland formulation that

'being an Active Citizen means being aware of, and caring about, the welfare of fellow citizens, recognising that we live as members of communities and therefore depend on others in our daily lives' (TAC 2007b)

This represents a significant dilution of the core concept of active citizenship, indicating political unwillingness to recognise a stronger role for citizens in associative life, which might eclipse some of the power of elected representatives. Later developments, including the Citizens Assemblies, the roll out of Public Participation Networks and the increasing role for service users in the co-design and co-production of public services indicates that active citizenship has a valuable role to play in helping government and public services to deal with complex problems. The engagement of citizens in the co-design and delivery of public services is a demonstration of people's demand for responsiveness. Ireland's official definition of active citizenship should embrace and encourage such engagement and participation, not subdue it.

The following sources demonstrate that the national and international discourse on active citizenship has far greater aspirations than were expressed by the Taskforce. The Government white paper on supporting voluntary activity (2000) defined active citizenship as

'the active role of people, communities and voluntary organisations in decision-making which directly affects them. This extends the concept of formal citizenship and democratic society from one of basic civil, political and social and economic rights to one of direct democratic participation and responsibility.'

The National Economic and Social Forum (NESF) defined active citizenship as

'the active exercise of social rights and shared responsibilities associated with belonging to a community or society; the concept is broader than just a formal or legal definition and encompasses social, economic and cultural rights and obligations.' (NESF 2003, cited in TAC 2007a)

A background paper published by the Taskforce on Active Citizenship (TAC) proposes that

'Active Citizenship refers to the voluntary capacity of citizens and communities working directly together, or through elected representatives, to exercise economic, social and political power in pursuit of shared goals.' (TAC 2007a)

The TAC background paper clearly identifies active citizenship as about rights, responsibility and power. It further suggests that representative democracy, such as local government and the Oireachtas, 'do not exhaust the meaning and application of Active Citizenship – they are potentially enhanced by it' and also that active citizenship is inherently 'difficult to regulate, predict or channel' (TAC 2007a). The implication of this is that state organisations need to cede power and control in order for active citizenship to flourish.

A rather broader definition of active citizenship proposed at international level is 'participation in civil society, community and/or political life, characterised by mutual respect and non-violence and in accordance with human rights and democracy,' (Hoskins et al 2006). This composite indicator is broken down into four domains of active citizenship: Democratic Values; Representative Democracy; Community Life; and Protest and Social Change. According to a quantitative analysis of 19 European countries using this composite indicator, Ireland ranked 9th overall for active citizenship (Hingels et al 2009). However, this ranking represents a drop of four ranks from 5th position in an earlier study by the European Commission using data from 2002 and broadly the same method (Hoskins et al 2006). The elements of this quantitative approach to defining active citizenship are listed in Annex 2.

As an example of other forms of active citizenship that are often overlooked, the Inter-Agency Working Group on Children's Participation (IAWGCP) advocates for a vision where children can influence decisions affecting them and can acquire the knowledge, skills and opportunities to be effective and responsible active citizens (IAWGCP 2008). Research in the UK and Ireland found that

'the expression of children and young people's voices varies according to the resources, both material and non-material, that are available to them. These resources are profoundly unequal and no one mechanism can produce well-being for all children and young people. [...] it is necessary for those responsible for formal spaces (such as policy-makers, officials, researchers or politicians) to become more informal or to think of ways to go out to young people's own favoured spaces to listen and engage. They would probably be surprised by the creativity, imagination and intelligence they find,' (Cockburn and Cleaver 2008).

As the various examples show, there is a widespread view that active citizenship is tied to fundamental human rights, and that redressing economic, social and political power inequalities across society is required to truly foster active citizenship (see, in particular, Recommendations B, H and I). This suggests that the definition of active citizenship in Ireland's Taskforce on Active Citizenship was insufficient and incomplete.

Active Citizenship and Civil Society

Society can be considered as 'a community of citizens linked by common interests and collective activity.'[9] That 'collective activity' includes much of what sustains Ireland's cultural and social wellbeing, including: arts, culture, media, recreation, sports, education, research, philanthropy, voluntarism, health, social services, environment, local development, housing, advocacy, law, politics, international affairs, religion, professions and vocations.

Active citizenship can be understood in terms of three types of action. Citizenship involves certain **collective ideas** such as collective good, public interest or solidarity. Democratic citizenship requires adherence to certain **rules of governance**, including participation, representation, election and deliberation. And citizenship involves **relating to others in a regulated way**, adhering to legal rules, and affording others their civil and social rights (Enjolras and Steen-Johnsen 2015: 197).

Civil society organisations have a vital role in fostering active citizenship. They provide information and experience that can help people to form their own opinions and attitudes, and they provide opportunities for people to develop their capacities and to get involved in collective activity. They also act to preserve and foster active citizenship by articulating collective ideas and enforcing rules of governance and norms about relating to others.

It is important to state clearly that civil society organisations are not just a means by which individuals are enabled to take action, but **civil society organisations themselves are a legitimate expression of active citizenship**. People need structures to fully realise their potential to be active citizens, and by pooling their talents and working together, **people create and sustain civil society organisations as a manifestation of their values and interests**.

An argument is easily made that every person in Ireland is a beneficiary of the work of civil society organisations, most of which are working to achieve a 'public benefit'. Even if they are not active participants, everyone still benefits from at least some of the outcomes of civil society activity, such as reduced poverty, a vibrant arts and cultural scene, tidier towns, cleaner environments, active sporting leagues, and better economic conditions for workers and enterprises. Moreover, the reach of civil society organisations into nearly every aspect of community and social life in Ireland gives them the potential to empower everyone to be active citizens.

The Value of Active Citizenship

No argument is needed to justify active citizenship, as it is an expression of people using their fundamental civic and political rights. This section does not seek to give such a justification. Instead, the aim is to give examples of the many societal benefits that come from active citizenship and the importance of state, commercial and civil society organisations promoting and supporting active citizenship.

The Taskforce on Active Citizenship refers to evidence that civic engagement by active citizens: helps to address more effectively many social and economic problems; creates real economic and social benefits as high levels of interpersonal trust reduce the costs associated with extensive rules, contracts, litigation and bureaucracy; generates networks of support and connection, both within social groups and across groups; benefits the individuals who participate; strengthens the quality of decision-making through the democratic process; and leads to a healthy and varied range of voluntary and community organisations, which is good for democracy (TAC 2007b).

Three arguments that detail the benefits of active citizenship are further explored in the following illustrative examples: (a) the current loss of trust in public life, (b) the personal gains for individuals from being empowered as active citizens, and (c) the benefits of active citizenship in the co-design and co-delivery of solutions to complex social problems.

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9   https://en.oxforddictionaries.com/definition/civil_society

Loss of Trust in Public Life in Ireland

According to the Edelman Trust Barometer 2017, Ireland is experiencing a low level of trust in institutions across society, the economy and government, which is illustrated below in comparison to the average levels of trust across 28 countries surveyed. As shown, non-governmental organisations (NGOs)—that is, community, voluntary and charitable bodies—are more trusted that any other category. Nonetheless, Irish people's level of trust is significantly lower than the global average across all areas, and trust in the media has dropped to the second lowest out of all OECD countries surveyed.

According to Edelman's presentation of its survey, 'without trust, belief in the system fails', which manifests in a sense of injustice, lack of hope, lack of confidence and desire for change. In Ireland, 59 per cent of people believe 'the system' as a whole is failing, while a further 30 per cent are uncertain. This leaves only 11 per cent—or one in nine people—who believe 'the system' is working well.

Other reputable opinion polls also point to a serious lack of public trust. An Ipsos MRBI poll in February 2017 reported that only 21 per cent of the Irish public say they trust politicians.[11]
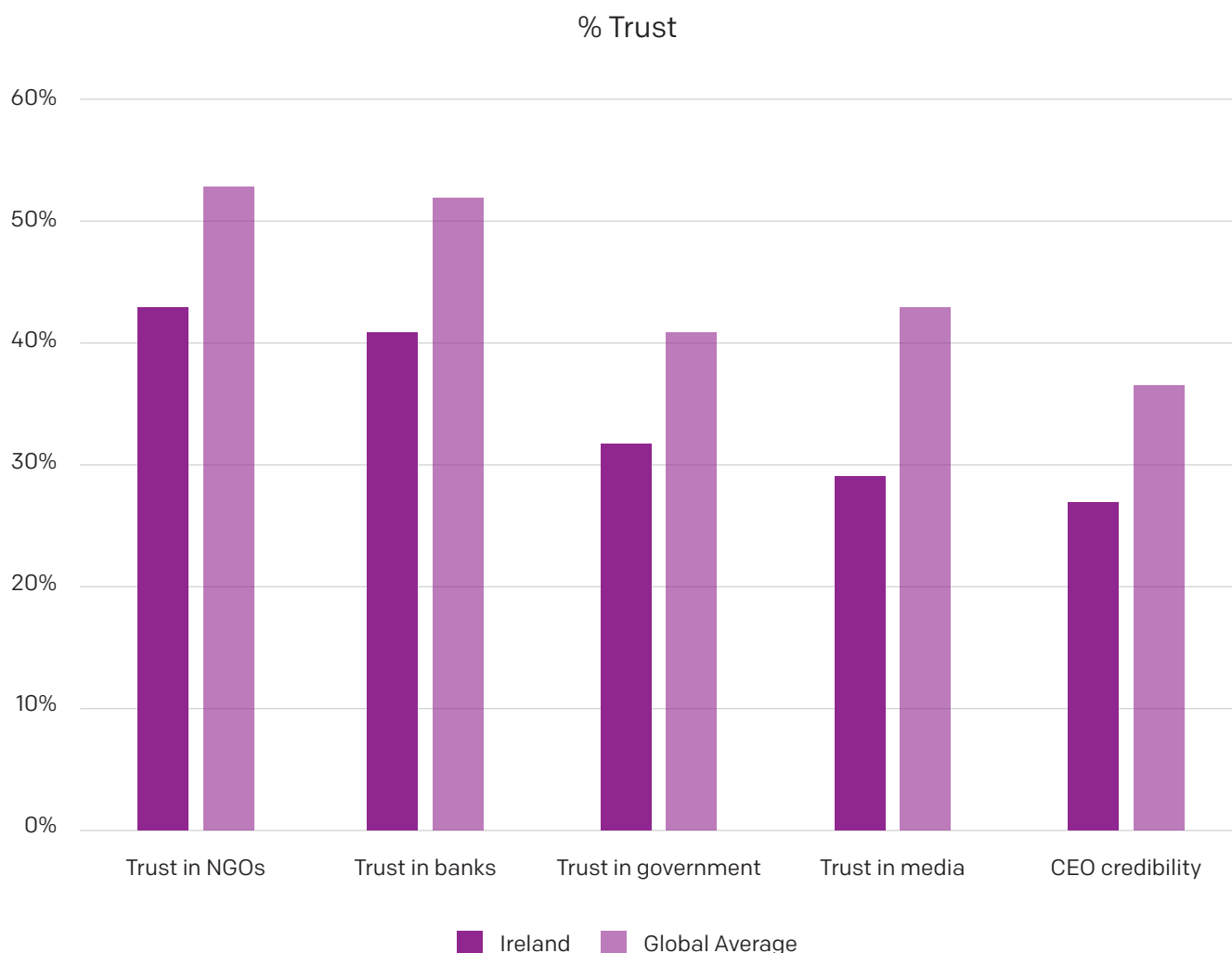
% Trust

Figure 3. Reported Levels of Trust (Edelman Trust Barometer 2017)[10]

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10   The levels of trust indicated in the 2017 report were from before the tracker mortgage banking scandal in late 2017, which is likely to have reduced trust in the banks.

11   https://www.irishtimes.com/news/ireland/irish-news/poll-highlights-public-s-lack-of-trust-in-politicians-1.2968437

59% believe the system has failed

A further 30% are uncertain

Figure 4. Irish People Who Believe the System Has Failed

Taking a longer view, academic analysis shows that while trust in politicians and in political parties was already in decline, this was exacerbated by the 2008 economic crash. Satisfaction levels with government, trust in parliament and satisfaction with the way democracy works also declined precipitously post-crash. The Irish trends were dramatically more negative than many other European countries. However, trust in public services was not greatly affected (Breen and Healy 2016).

A vast academic literature points to the complex relationship between public trust and democracy (cf. Newton 2001, Warren 1999). While citizens in liberal democracies are warned to be ever vigilant against abuses of power, it is still likely that a government's scope for taking action is severely constrained if it cannot command a reasonable amount of public trust.

Some studies have found empirical evidence for the democratic benefits of voluntary action. For example, that 'involvement in voluntary associations is conducive to social cohesion and political democracy' and involvement in civil society can also increase individuals level of trust in the others involved in civil society activity, however this does not automatically translate into trust in strangers or state institutions (Dekker and van den Broek

1998). Conversely, strong democratic structures and a healthy democracy can lead to greater civic engagement and involvement in voluntary association. It is not clear whether active citizenship precedes or follows strong democracy. It is most likely that the two are mutually supportive (cf. Putnam 2000).

Survey evidence of a link between involvement in civil society and political trust is 'weak and patchy' (Newton 2001). However, the fostering of trust through voluntary action has a potentially more complex, indirect effect on political trust and democracy, and 'countries with well-developed social capital will find it easier to re-create high levels of political capital' (Newton 2001). Even if citizens are discerning and cautious about trusting political institutions, an inclusive and pluralistic democracy depends upon individuals and groups in society being able to trust one another (Warren 1999).

It is also worth questioning whether officials in public agencies and government departments trust citizens. Cursory consultation processes and limited opportunities for meaningful engagement present the impression that officials may prefer top-down processes rather than more equitable engagement with citizens.

Ideally, trust in government and charities should not be seen as trust in 'others'. Rather it should be seen as trust in ourselves and our ability, as communities and as a society, to work collectively towards widely shared public benefits. In this context, one plausible mechanism by which active citizenship may lead to higher levels of trust is through empowerment, including access to greater knowledge about what institutions and agencies are doing. Fostering more active citizenship should be a common goal across government, business and civil society in order to strengthen social cohesion and levels of trust (see, in particular, Recommendations A, C and H).

Benefits to Individuals from Empowerment as Active Citizens

'There are three ways in which CSOs [civil society organisations] have been thought to contribute to active citizenship: through **shaping identities and the sense of belonging***; through creating possibilities for* **participation and empowerment***; and through allowing for* **representation** *in a public sphere,' (Enjolras and Steen-Johnsen 2015).*

Active citizenship means people being more empowered, more capable of making decisions for themselves, and being better informed and better able to improve their own circumstances. This chimes with the idea of a capabilities approach to human development.[12] According to the capabilities perspective, states and civil society should concentrate on giving people the freedom and other capabilities they need, both to decide for themselves what represents a good life and to have the ability to work towards achieving that life for themselves (see, in particular, Recommendations B, I and K).

Active Citizenship and Complex Social Problems

Governments across the world are more frequently trying to solve technically complex social problems, which require collaboration with many non-government organisations and businesses, and in many cases also require individual and collective action by citizens. Such problems include climate change, addiction, poverty, obesity and health promotion. Moreover, developed countries are also facing significant levels of anxiety, depression and loneliness among their populations. Many of these social problems can only be solved if large cohorts of citizens change their attitudes and behaviours.

For many complex social problems, it is simply not possible for government agencies to resolve them if they are not working in co-operation with wider society. Civil society organisations play an essential role in co-ordinating active citizenship towards the amelioration of many of these issues, and civil society has a great deal more untapped potential to turn the tide on complex social problems (see Recommendation G).

Developing policies that co-ordinate, facilitate and foster active citizenship are therefore essential for governments.

'How do societies change or evolve? Whether the means to solve problems on a global scale come through technological innovation, changing consumption patterns or providing access to important services, progress depends on the complex interactions of people, businesses, NGOs and government. Learning to co-ordinate these is key to making real gains in sustainable development.' (Strange and Bayley 2008).

In sum, the potential benefits of having a greater level of active citizenship in Ireland include greater levels of trust and social cohesion, individuals benefiting from personal empowerment and greater capabilities, and society as a whole benefiting from a greater capacity to ameliorate complex social problems.

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12   https://plato.stanford.edu/entries/capability-approach/

3. Commercialism and Civil Society

3. Commercialism and Civil Society

Civil society organisations are private entities, often using the legal form of a company. Nonetheless, there are fundamental differences between them and commercial, for-profit enterprises. It is a mistake to conflate the two types of organisation even though there are overlaps, as indeed both types overlap with state-controlled organisations.

There is increased pressure on civil society organisations to act commercially, not least as a result of state commissioning of publicly-funded services. However, to see commercialism purely as a consequence of service commissioning would be an unduly narrow understanding of commercialism, as it would also ignore a long and rich history of commercial practices within civil society, which have long co-existed alongside the promotion of values and interests.

Here it might be useful to consider at least three ways in which commercial practice permeate civil society itself.

Firstly, civil society organisations are subject to **market pressures**, which push them to engage with the market and act commercially. In some cases, government funding is linked to organisations adopting commercial arrangements. In addition, the slow development of other forms of giving and an increasingly competitive fundraising environment, combined with increased demand for services from users, are some of the core drivers behind this trend.

Secondly, civil society organisations are often engaged in **income generation**, whether through seeking donations or engaging in other activities. Fundraising is increasingly professionalised. To address market pressures, civil society organisations have pursued a range of options to increase their non-restricted funding base (i.e. funding that is not tied to specific contractual agreements). These options can include charging a fee for access to services related to the mission of the organisation, but it is becoming more common to see the development by civil society organisations of entirely separate revenue streams based on the sale of additional goods and services not directly linked with the organisational mission (such as cafes, gift shops and second-hand clothes stores).

Thirdly, as commercial practices become embedded in civil society, so does the **market culture**. This means, for example, embracing competitive practices, accepting advertising as a legitimate practice to further the ends of the organisation, or pursuing an entrepreneurial approach. The market is not merely a field from which to extract resources to carry out objectives, but actually the favoured mechanism for some organisations through which to achieve a social purpose. An alternative way of embedding market culture within civil society has been through a range of relationships with private businesses ranging from 'charity of the year' awards, sponsorship, donations and joint projects, which are seen to benefit both the charity and the company (Anheier 2014).

Hybridity

In making sense about the fuzzy and often ambiguous boundary between the market and civil society, two concepts are particularly helpful: hybridity and isomorphism. The issue is not whether organisations from different sectors overlap, which they clearly do, but whether or not the resulting overlaps change the fundamental characteristics and drivers of each type of organisation. Ultimately, what makes an organisation commercial is the pursuit of profit and what makes an organisation part of civil society is that it promotes values and interests. As will be seen in later sections, state control is a fundamental characteristic of public bodies, which raises questions when control by public agencies makes civil society organisations effectively into part of the state, as has occurred with housing associations in the UK.

Hybridity is a concept that tries to make sense of the changing nature of organisations in the increasingly mixed economy of welfare, with particular reference to civil society organisations that often become 'mixed' themselves. This refers to the blending of the core sectoral characteristics of the private, public and civil society (Billis 2010). In such schemata, civil society organisations may have their roots in one sector—civil society— while borrowing practices from the other sectors, the private sector in particular. Importantly, the distinctiveness of hybrid civil society organisations lies not in the unique 'sectoral' characteristics associated with civil society but with their unique ability to blend together the values and practices associated with, for example, both civil society and the market (Evers 2005).
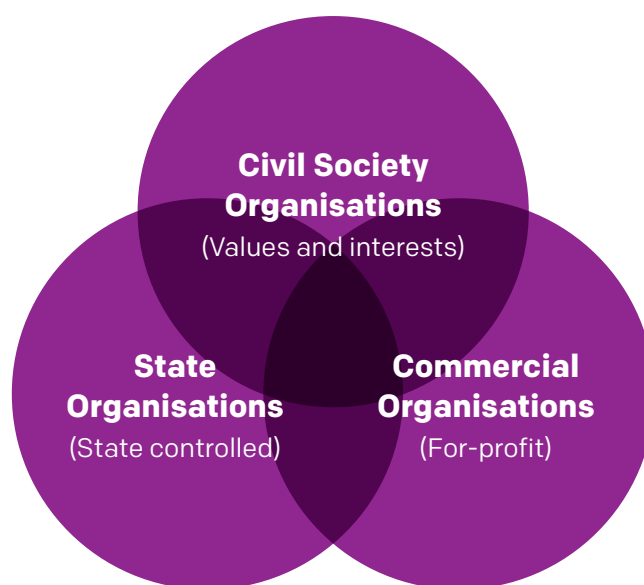
Figure 5. The Overlap Between Organisational Archetypes.

Genuinely hybrid organisations' core focus is a blend of more than one of the three fundamental characteristics: state control, for-profit, and the expression of values and interests. Part of the utility of the concept of hybridity is that it makes clear that true hybrids are relatively rare. For example, Ireland has examples of 'semi-state' enterprises that are for-profit but, precisely because they compete with private enterprises, European rules forbid the state from exercising direct control.

Similarly, some businesses are vocal advocates of social causes but they can only do this as long as if they are profitable, whereas the voluntary basis of civil society organisations allows them to prioritise their values over profitability. For example, some civil society organisations frequently interact with state and market, and the main purpose of some— like chambers of commerce or trade unions—is to actively engage with both. However their core purpose remains that of pursuing the values and interests of their members, which is fundamentally incompatible with either state control or operating to maximise profit.

This is an important consideration when it comes to regulation and public funding. Three superficially similar, hybrid organisations may each provide a similar publicly funded service in a domain such as health care or education. Yet, the fundamental constitution of each organisation may be fundamentally different, and the legal and regulatory regimes affecting each must be sensitive to these differences.

Isomorphism

Given the remarkable diversity of organisational forms and practices that characterise civil society, it may seem counterintuitive to speak of broad trends shared by a majority of organisations. One way to make sense of such patterns of similarity across diverse organisations is the concept of isomorphism. Isomorphism in society occurs when the processes or structure of one organisation mimic those of another, either due to conscious imitation or else through making adaptive changes to similar constraints. The argument in relation to civil society is that, within a given policy field, organisations tend to face the same institutional expectations and constraints and, as a result, organisations gravitate toward homogeneity (DiMaggio and Powell 1983).

Three such broad mechanisms are at work:

1. **Coercive isomorphism** manifests itself in response to pressure to abide by certain institutional expectations and is most commonly related to financial resources. Pressures from funders are a classic example of how informal and voluntarist organisations gradually assume increasingly bureaucratic and professionalised practices. This also helps to explain why commercialism has taken such a strong foothold within civil society in recent years.

2. **Mimetic isomorphism** is particularly relevant to situations where organisations are responding to uncertainty. At time of uncertainty civil society organisations are more likely to 'mimic' other successfully organisations by copying what are deemed to be examples of good practice. Commercialism is one example of such practices.

3. **Normative isomorphism** is seen in professional codes, rules, regulations, ethical guidelines, best practice expectations, which are all examples of normative criteria that influence organisational practices and contribute to similarities across different types of organisations working in similar issues. As commercial practices and state regulation become increasingly prevalent within civil society it is not then surprising to see certain normative practices associated with this to become more widespread, such as the whole adoption (or imposition) of commercial forms of management and governance rather than bespoke versions more appropriate to civil society organisations.

Isomorphism is particularly relevant to Ireland, as many public services are delivered via civil society organisations, and the boundaries between state, market and civil society are very blurred in some instances.

In recognition of these type of pressures, the World Economic Forum has argued for civil society to retain its integrity. They suggest that

'the changes that civil society is undergoing strongly suggest that it should no longer be viewed as a "third sector"; rather, civil society should be the glue that binds public and private activity together in such a way as to strengthen the common good. In playing this role, civil society actors need to ensure they retain their core missions, integrity, purposefulness and high levels of trust. The world will always need independent organizations and individuals to act as watchdogs, ethical guardians and advocates of the marginalized or under-represented. Civil society in all its forms has an important role in holding all stakeholders, including itself, to the highest levels of accountability.'[13]

Relationships with Commercial Organisations

There are a range of relationships between civil society and the commercial sector, which may range from co-opted to adversarial.

In terms of **co-operation**, three different types of relations can be usefully outlined. For one, civil society organisations are often recipients of funds from businesses, either through philanthropic foundations linked with businesses or as part of corporate social responsibility activities. Second, civil society organisations can be partners, joining forces on shared projects. Third, civil society organisations often feature as sub-contractors in delivering services that have been contracted out to the private sector.

In taking **direct action** civil society organisations take their critique of corporate practices to the public sphere, creating campaigns that capture the attention of media and the public. Often this draws on issue-based advocacy, or the broader social movement around anti-globalisation, environmentalism or social justice. It may also involve lawsuits. The logic is largely one of using the power of the public campaign to put pressure on unethical companies whose business interests may be negatively impacted by bad publicity.

Indirect action is located in between the above two approaches and refers to the role civil society plays as a watchdog, monitoring businesses, checking compliance and enforcing existing agreements. The relationship with businesses is more indirect, as any influence on companies is generally achieved through lobbying government to take action.

One hope is for civil society to be

'a counter weight to individualism, an antidote to cynicism and a balance to state and market power. […] we expect civil society to provide alternative ideas and societal pressure to force the state to embed the economy to serve the interests of society.' (Murphy 2011)

Massive economic crisis in Ireland did not evoke a proportionate response from civil society, which was perceived internationally as passive and acquiescent. Nonetheless, the potential exists for Irish civil society to have its voice heard in a debate about Ireland's future that 'has so far been dominated by political, business, media and academic elites,' (Murphy 2011).

Becoming more like a Business

While one aspect of the commercialisation debate in relation to civil society has to do with the types of relationships civil society organisations have developed with businesses, and the impact this has had on their practices, another concerns the nature of civil society organisations themselves. In other words, while one side of the debate asks whether and how civil society should engage with the private sector, the other asks whether civil society organisations should *become* more like the private sector.

In relation to becoming more business-like and embracing a market culture, three central developments require attention. First is the impact of contracting and subcontracting of the delivery of public services, the second is the (albeit so far modest) growth in the number of social enterprises, and the third contrasts competition with collaboration.

13   http://www3.weforum.org/docs/WEF_FutureRoleCivilSociety_Report_2013.pdf

Contracting and subcontracting can be seen as a road to becoming more like a business and embracing commercial practices. The process of contracting, in essence, requires a purchasing mechanism that is being used to acquire a specific service from a civil society organisation. It is typically based on a defined quality, quantity and price and offered by a specific provider over a defined period of time. The contracts in turn are awarded through a competitive process where the costs, quality and organisational expertise are weighed up. The very nature of the tendering process tends to incentivise organisations to embrace business-like way of thinking about their activities. Poorly-designed processes, which focus on short-term financial considerations rather than long-term socio-economic outcomes, can both disadvantage civil society organisations and lead to poorer value-for-money for citizens when the holistic public value is considered (O'Connor 2016, Barber 2018).

A second trend is the rise of competition among civil society organisations to access public funding. Competition is one of the hallmarks of the commercial world of market transactions and competing for market share. However, it militates against traditions of sharing, collaboration and co-operation that are an integral part of the community, voluntary and charitable sector, and which offer the potential to address complex social problems in alternative—and arguably more effective—ways. Public funding regimes that require civil society organisations to compete with one another risk damaging social cohesion and repressing forms of innovation that cannot emerge from market competition.

Social Enterprises and Civic Entrepreneurs

The third, more recent cultural shift within civil society can be seen in relation to the emergence of social enterprises as a largely new organisational type. Social enterprises are not-for-profit organisations that nonetheless operate as commercial entities. They may choose to not apply for charitable tax status if they don't seek donations, and hence may not be regarded as charities. They tend to focus on setting up viable commercial activities in order to generate an income that can be directed towards their public benefit aims. Social enterprises

'are businesses that are trading in order to provide essential services in their communities; to tackle some of the biggest problems in society or to address environmental issues. With the profits they generate from trading, social enterprises reinvest back into the business or the local community, continuing to provide jobs and other benefits to their communities.'[14]

Advocates argue that 'social entrepreneurs develop new, innovative solutions'.[15] One can identify three ideal types of social enterprises: those premised on democratic ownership and governance (e.g. co-operatives); those focused on ethical and sustainable trading practices (e.g. socially responsible businesses); and organisations that prioritise social purpose and impact (e.g. charitable trading) (Ridley-Duff and Bull 2015). Social enterprises might be thought of as genuine hybrids, displaying the characteristic of both businesses and civil society organisations insofar as they combine profit-making with a public benefit mission.

An even more recent concept is the idea of a 'civic entrepreneur'. It is argued that:

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14   https://www.socent.ie/about-us/

15   http://socialentrepreneurs.ie/about/what-we-do/

'Europe needs a new breed of entrepreneur. [...] civic entrepreneurs who dare to empower society without impoverishing it through their innovative ventures. But who is a civic entrepreneur? She's someone who dares to be entrepreneurial in the part of society that most needs it: our communities. Where people see gridlock and problems, civic entrepreneurs see opportunity and mobilize their communities on a forward path. Their recipe is to forge powerfully productive linkages at the intersection of business, government, education, and community, thus helping to generate new innovative civic institutions, practices and social norms. By operating at the grassroots level, they create collaborative advantages that empower their communities to compete on the world stage. The question therefore is: how do we empower our civic entrepreneurs?' (Alemanno and Cottakis 2017).

Corporate Social Responsibility

Businesspeople often lend their experience to organisations like the Rotary and Lions, and as board members of hundreds of other charitable organisations. With an increased focus on good corporate governance, financial and business experience are valuable attributes that businesspeople can bring to civil society organisations.

Many commercial enterprises play a socially beneficial role. In Ireland, public services such as GP practices and pharmacies are often constituted as private, for-profit companies. More generally, social responsibility is shown by those shops and businesses that make a point of employing local people and buying from local suppliers in order to ensure more money circulates in the local economy.

Restrictive state regulation of civil society organisations that pushes them to behave as businesses, based on a narrow focus on short-term economic growth, is detrimental to active citizenship.

'We have arrived at a highly critical juncture when the dominant models of economic growth are, everywhere, threatening social cohesion, democratic life, as well as the future of life itself on our fragile planet,' (President of Ireland 2016).

The Irish philosopher Francis Hutcheson (1694-1746) can provide inspiration here, as it manifests in his student Adam Smith's writings, especially Smith's *Theory of Moral Sentiments*.

'It is arguable that Smith did indeed share with his mentor a sense that society can and should be structured so as to capitalise on the human desire to offer, receive and witness benevolence—something which the more bold proponents of free market economics have tended to ignore, many assuming that Adam Smith may be invoked as the godfather of a strenuous über-capitalism, in which economic profit trumps all other criteria and motivations when devising the logistics for the provision of help to those in need. By focusing intensely on both the motivational and the relational life of the individual human being, and placing his or her moral and emotional development within the context of "community", Hutcheson and Smith were in fact laying down the ground for a further development of the venerable concept of "civil society" elaborated by several other Scottish thinkers, who in so doing formed one of the Scottish Enlightenment's significant bequests to the modern world,' (Orr 2012).

there is pressure on business to act more ethically, from paying its fair share of taxes, paying its workers a living wage and reducing harmful emissions, through to fair trade and becoming ecologically sustainable.

Civil society organisations can undoubtedly learn valuable lessons from enterprise, but equally business organisations can learn from civil society. While there is growing overlap and discourse between the two sectors, leading to hybrid organisations in some cases, this does not mean that they are or should become one and the same thing. Ultimately, the difference is that civil society organisations promote interests and values, whereas commercial organisations are for profit. Even though some civil society organisations may yield to pressure to be more like businesses and others may adopt the mantle of entrepreneurialism, the bottom line in distinguishing one from another is whether surplus income is distributed for private profit or is used to achieve a public benefit. State funders should recognise these fundamental differences—which are rooted in basic human rights and civil liberties—and cease treating civil society organisations as equivalent to for-profit enterprises (see, in particular, Recommendations A, C and E).

4. State Control and Civil Society

4. State Control and Civil Society

The current programme for government in Ireland includes a specific commitment to

'produce a coherent policy framework and develop a strategy to support the community and voluntary sector and encourage a cooperative approach between public bodies and the community and voluntary sector'.[16]

Implicit in this commitment is the admission that Ireland currently has neither a coherent framework nor a strategy to support and engage with civil society.

In contrast, international organisations such as the United Nations, World Bank, European Union and OECD all recognise the importance of civil society. Each of these international bodies have policies around engaging with civil society organisations and each cites practical examples of how this engagement has enhanced their ability to fulfil their missions. The UN 'recognizes the importance of partnering with civil society, because it advances the Organization's ideals, and helps support its work.'[17] The World Bank engages daily with hundreds of CSOs worldwide through 'information sharing, policy dialogue, strategy consultation, operational collaboration, and institutional partnerships.'[18] And 'the Civil Society Policy Forum (CSPF) has become an integral part of the International Monetary Fund and World Bank Group Spring and Annual Meetings'.[19] The EU promotes human rights and European citizenship, and the Europe for Citizens programme backs this up with funding and institutional frameworks for participation.[20] The OECD recognises that inclusion of civil voices makes its analyses stronger,[21] and has proposed partnerships with citizens and civil society as a means to innovate and deliver improved public service outcomes.[22]

Civil Society as 'Governable Terrain'

Drawing on the experiences of public sector delivery in the UK, the relationship between state and civil society can be understood as an effort to make civil society 'governable' (Carmel and Harlock 2008). Through the formal dimension of relationships (i.e. 'what it is that needs be governed') and the operational dimension of procurement and performance assessment (i.e. 'how governing needs to be done'), civil society can be made subject to processes of state governing. A critical part of this process is the way some people come to think about civil society in particular, narrow terms that suits the approach embedded in procurement-oriented models of service delivery.

There are at least four ways this is done. First, the object of governance must be seen to be made up of a *single* unit of organisations that are sufficiently homogenous to be governed in the same way and through the same processes. Second, the organisations that are included must *recognise* themselves as being part of the new terrain and it has to be meaningful to them. Third, the new terrain must be in some sense e*xclusive*, and there must be certain demarcations between those organisations that are included and excluded. Fourth and finally, the number of subject categories included must be *limited* so as to facilitate data collection and analysis. Too much complexity would render it too difficult to collect data and describe the terrain in quantitative terms (Carmel and Harlock 2008).

As a counter-example, organisational forms vary greatly among civil society organisations in Ireland (see Annex 1), which means that governance in one situation or locality may be a poor fit in another case. The attempt to make civil society organisations

16   https://merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf p.131

17   http://www.un.org/en/sections/resources-different-audiences/civil-society/index.html

18   http://www.worldbank.org/en/about/partners/civil-society#2

19   http://www.worldbank.org/en/events/2017/10/13/civil-society-policy-forum

20   http://ec.europa.eu/citizenship/index_en.htm

21   http://www.oecd.org/about/civil-society/

22   http://www.oecd-ilibrary.org/governance/together-for-better-public-services-partnering-with-citizens-and-civil-society_9789264118843-en;jsessionid=18iiie1ef8uk5.x-oecd-live-02

governable suggests that Irish civil society is being pushed into one-size-fits-all organisational forms in order to facilitate governance and regulation, rather than to foster active citizenship or advance the interests, values or public benefits for which citizens have become active. Pressure on civil society organisations to conform and 'fit in' with the moulds created by public authorities also militates against innovation.

Despite being based on the UK experience of public service delivery partnerships, seeing the activities of the state contributing to the development of a 'governable terrain' is a helpful way to understand the Irish case. It helps us think about the way in which current procurement practices facilitate the development of an increasingly unified group of civil society organisations at the heart of public service delivery who are seen as the key partners for the state. It contributes to the simplification of how civil society is understood in some quarters, including the generalisation of narrow organisational practices as representative of the whole of civil society and imposing undue limitations as to which organisations are regarded as being included as part of civil society.

One of the risks here is that some organisations and less formally constituted groups will be ineligible for inclusion in the governable terrain of officially regulated—and by implication officially sanctioned—civil society. Whether intended or not, this restricts people's rights to free association and collective action to further their interests and values. At an extreme, the excessive regulation of civil society organisations could undermine personal freedom and civil liberties.

Civil Society and Public Service Delivery

To an increasingly large extent, the relationship between state and civil society organisations is focused on the arrangements around service delivery, and public governance in Ireland has been heavily influenced by this to the detriment of supporting a wider variety of civil society activity. Contractual relationships between government agencies and voluntary organisations have become the norm rather than an exception, with an increasing use of competitive tendering rather than longer-term collaboration and partnership. The Charities Regulator has created another framework within which the governance of many civil society organisations take place.

To a significant degree, both contracts and regulation are welcomed by many of those organisations in civil society that deliver public services. These arrangements can offer a range of positive outcomes in relation to effectiveness, sustainability and professionalization of the contribution of civil society. On the other hand, a range of concerns have been raised, regarding issues such as unfair sharing of risk, competitive tendering and the scale of the service commissioning contracts, which have begun to create distinctions between larger organisations that can manage these challenges successfully and smaller, community-based organisations who are effectively excluded (O'Connor 2016). The key question, therefore, is the extent to which commissioning arrangements and charity regulation represent a form of state control over civil society. This section outlines a range of approaches that provide ways to analyse the different ways in which state control manifests itself and what implications this has for active citizenship.

New Public Management

Since the collapse of social partnership, and the economic disaster of 2008 and subsequent period of austerity, Ireland's governance of community, voluntary and charitable bodies exhibited even more of the signs of what is characterised as 'New Public Management' (NPM)—perhaps influenced by the IMF and EU overseers of Ireland's bailout and austerity regime. NPM is not a coherent ideology or set of practices (OECD 2010). Rather it is a range of developments that happened simultaneously in many countries, involving both genuine improvements in terms of professionalization and improved performance analysis, alongside more clearly ideological promotion of 'markets', 'competition' and managerial control, to the detriment of civil society's strengths.

Premised on concepts such as efficiency and cost-savings, the NPM agenda invites civil society to participate in a system where citizens should be treated as customers by public authorities, and where governments should be managed similarly to corporations (Politt and Buckhardt 2004). The three E's of Economy, Efficiency and Effectiveness operate as the key indicators of good governance and best service delivery management practices. NPM has a strong market orientation, which means that public administrators observe market rules about how to improve effectiveness and efficiency through management. Developing new instruments for reforming the systems of service delivery is seen as an important part of the NPM agenda, where the focus is on decentralisation, outcome/outputs and reduced hierarchies. These all have implications for the relationship between the state and civil society.

Governance

Seen through a slightly broader lens, the NPM agenda can be understood to represent a particular approach to the public governance of civil society. The meaning of 'governance' can be distilled into three questions (Stoker 1998):

- How is authority exercised?
- How are decisions made?
- How are those decisions implemented?

In other words, the outputs of governance are no different from those of government. The difference is primarily of process, of how you get there. NPM answers the questions in a particular way, which blurs boundaries between the public, private and civil society sectors in processes of governance. In particular, it draws on a broader set of institutions and actors, which calls for an increased civil society involvement in public service delivery in particular (Stoker 1998). The key governance issue can be seen in terms of a shifting responsibility for taking action on a broad range of social and economic issues, where civil society organisations have emerged as an important actor.

We might consider four perspectives on how civil society organisations' contribution to governance relates to questions of active citizenship. First of all, civil society plays an important role in **developing civic virtues and civic behaviour**. In other words, civil society organisations play a key role in training and educating active citizens who take on social responsibilities. Second, civil society is part of the broad public space where ideas are contested, debated and negotiated. Civil society can indirectly help **foster forms of behaviour associated with active citizenship**, by keeping alive the culture of critical engagement with key social issues. Third, one specific example of that indirect influence on cultures of active citizenship is when **civil society performs the role of a 'watchdog'**, monitoring government's performance and providing a constructive counterbalance to the state and to commercial interests. Finally, a fourth contribution to governance comes by **participating in the everyday governance processes** through participating in service delivery activities. Often this fourth aspect dominates the links between active

citizenship and governance, as it is the most direct link with active citizenship (e.g. volunteers taking on active citizenship duties in the context of service provision). However, it is extremely important to consider the other three indirect relationships between governance forms and active citizenship as these indirect forms are likely to have a wider cultural impact on attitudes towards active citizenship.

State Regulation of Civil Society

According to the Irish State Administrative Database (www.isad.ie), there are 83 organisations described as 'regulators'. Many of them are relevant to civil society organisations, including the Advertising Standards Authority of Ireland, Companies Registration Office, Health and Safety Authority, Health and Social Care Professionals Council, HIQA (Health Information and Quality Authority), Irish Sports Council, Mental Health Commission, Office for Internet Safety, Office of the Comptroller and Auditor General, Office of the Data Protection Commissioners, Office for the Director of Corporate Enforcement, Office of the Registrar of Friendly Societies, the Standards in Public Office Commission and the Charities Regulator (see Box 1).

Box 1. Examples of the Governance of Civil Society

- The longstanding registration and regulation of companies and friendly societies;

- Legislation on charities, some of which pre-dates the state, from the Charitable Donations and Bequests Acts (Ireland) 1844 to the more recent Charities Acts 1961, 1973 and 2009;

- The longstanding and complex relationship between the state and non-state bodies (including religious and voluntary organisations) in relation to the funding and delivery of a wide range of public services;

- National, EU and local government funding schemes for civil society organisations, from departments and from specialist agencies such as the Arts Council (est. 1951) and the Irish Sports Council (1999, previously Cospóir 1978-1999);

- Human rights conventions, such as the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights (both ratified in 1989);

- Adherence to international treaties and agreements, such as the UN framework convention on climate change (ratified in

- 1994) and the various successor agreements, up to the Paris Agreement (ratified in 2016);

- Charitable tax exemption granted by the Revenue Commissioners, such as the system of tax relief on donations that has been in existence since 2001;

- Public authorities tasked with co-ordinating the funding and regulation of civil society organisations in the provision of public services, including the HSE (est. 2005), CORU (2005), Pobal (2005), HIQA (2007) and Tusla Child and Family Agency (2014);

- National strategies and policies, such as *Healthy Ireland* (2013), the National Positive Ageing Strategy (2013), *Our Communities: A Framework Policy for Local and Community Development* (2015), National Action Plan for Social Inclusion (2015), the National Strategy on Children and Young People's Participation in Decision-Making (2015), the National Strategy for Women and Girls (2017) and *Reducing Harm, Supporting Recovery* (2017). Each of these strategies and plans, and many more, envisage a role for voluntary organisations and for individual citizens as part of public mobilisation to achieve social outcomes;

- National social partnership had a social pillar of voluntary/community organisations from 1997 and an environmental pillar from 2009;

- The white paper on a framework for supporting voluntary activity and for developing the relationship between the state and the sector (2000);

- The Charities Act 2009 sets out several dimensions of regulation of charities, and led to the establishment of the Charities Regulator in 2014;

- The establishment of Public Participation Networks (under the Local Government Act 2014) and Local Community Development Committees (under the Local Government Reform Act 2014), which in turn relate to the Special Policy Committees/SPCs (which include community representatives) established as committees of Ireland's local councils following the 1996 discussion paper *Better Local Government* (and with regulations in the Local Government Act 2001);

- The re-launch of the Forum on Philanthropy and Fundraising in 2012.

In addition to the above, various initiatives have come and gone, such as the Irish state's National Forum on Europe (2001-2009) and Active Citizenship Office (2008-2009).

In parallel to state governance, civil society organisations have been self-organising and have independently developed organisational and governance supports for civil society activity, as illustrated in Box 2.

Box 2. Examples of Self-Governance by Civil Society

- The IRFU (1879) and the GAA (1884);

- The Irish Association of Non-Governmental Development Organisations (Dóchas), established in 1974;

- Irish Charities Tax Reform (established in 1991) and Fundraising Ireland (established in 2006), which merged in 2016 to become the Charities Institute Ireland;

- Philanthropy Ireland, established in 1998;

- The Wheel, a support and representative body connecting community and voluntary organisations and charities across Ireland, established in 1999;

- Volunteer Centres Ireland (established 2000) and Volunteering Ireland (established 2002), which in 2011 merged to form Volunteer Ireland;

- Social Entrepreneurs Ireland (established 2004);

- The Corporate Governance Association of Ireland, established 2006;

- The voluntary Governance Code, which has been developed since 2009;

- Irish Nonprofits Knowledge Exchange/INKEx (established 2009), which became the Benefacts database of nonprofits in 2014.

As Ireland's largest philanthropic funder, The Atlantic Philanthropies (established 1982) had a significant role to play in the professionalization and development of select parts of civil society in Ireland. It ceased grant making in 2016.

Existing governance systems do work well in some cases, and there has been innovation and improvement in recent years. Nonetheless, there are a number of gaps and flaws in Ireland's public governance system. Moreover, there are serious risks associated with excessive bureaucracy and managerialism, with state funding for voluntary activity being conjoined with ever-more onerous regulation.

There is also evidence of double standards, with civil society organisations subject to a greater number of reporting requirements than commercial enterprises for delivering the same types of publicly funded services.

Gaps and Flaws in Ireland's Public Governance System

Firstly, there is a failure to recognise the breadth of activities carried out by civil society organisations, which essentially overlap with most of the major functions of government. Despite the presence of civil society organisations across government functions, there is not yet a high level governmental policy framework to govern the interaction between public bodies and civil society organisations. Instead, the evolution of governance has occurred in an ad hoc way under different government departments, with markedly different governance policy and practice resulting in each case. This creates obvious inefficiencies when civil society organisations interact with multiple departments, each of which has a different attitude towards civil society and imposes different administrative requirements.

There is little merit to the argument that government departmental silos provide 'natural' divisions into which civil society organisations should be sorted and governed accordingly. On the contrary, governments all over the world are seeking to develop joined-up policy and practice in order to address complex social problems like climate change, poverty, obesity, mental health and other challenges that cannot be adequately dealt with by one department acting alone. The cross-cutting nature of civil society organisations is an advantage that public authorities should be able to harness in the implementation of strategies to address complex issues. However, governance within departmental silos militates against this (see Recommendation G).

Secondly, if the whole gamut of governance regulations were fully enforced, civil society activity might be stifled to an alarming extent. For example, the Constitution of Ireland clearly indicates that criticism of Government policy is part of the rightful liberty of expression (Article 6.1.i). Yet some public agencies have made it abundantly clear that they do not support publicly funded organisations having a voice in public deliberation of policy, even when the same organisations have independent funding, which in some cases *subsidises* the public service being delivered! There has not been a thorough investigation of likely unintended consequences from some aspects of regulation, which run counter to citizens' right to freely associate and take action together. It is simply not possible to separate out service providers from other examples of civil society (see, in particular, Recommendations C and D). In all cases—including the direct provision of services—civil society represents active citizens using their rights and freedoms. Censorship or other restrictions placed on a civil society organisation constitute the repression of these fundamental human rights. It is notable that public authorities typically do not attempt to restrict the ability of commercial organisations to make a profit, but they do stifle the ability of not-for-profit organisations to pursue their core purpose, which is to advocate values and interests. Moreover, the tendency of some public authorities to be lax about enforcement gives them unfair discretion about when and where to enforce the rules, essentially giving them executive control over what should be an impartial set of rules that regulates all bodies equally and fairly.

Thirdly, there has sometimes been a failure to engage in a thorough process of implementation, including investment in capacity building, in order to ensure that governance regulations are meaningful and contribute to the improvement of organisational standards and to the services received by members of the public (see Recommendations D, E, F and L). Too often, worthy policies are published but not implemented any further. In this vein, the

2000 White Paper on a Framework for Supporting Voluntary Activity and for Developing the Relationship between the State and the Community and Voluntary Sector represented an attempt to establish a framework for a public governance system. While the intent was a framework for supporting voluntary activity and for developing the relationship between the state and civil society, for the most part it did not progress into concrete action.

Fourthly, public bodies in some instances may introduce new aspects of governance without due regard to how civil society organisations already govern themselves or could govern themselves, potentially leading to duplication of effort, over-regulation, wasted resources and stifling of innovation. While Regulatory Impact Assessment has been recommended as part of the Public Spending Code,[23] its implementation seems to be patchy when it comes to the regulation of civil society organisations (see Recommendation D).

Fifthly, many international organisations and academic studies have pointed to the merits of having citizens participate in the design and implementation of policies and services that benefit them.[24] Many Irish public bodies have published statements and plans in relation to the 'co-design' and 'co-production' of public services, but this remains an underdeveloped area, not least because many of the basic tenets of Ireland's public governance system do not fit well alongside public participation (see Recommendations G and H).

Finally, there is a recurrent opinion that surfaces among public officials that there are 'too many charities'. This attitude is then used to justify tighter regulations, onerous reporting or exclusionary tendering processes as a way of weeding out weaker organisations. It is important to be clear on what this implies. It involves public authorities restricting the right of citizens to organise and work collectively to a shared end, even when they do not receive any public funding. In some cases, co-operation

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23 http://publicspendingcode.per.gov.ie/conducting-a-regulatory-impact-assessment/

24 http://www.oecd-ilibrary.org/governance/together-for-better-public-services-partnering-with-citizens-and-civil-society_9789264118843-en;jsessionid=18iiie1ef8uk5.x-oecd-live-02

between civil society organisations might well be more efficient, but this cannot be imposed by state authority. If there is evidence that improvements can be achieved in the realisation of organisations' interests, the right approach is dialogue rather than top-down regulation (see, in particular, Recommendations C, D.

The Value of Social Traditions

Social traditions are 'forms of knowledge' that arise from humanity's natural need to associate with one another. According to this view

'they contain the residues of many trials and errors as people attempt to adjust their conduct to the conduct of others. They are discovered solutions to problems of co-ordination, emerging over time. They exist because they provide necessary information without which a society may not be able to reproduce itself. Destroy them heedlessly and you remove the guarantee offered by one generation to the next.' (Scruton 2017)

These traditions 'are embodied in social practices' and there is 'an accumulation of wisdom in society'. Accordingly 'opposition, disagreement, the free expression of dissent and the rule of compromise all presuppose a shared identity', which in democracies manifests as national identity. National identity is not something static, but it adjusts to the presence of ethnic or religious minorities, who in turn adjust to it (Scruton 2017).

There is value in describing the organisation of civil society as a form of tacit knowledge, wisdom and competence. If a group of individuals cannot hold a meeting, or cannot courteously disagree with one another, or cannot retain and transmit organisational 'memory' from older to newer members, then something important is missing. There is a real risk that organised civil society and active citizenship are being unhelpfully regulated and obstructed by public authorities who perceive civil society organisations as merely analogous to commercial organisations. A headlong rush into the creation of a regulated market of civil society organisations competing for public funds risks losing the inherited knowledge and competence that is embodied in those organisations, and which is not easily recovered.

Civil Society Independence

The key concepts that summarise the importance of freedom of action to civil society are independence and autonomy.

A recent study in Northern Ireland has demonstrated how civil society independence has been eroded by the expansion of state control (Ketola and Hughes 2016). In 2014-2016, Ulster University was commissioned by Building Change Trust and set out to explore the independence of voluntary, community and social enterprise (VCSE) organisations in Northern Ireland, how they understand the notion of independence, their relationship with government and the wider environment within which they operate.

This research drew on the work of the Baring Foundation's Panel on the Independence of the Voluntary Sector, and in particular, their conceptualisation of independence, which is as follows:

- **Independence of Action** concerns the ability of organisations to design and deliver effective activities and services, take risks and innovate and respond to beneficiaries' needs creatively.

- **Independence of Purpose** refers to the ability of organisations to stay true to their mission and values.

- **Independence of Voice** concerns the extent to which organisations are able to exercise a critical voice, protest, campaign and negotiate without fear of negative consequences or retribution.

The central finding of the research concerns the changing nature of the relationship between government and the sector. There is evidence of a more instrumentalist language in both policy rhetoric and in primary data. The new narrative captures a shift away from past visions of 'equitable partnerships' and a steady process of 'partial decoupling' of government and the sector. This rhetorical shift means that the trajectory of government policy in Northern Ireland is now largely following that set out by the Westminster administration, and while there is still rhetorical support for partnership with the sector, much of this seems to be in line with Conservative Party rhetoric of supporting volunteering and self-help.

The research investigated the concept of independence through the lens of relationships, rather than trying to elucidate the particular characteristics of independence around voice, purpose and action alone. This led to an alternative framing of independence around the roles of *agent*, *competitor*, *mimic* and *reticent*, highlighting the relational nature of independence. What is clear from the research is that individual organisational actions, when looked at in the aggregate, are changing the relationships within the sector and between government and the sector. Here are the four organisational responses that reinforce challenges to independence:

1. **Agent organisations** that operate as arms of government. They come to be used as a means to an end, fulfilling a role and delivering services to a pre-written script.

2. **Reticent organisations** begin to moderate their critique of government. This can arise out of attacks on the independence of voice of the sector, or from a fear of losing funding.

3. **Mimicker organisations** start to behave increasingly like the public agencies that they came in to replace, or they act like other organisations within the sector.

4. **Competitor organisations** collaborate less and trust others less. They prioritise vertical resource transfer relationships with government over horizontal networks.

While the issue of independence has not been investigated in the Republic of Ireland in the same way, it is likely that a similar trend to Northern Ireland is happening here. Analysis of Ireland's state-civil society relationship has concluded that the state prefers a 'controlling relationship', funding regimes are 'ever more disciplinary' and the state wants a 'service provision model'. Moreover, discussion of active citizenship by the state tends to happen in the absence of any discussion of the distribution of power across Irish society (Kirby and Murphy 2009).

Civil society organisations in Ireland are often reliant on public funding, and this exposes them to three challenges: the need to defend their role as activists and campaigners; the need to protect the integrity of internal democracy within the civil society organisation (and not simply be directed by a state-controlled funder); and continuing to collaborate in a context where they may be competing with other civil society organisations for money (Visser 2015). These findings are similar to the findings in Northern Ireland.

If many civil society organisations in Ireland are exhibiting *agent*, *reticent, mimic* and/or *competitor* characteristics, the implication is that the very foundations of civil society—its unique values and perspectives—are being eroded by the environment created by public authorities through their commissioning and regulatory practices (i.e. governance systems). This is an erosion of democracy itself.

The seriousness of this can again be illustrated with reference to Northern Ireland. In this context of upholding human rights and democracy, the bottom-up activity of civil society can be shown to offer a way forward for Northern Ireland's transition from conflict in a context where top-down political consociation (power-sharing) approaches seem incapable of doing so.

'The civil society approach, with its reformism and sympathy for contact, appears to at least offer a way out of the current impasse by creating the environment in which accommodation might be possible. This of course requires top-down action to promote a bottom-up approach,' (Dixon 1997).

'Ultimately, the Irish peace process must operate at the mass level if democratically elected political representatives are to take the risks for peace associated with the implementation of the Good Friday Agreement,' (White 2007).

The example of Northern Ireland's ongoing peace process—at a time when Brexit has reinforced societal divisions and the power-sharing Northern Ireland Assembly has been out of action since early 2017—is a salient reminder that a failure to support civil society can leave a political vacuum that more extreme, 'uncivil' forces will ultimately fill, including organised criminal networks that are just as prevalent in the Republic.

5. A Participatory Public Governance System for Ireland

5. A Participatory Public Governance System for Ireland

Ireland needs a participatory public governance system as the policy framework within which the community, voluntary and charity sector can be supported and through which a cooperative approach can be encouraged between public bodies and civil society organisations, as promised in the programme for government (cf. Newman 2011).

An Enabling State

Carnegie UK Trust have engaged in a multi-annual project to articulate what could be achieved by an 'enabling state' that supports and empowers civil society (Elvidge 2012). One of the key questions examined in that project is whether the state should develop an enabling role to support people to build their capacity for mutual self-help. Similarly to the 2000 White Paper, the Enabling State concept envisages a governance framework that would support civil society organisations.

The Enabling State research argues that, while welfare states have served us well, there are structural reasons (beyond cost) that explain why the state has failed certain, disadvantaged groups again and again.

In the UK context, four propositions have been advanced:

- The state is excellent at providing standardised services but, its ability to improve wellbeing in all circumstances is limited;

- Certain areas of our wellbeing can be best improved through our interactions with friends and family and through community activity;

- If we are to continue to improve wellbeing a fundamental rethinking of the state's relationship to citizens and communities is required;

- The state should continue providing the public services that it excels at. It must also take on a new role that of the 'Enabling State' empowering and supporting communities,

individuals and families to play a more active role in improving their own wellbeing (Elvidge 2014).

There are eight steps to the achievement of an Enabling State:

1. **Get out of the way**. The state should stop doing those things which discourage or prevent individuals, families and communities from exercising control over their own lives or contributing to their shared wellbeing.

2. **Give permission**. The state should signal clearly to people that government wishes to encourage their efforts to extend responsibility across more aspects of their lives and to engage supportively with others.

3. **Help people to help each other**. Facilitate mutual support within and between communities and civil society organisations.

4. **Give people help to do more**. Transfer assets—such as land and buildings—to communities or give them scope to acquire assets.

5. **Give people rights**. The state could reinforce legislative and/or financial frameworks to encourage people to take action.

6. **Make enabling the 'new normal'**. A presumption in favour of civil society control and engagement should be built into new government policies

7. **Invest in disadvantaged communities**. Redress inequalities between and within communities in terms of access to financial resources and in softer resources such as education and social networks.

8. **Focus on wellbeing**. Shift the focus from inputs and processes to the achievement of environmental, social and economic outcomes.

(Based on Elvidge 2014)

The Irish state has a number of stated objectives, which require public authorities to have a more participatory, open relationship with civil society organisations than is the case at present. These objectives could be brought together under a more coherent overall strategy and public governance framework to help realise the aspiration of an Enabling State in Ireland (see Recommendation A):

- Increase citizen participation in public decision making (e.g. through Public Participation Networks) (see Recommendations G);

- Increase the transparency and openness of public administration to citizens (e.g. as articulated in Ireland Open Government Partnership Action Plan) (see Recommendation B);

- Seek changes in public knowledge, attitudes and behaviours in order to change health outcomes, such as obesity, heart disease, diabetes and mental ill health (e.g. the *Healthy Ireland* strategy) (see Recommendation G);

- Seek local community support and engagement for tackling complex social problems such as addiction (e.g. the *Reducing Harm, Supporting Recovery* strategy) (see Recommendation G);

- Seek public support for major changes to the economy that are necessary for Ireland to meet its commitments under the Paris Agreement (see Recommendations G and J);

- Involve citizens in the co-design and co-production of public services, such as health care and social care (see Recommendation B).

The bottom line is that the state cannot achieve many of its aims on its own, without significant public buy-in and active citizenship in support of those aims. Yet active citizenship requires a supportive environment to be created by public agencies. This brings the focus to the concept of a public governance system.

Governance Regimes and Dimensions of Citizenship

A public governance system is a set of rules, procedures and institutions designed to regulate the relationship between the state and civil society organisations/active citizenship. What is envisaged is a high-level policy framework, which brings together some existing policies, addresses gaps and contradictions that exist between them, and brings in additional institutions and supports based on international best practice.

Four models or archetypes of public governance systems can be identified based on how the role of citizens is viewed, as illustrated in the table below. Ireland has extensive experience of the first three forms of public governance, but limited experience of the fourth (participatory governance), which is the ideal model for Ireland's future public governance system.

Since the foundation of the state to the late 1970s or early 1980s, state governance was more tightly under the control of whatever political party headed up the government of the day, as described in the first model. Public concerns were channelled through local and national representative politics, although there were prominent examples of civil society campaigners and organisations.

Ireland's social partnership model was initiated in 1987 and was initially tripartite negotiations between the government, employers and trade unions to ensure industrial peace and to promote economic growth and job creation. This was clearly a corporatist approach to governance (the second model). The series of agreements emerging from social partnership represented explicit compromises between the interests of labour and capital, brokered by the government of the day (which was led by Fianna Fáil for five of the six agreements between 1987 and 2005, and Fine Gael for one of them). At a later stage, select social and community organisations (and latterly environment organisations) were included in part of these negotiations, and the resultant national partnership plan contained a non-economic agenda alongside its core economic focus.

Table 2. Models of Public Governance

Public Governance	Corporative Governance	Network Governance	Participatory Governance
Citizens are viewed as voters, and their voice is channelled through elected representatives. There is understood to be a broadly agreed 'national interest' or 'common good', articulated by the parties in power, which guides the work of public authorities.	Select representatives of various interest groups are included within formal processes for deliberation about public policy with public authorities. What emerges is understood to be an agreed 'collective interest' among the interest groups involved.	Citizens and organisations are viewed as 'stakeholders' to be consulted. There is no collective interest identified. Individuals and groups are presumed to be acting in their own self-interest in a market or quasi-market paradigm.	People are empowered, singly and through organisations, to be active citizens who participate directly in deliberations and implementation (i.e. co-design and co-production of public services). From these processes, solidarity emerges alongside broad agreement on the 'public interest' or 'common good'.

(Modified from Enjolras 2005)

There is a view that social partnership involved the state extending its control over areas of civil society, whereas the ideal relationship should be one where

'a vibrant civil society is the one that provides a space for a diverse range of voices to be heard and where different interests and opinions are respected. The state has an important role to play in mediating between these different interests' (Daly 2007).

The Community and Voluntary Pillar in national social partnership was a mechanism that sought to formally include some civil society voices in public policy deliberation. The power dynamic within Irish social partnership can be described as 'asymmetric' but nonetheless, even small organisations were able to achieve some real change as policy entrepreneurs, despite also suffering setbacks and the imposition of limitations on their influence (Larragy 2014).

The third, network governance, model currently predominates in some quarters. Public bodies will listen to civil society organisations—largely at their own discretion—but they perceive them as self-interested actors in a market paradigm. The very idea of the 'common good' is rejected in this view, which simply seeks to manipulate incentives and harness market competition to exchange public funds for public service outputs.

The final governance model is reflected in some Irish public bodies' statements about engaging with citizens and empowering people to participate in the design of public services, but remains a largely unfulfilled promise. The creation of Public Participation Networks (PPNs) is perhaps the most formal institutionalisation of a participatory governance system, although the Convention on the Constitution (2012-2014) and subsequent Citizen Assemblies is another prominent example of involving a random selection of people in the deep deliberation of complex ethical issues, leading to specific recommendations being made to the government of the day.

Participatory forms of governance can also be seen where state-controlled organisations create space for individual citizens (as service users, clients or customers) to become involved in the design and production of services. As an example of this, the Global Integrated Care Conference hosted by the HSE's Clinical Strategy and Programmes Division in May 2017 focused on the integration of civic participation into frontline public services. The keynote speaker, HSE National Director of Clinical Strategy and Programmes, said

'within Ireland's Integrated Care Programmes, we are not just committed to engaging patients and service-users in this change—we want to work in partnership with patients to co-design and co-produce our future healthcare models. In preparation for that, we have concluded the first phase of a Patient Narrative project to define what "person-centred, coordinated care" means to the people using Irish health services'.

In the context of health services, as an example, the WHO concurs with these sentiments in stating that

'the current situation of fragmented health services is not fit for purpose; and that a system which does not address the social determinants of health and the need for people's participation in health decision-making will not be able to meet the challenges of today and tomorrow'.

Hence, there is a sense that a participatory governance model is the way of the future. As outlined in previous sections, active citizenship has the potential to be a vital component in any strategy to successfully ameliorate complex social problems such as mental ill health or obesity.

Nonetheless, different government departments and public authorities are moving at different speeds—and sometimes in different directions. All four archetypes of a public governance system remain in existence in Ireland today, which is incoherent, contradictory and inefficient.

One of the major challenges to implementing a single, all-of-government framework policy for the relationship between the state and civil society is summarised in the single word 'control'. Many public authorities find it extremely difficult to let go of control, or to relinquish power to non-state bodies and to individual citizens. But there can be no doubt: the co-design and co-production of public services involving citizens is an exercise in participatory democracy and genuine power being given to people in relation to their services.

The issue of control should be understood as structural rather than simply a matter of organisational culture or individual managers' training, although the latter two factors are also salient. In terms of structure, ministers of government are 'corporate soles' who are held accountable and responsible to the Oireachtas for actions that occur in their departments and by agencies under the aegis of their departments. Government as a whole is collectively responsible to the Oireachtas. In this context, it is not surprising that civil and public servants have a strong incentive to seek to control any organisation under its remit or receiving funding from it (whether public, commercial or civil society) as they are constitutionally required to account for what occurs under their minister's purview.

Additionally, some relationships based on trust have been severely damaged in cases by the revelations of historical abuse or more recent scandals involving the mismanagement of funds or the provision of poor quality services. As a result, some public authorities seem to be treating all civil society organisations with suspicion and imposing sweeping regulations based on these prominent (but isolated) cases. This type of reaction does not appear to happen to the same extent when illegality or inefficiency is discovered in commercial enterprises.

There is a serious risk that understandable reasons for public authorities to retain ultimate control can manifest as excessive micro-management of organisations under their remit. Moreover, there is evidence that public authorities are actively silencing dissent among civil society organisations alongside a more widespread culture of self-censorship by those organisations reliant on public funding. This in turn contradicts recent legislative initiatives like protected disclosure or 'whistleblowing' laws and goes against the spirit of Ireland's national Open Government Partnership Action Plan.

It is argued that

'where the prime function of a partnership (involving local government and voluntary and community interests) moves from one with a focus on responding to locally identified social problems, and promoting the social inclusion of marginalised groups, to one with its main emphasis on policy and programme coordination, the influence of voluntary and community organisations will decline,' (Acheson and Williamson 2007).

A genuinely participatory governance model would encourage dialogue and debate about strategy rather than impose a top-down programme. This also implies that public funding should not be contingent on censorship or self-censorship.

'in light of the government's longstanding recognition of the essential role of the voluntary and community sector in local governance, and in giving voice to disadvantaged communities, it is unlikely that the sector will be excluded from participation in local governance. But it is axiomatic that voluntary and community organisations will find it difficult or impossible to maintain their valuable input into local partnerships without access to adequate resources,' (Acheson and Williamson 2007).

A sign of maturity in the relationship between state bodies and civil society is the extent to which nongovernmental actors are permitted, or even encouraged, to criticise state policies that are ineffective or counter-productive.

'Civil society groups can be much more effective in shaping state policy if the state has coherent powers for setting and enforcing policy. Good nongovernmental advocacy work will tend to strengthen, not weaken state capacity. [...] Civil society can and should challenge, irritate, and even, at times, antagonize the state. But civil society and the state need each other and, in the best of worlds, they develop in tandem, not at each other's expense.' (Carothers 1999: 26-27).

Irish public authorities are moving away from traditional block grant funding to strategic commissioning, and away from trust, partnership and well-developed relationships as the basis for co-operation with civil society towards tendering, service level agreements and risk minimisation. There are benefits that can be gained from aspects of this, not least professionalization of service delivery, greater attention to enforcing standards and improving data collection and analysis; as outlined in *Let's Commission for Communities* (O'Connor 2016). However, there needs to be much more care and attention not to restrict or preclude the many benefits that civil society organisations can bring to the achievement of the goals set out by successive governments in their programmes. For example, social and environmental clauses must be a central aspect of public sector commissioning, and capacity building is needed so that public agencies can genuinely engage with citizens in partnership, if the known benefits of co-design and co-production are to be realised (see Recommendation E).

The greatest change that is required is a culture change within government departments and commissioning agencies, which is challenging but it can be achieved if a real spirit of citizen-centred public service transformation is adopted (see Recommendation A).

Establishing a Participatory Governance System

'Civil society provides an ethical framework for good governance because it represents the active voice of citizenship'. Since the 1960s, civil society has opened up 'a critical debate about "democratizing democracy" through the pursuit of human rights' (Powell 2017).

A range of factors matter for whether or not civil society organisations can participate meaningfully in a public policy process, including the social and political environment, the characteristics of policies they are seeking to influence, the organisational resources and culture of civil society organisations and the network of other actors involved (Casey 2004).

As noted above, there has been a move in Ireland towards network governance and the involvement of citizens and organisations in public consultations. While there are certainly examples of very rapid consultations that seem to be 'tick box' exercises, there are other examples—such as the extensive public engagement around the new national drug and alcohol strategy *Reducing Harm, Supporting Recovery*—which suggest genuine involvement of people and taking on board their views.

It should be viewed as a positive step towards participatory governance if there is a discernible shift from traditional public sector reliance on hierarchy and rule compliance towards networking and relationships with external organisations, communities and individual citizens. But network governance is 'not neutral in terms of citizenship' (Enjolras and Steen-Johnsen 2015: 201). The institutional settings in which network governance takes place regulates power relations and defines

'the processes of public deliberation, decision-making, and democratic participation. In turn, these regulative frameworks may have broader social and political effects by empowering certain actors (such as experts) and disempowering others, through the valorization of certain forms of knowledge and skills, thereby raising issues of democracy and accountability,' (Enjolras and Steen-Johnsen 2015).

The issues that are relevant here include the deep divides that can separate civil and public service executives from the general populace. These include social class, educational attainment, moral values, religiosity versus secularism, ethnicity, as well as epistemological differences. Modern public management tends to valorise technocratic approaches to knowledge, and may dismiss people's deeply held beliefs—and processes of knowledge formation—as irrational, superstitious or even incomprehensible. Yet, the subjective experience of being a 'client' of an Intreo office, or lying for days on a trolley in a hospital corridor is not just a subjective experience. People are concerned to be treated ethically and equitably, and to be recognised as human beings possessing of dignity, rights and autonomy over their own lives.

Knowledge about policy is embodied and enacted, as well as inscribed. In other words, it is held in people's minds and may be (consciously or unconsciously) present through repeated patterns of behaviour within organisations, as well as formally written down (Freeman and Sturdy 2015). Engagement with citizens involves a process of adapting to the various ways in which knowledge is formed, including tacit forms of knowledge (see Recommendations B and I).

Public Governance and Organisational Type

The variety of ways in which civil society organisations have incorporated has led to parts of civil society being regulated differently by public authorities in a way that seems incoherent. For example, many civil society organisations do not share a single organisational form despite performing similar work in a similar domain; from arts and heritage, through emergency relief and family support, to mental health services and services for older people (see Annex 1). It is by no means the case that one-size-fits-all within any of these areas of work, but it does create a potentially uneven playing field for organisations seeking public funding to support their work. The extent (or lack) of regulation may also result in a different quality of service provided in different areas of public service provision.

The relatively recent review of charity law in Ireland offered an opportunity to promote the development of an aspect of civil society. It was argued that any review of charity law that sought to promote the public benefits achieved by charities, such as education and social and health care, 'must thereby also promote the development of civil society' (O'Halloran 2004). Recent years have seen a significant increase in the regulation of charities, but this not appear to be designed to support a vibrant civil society, or to promote the autonomy and independence of civil society organisations. There is a risk that excessive or inappropriate regulation will undermine people's ability to use their fundamental rights and to engage in publicly beneficial collective action.

Types of Governance

Understood in its entirety, good governance in civil society ranges from individual conduct through to the legal regulation of organisations by public authorities.

At the simplest level, associational life requires individuals to exhibit personal responsibility and to act ethically. Unless there can be trust in the probity of others, it would be near impossible for a group of people to work together on a shared objective. When an individual leads a group, he or she needs to be accountable to the group's members and to show responsiveness to their queries and concerns. When a group is managed by a committee, that group needs to conduct itself with courtesy and openness. As organisations grow, they need forms of internal democracy. On the one hand, all of this is common sense. On the other hand, as society grows more fragmented and people grow socially isolated, the skills of associational life may be in shorter supply and people's willingness to take on governance roles may diminish, not least if they become more onerous due to the nature of state governance of private, associational life. Many charitable organisations report difficulties in recruiting and keeping experienced board members because of burdensome regulation and the levels of risk that publicly-funded organisations are being required to take on.

When organisations receive public money or have a legal form such as a friendly society, co-operative, company and/or charitable status, this comes with legal duties to make annual returns to public authorities. Depending on how an organisation is constituted, its committee members may have legal liability with respect to some or all activities taken by the organisation as a corporation. This 'ups the ante' with respect to governance, and much of the recent focus within charity support groups on 'corporate governance' relates to these responsibilities, which can be complex and extensive.

As well as legal duties, organisations should also adhere to ethical standards. When a civil society organisation is promoting values and interests, it is even more important that it should operate ethically with respect to any employee, service user or other stakeholder. Ethicality is also relevant to choosing suppliers and an organisation's environmental impact.

Both public and philanthropic funders of civil society activity can also place demands on organisations to comply with governance requirements, not least formal accounts that demonstrate how funds were disbursed and annual (or more frequent) reports on their activities.

Depending on its activities, a civil society organisation may have to comply with a range of legal rules and regulations, including employment law, health and safety, child protection (and other protection of vulnerable persons), data protection, and so on.

If a civil society organisation is a registered charity, it will have to comply with the rules of the Charities Regulator, in addition to any requirements set by the Revenue Commissioners with respect to the organisation's charitable tax status. And if an organisation delivers certain forms of public service, it may come under the regulation of organisations such as the HSE, HIQA, Tusla Child and Family Agency, the Dublin Region Homeless Executive, etc. In some cases, organisations may be reporting to multiple sections within the one large public body.

The lack of an overall strategy and national framework is one of the major gaps in the regulatory regime, which helps to explain inconsistencies and problems in the system. For example, some organisations are regulated on the basis of their function (for example, HIQA's regulation of all nursing homes, whether state-controlled, commercial or nonprofit), whereas other organisations (such as addiction services) are only regulated if they are in receipt of funding from a public authority like the HSE, which means that unfunded bodies are likewise unregulated. Multipurpose organisations, which may represent innovative practices and useful cross-sector networking, may be regulated by multiple public authorities, which represents unnecessary duplication and inefficiency, and which restricts innovation.

Civil society organisations have an essential role to play in bringing about a good society in Ireland. They are essential for social inclusion. They are essential for democratic policymaking. They are essential for the achievement of solutions to complex social problems such as climate change, child poverty, mental ill health and obesity.

There is a need for the Irish state to not only formally recognise this contribution but to put in place formal structures to ensure a participatory approach prevails between state-controlled organisations and civil society organisations for the public benefit. The reduction of the relationship between state and civil society organisations to nothing more than a commercial transaction contradicts Ireland's traditional public sector ethos and undermines the democratically legitimate, active citizenship role of civil society organisations.

Recommendations for a Participatory Governance Framework

A. The government should formally adopt a participatory governance framework. This would fulfil the programme for government pledge to 'produce a coherent policy framework and develop a strategy to support the community and voluntary sector and encourage a cooperative approach between public bodies and the community and voluntary sector'. This implies adopting a set of regulations to require all government departments and agencies to take a more equitable participatory approach to their dealings with civil society organisations. Given its overarching nature, such as participatory governance framework needs to come from the Taoiseach's department.

B. The explicit goal of Ireland's participatory governance framework should be to foster active citizenship through empowering people, from all walks of life, to participate directly in deliberations and the implementation of public policy and public services, (such as implied by the co-design and co-production of public services). This implies open and transparent public administration (e.g. in line with Ireland's Open Government Action Plan). It also implies identifying the core competencies needed and providing core funding to support the empowerment of people from minority groups and in disadvantaged localities.

C. The government should formally recognise that organised civil society is a legitimate and authentic expression of active citizenship, grounded in fundamental human rights. In that vein, public agencies should not be permitted—e.g. through terms in funding agreements or contracts—to supress the core function of civil society organisations to advance values and interests.

D. A comprehensive review of all laws and regulations affecting civil society organisations should be undertaken, in line with the state's own guidelines for Regulatory Impact Assessment, in order to remove duplication and to create a less onerous, streamlined regulatory regime.

E. Guidelines should be written for all public authorities that fund civil society organisations to ensure that they include social and environmental clauses and focus on the achievement of long-term socio-economic outcomes and public value, not just short-term financial value.

F. Funding rules for civil society organisations should be totally revised with respect to the holding of cash reserves. Civil society organisations should be encouraged to build up much larger reserves to better manage risk and to ensure their autonomy and sustainability.

G. Local authorities and localised branches of public authorities should be given greater responsibility—backed by training and funding as appropriate—to enter into dialogue with civil society organisations about the optimum delivery of publicly funded services and the achievement of socially beneficial outcomes identified in the programme for government, including how to address complex societal problems that require widespread public action (e.g. climate change, mental ill health). Such forums for dialogue should involve investment in existing structures, such as Public Participation Networks, to help them work more effectively and to avoid creating new structures where they are not needed. This should also involve greater engagement with people who are active in online communities.

6. Fostering Active Citizenship

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A Vision for Enabling Citizens

Active citizenship is tied to fundamental human rights. Redressing power inequalities across society is required to truly foster active citizenship.

The vision proposed here is of a thriving civil society, acknowledged by the state for the independent value that it creates for society, supported by a responsive and appropriate system of public governance that is designed to support active citizenship. This implies the establishment of a participatory national public governance system as a framework within which the work of civil society organisations—as a legitimate expression of active citizenship—is fostered rather than controlled or denied freedom of expression.

In turn, empowering individuals to also be active citizens is a serious challenge to civil society organisations. Most civil society organisations will have to make significant changes to how they are governed and how they operate on a day-to-day basis in order to shift the current imbalance of power in favour of all citizens, particularly those who are currently the least powerful.

One useful device is to contrast 'thin' versus 'thick' active citizenship. As argued throughout this report, collective ('thick') action by organised civil society is a legitimate and authentic expression of active citizenship. Moreover, civil society organisations have certain competences to support and facilitate deeper active citizenship, which is more efficient and effective than what individuals can achieve in isolation. Collective action, involving large numbers of individual citizens, is necessary for the achievement of social change. Individualised ('thin') voluntary effort can lead to a lot of things getting done, but it does not have the power to challenge the status quo.

However, the legitimacy of civil society organisations as active citizenship rests on their potential—not always realised—to facilitate and empower people to be active citizens in and through organised collective action. There are two barriers to achieving this potential. Firstly—as discussed in the previous section—there is a need for a participatory public governance framework that supports rather than suppresses active citizenship. Secondly, civil society organisations need to make structural and strategic changes to make empowerment a reality.

Civil society organisations need to reinforce their capacity to be democratic. This implies:

- Helping people to develop and flourish personally, and to expand their capabilities

- Helping people, if required, to access material resources to attain a minimum essential standard of living (cf. Deane and Ginnell 2018);

- Fostering people's freedom and autonomy;

- Providing real opportunities for people to participate within the governance structures of civil society organisations;

- Providing real opportunities for people to participate in the co-design and co-production of services delivered by civil society organisations;

- Empowering people to participate to the full in Ireland's democracy and to interact with the institutions of the state.

Many civil society organisations would argue that they already empower people and enhance their personal capabilities. However, more change is likely to be needed when it comes to internal democracy and the participation of people within civil society organisations themselves, not least empowering people to change how and what services are delivered. Civil society organisations need to be able to respond to the internal democracy of their members and to speak authentically on behalf of their values and interests. Conversely, paternalism or poor governance within civil society organisations are barriers to participation.

Forms of Active Citizenship

If civil society organisations are facilitated and supported to do so, they have the capacity to help people to become empowered active citizens in Ireland:

- as voluntary **trustees**, **directors** or **committee members** who sustain civil society organisations;

- as **participants** who take part in activities, including sport, arts and religious celebrations;

- as **discussants** who engage in deliberation about ethical and policy issues;

- as **campaigners** who interact with politicians, officials and others to express their values and to further their interests;

- as '**watchdogs**' who hold officials and businesses to account for their actions;

- as **volunteers** whose unpaid work allows civil society organisations to do more;

- as **clients** and **customers** of publicly-funded services who have an active role in the co-design and co-delivery of those services;

- as conscious **beneficiaries** who seek to support and preserve environmental improvement, social inclusion, arts, culture, heritage and other societal value created by civil society organisations;

- as the **donors** who give money to sustain civil society organisations;

- as the people who work as paid **employees** within civil society organisations

- as those **constituents** who perceive that their values and interests are represented by civil society organisations.

Enabling Citizens

The following encapsulates the benefits to a democratic state from fostering active citizenship:

'Running and organising the nation on the basis of multiple acts of self-governance not only establishes a system for promoting a sense of community, in which people are connected to the local area and the smaller things in life, to influence the greater good, but it is also a form of selection which pushes people up from the grassroots and strengthens and maintains communities by providing continuously renewable resources,' (Theodor Heuss, German President 1949-1959, cited by Zimmermann 2017).

This echoes the idea of top-down action to promote a bottom-up approach (Dixon 1997). Taking this idea further, citizens need to have secured basic rights within a democracy in order to self-organise and become involved in influencing the future of the community. Alongside these rights, citizens also need a civic competence (a 'general ability to act as an active citizen') which should be understood as the core competence of a democratic community (Zimmermann 2017).

One study conducted in Dublin's Docklands highlights 'the pivotal role that informal, incidental and contextual learning plays in creating active citizenship'. Even though 'community and group action is a low-cost, effective means of solidifying the social fabric, the State has traditionally been suspicious of community action that occurs outside of the conventional channels of public administration and local government'. Despite this suspicion, 'community education has played a key role in promoting community activism in marginalised communities in Ireland,' (Breen and Rees 2009).

One criticism of the official (weak) definition active citizenship in Ireland, as it is currently promoted, is that it

'substitutes self-help for redistribution and self-reliance for state accountability, in the process depoliticizing the principles and practice of community development and denying community actors a voice in their own development,' (Gaynor 2011).

Accordingly, there is a need to avoid narrowing the meaning of the concept to just volunteerism, while also avoiding presenting it as a panacea for physical and mental health and well-being. On the contrary, there is a need to re-insert the political into citizenship and allow room for deliberation of the 'public good' and critique of government policy, and to acknowledge the tensions and contradictions that may exist in these relationships (Gaynor 2011).

As an example of empowerment, Oxfam studied the success factors in promoting active citizenship from ten of their country-specific initiatives. Among their findings was that:

'Marginalized individuals in any society are weak when isolated; coming together can transform their influence. Building such organizations is about much more than simply promoting protest movements. Historically, social movements have been "granular": on closer inspection, short term surges in active citizenship are made up of myriad "grains"—longer-lasting organizations that span everything from faith groups and trade unions, to sports club fans or funeral societies. Success in building active citizenship usually involves identifying and working with existing "grains" […] These groups are best placed to weather the storms of setbacks and criticism, and provide the long-term foundations for activism, whether as channels of information, sources of mutual support, or as expressions of collective power.' (Green, n.d.; cf. Green 2016)

Fourteen evidence-informed ways to better promote active citizenship include:

1. Choose the right partners, such as those with well-developed networks with those in positions of local power;

2. Start with the 'power within', i.e. self-confidence and assertiveness;

3. Build the 'grains of change' (longer-lasting organisations best placed to be sustainable);

4. Build broad alliances and coalitions;

5. Individuals and relationships matter, especially individuals motivated to achieve change and those with critical behind the scenes influence;

6. Be prepared to invest years, if not decades, to achieve real change;

7. Seek quick wins to maintain stakeholder motivation;

8. Address implementation gaps before seeking new rules or laws;

9. Respond rapidly to windows of opportunity;

10. Work with faith groups, as many people trust religious institutions, which are often central to the construction of norms and values, including those that promote (and sometimes inhibit) active citizenship;

11. Include a focus on jobs and income to improve people's material circumstances;

12. Be judicious in balancing confrontation versus co-operation with those in positions of power;

13. Engage with formal politics;

14. Seek funding that allows time for experimentation, failure, learning through rigorous evaluation and redesign.

As part of many discussions and interviews held across the UK, a meeting of people from voluntary and community organisations in Belfast summarised the challenges faced in achieving a good society:

'we need to protect civic space, to create a cohesive social justice narrative; we need a broader engagement from the public—to help understand what they want it to be for; and we need 'a model of leadership based on service framed in love' (Knight 2017)

As one model for Irish civil society's role in promoting active citizenship, we could do worse than strive for 'a model of leadership based on service framed in love'. But what might this look like?

First of all, the idea of 'public love' can be found in the writings of Francis Hutcheson:

'because humans have a nature that is "designed for the good of others", a healthy society would be one where the capacity for "public love", dedicated to the "public good", is allowed free reign, with general benefit' (Orr 2012).

Moreover, moral heroism can equally be found and encouraged through everyday acts of kindness and sympathy as well as more prominent acts. A renewed emphasis on encouraging kinder communities has been discussed in the UK as one way to address widening inequalities and loneliness (Ferguson 2017).

The first role of civil society leadership is therefore to foster and support people generally to act out of kindness, sympathy and solidarity with others. But this moral leadership needs to be accompanied by practical leadership. Civil society organisations need to provide pragmatic and evidence-based solutions for society's problems, and they need to ensure that their organisations are managed and governed in such an open and participatory way that the inclusion of people—including the most marginalised in society—is facilitated and supported.

Recommendations for Civil Society Organisations to Foster Active Citizenship

H. In all cases where it is possible to do so, civil society organisations must eliminate top-down ways of working and develop organisational cultures of working *with* people. This implies that many organisations will need to conduct a thorough review of their practices to identify where they are failing to be inclusive. For example, some organisations may need to re-visit their corporate governance to ensure that there are genuine opportunities for the voice of the wider community to be heard, including service users, and opportunities for people to attain an equal position as members of boards or executive groups. Likewise, this may imply a redesign of their communications to overcome significant barriers—including educational attainment and literacy—in order to empower people's participation. Service users and citizens should be routinely involved in the co-design and co-production of services;

I. Civil society organisations need to be open to a multiplicity of ways of working, in order to be more inclusive of people who are disadvantaged. Organisations need to ensure that they support the participation of people from all walks of life, not just people from relatively well-off sections of society. For example, this may mean meeting people on their own terms and in environments and contexts where they feel comfortable and empowered, including online communities. It may equally mean acknowledging the validity of different forms of knowledge—such as tacit knowledge or experience—which are not always articulated in the same frame of reference as written strategies or policies. Being inclusive may also mean allowing people from disadvantaged communities to challenge existing modes of corporate governance, which themselves may be barriers to participation;

J. Organisations should consciously transmit and develop the values that underpin democracy—such as dialogue and respect—and familiarise people with democratic processes.
 They should also work to advance Ireland's international commitments—such as to fulfil human rights and mitigate climate change—which are societal responsibilities, not just the role of government;

K. Organisations should invest in the establishment and development of autonomous groups of people who are close stakeholders, even if these groups may disagree and oppose the activities of the organisation from time to time. Organisations should be open to provide a platform for individuals—including those who are marginalised—to voice their concerns and to challenge the actions and policies of public agencies and civil society organisation alike.

L. Organisations should be open to objective review of the efficacy of their work—from all stakeholders—and open to considering radical organisational changes where that would enhance outcomes in line with the values and interests that the organisation represents.

A participatory public governance across all government departments and public agencies combined with democratic and empowering practices within civil society organisations has the potential to truly transform Irish society for the better. Ultimately, 'a model of leadership based on service framed in love' is one that values every person, works hard to build their capacity to make meaningful—and sometimes political—decisions for themselves, and is prepared to allow them to play a full role in the governance and implementation of organised civil society as a way for them to be truly empowered active citizens.

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Annex 1: Types of Civil Society Organisation in Ireland

A cursory look at the Benefacts database of nonprofits indicates that the legal forms (if any) used by civil society organisations are varied. The following diagram illustrates the relative scale of different types of civil society organisation in Ireland.

The diagram illustrates that there are many different types of nonprofit organisation active in Ireland:

- The most common type of nonprofit are the 4,136 companies registered with the Companies Registration Office (CRO) that operate on a not-for-private-profit basis but which are not formally constituted as charities.

- Nearly as common are the 4,126 companies registered with the CRO that are also registered with the Charities Regulatory Authority (CRA) and given charitable status (CHY) by the Revenue Commissioners. In a small number of cases, these companies are only registered with the CRA or only have CHY status.

- 3,185 organisations exist that have charitable status but are not registered as companies. In over 3,000 cases they are registered with both the CRA and have CHY status from Revenue, while a small number have only one of these.

- Primary and secondary schools are a category unto themselves. 3,662 of them are organisations registered with the Department of Education and Skills, but not otherwise formally incorporated although they are subject to various pieces of legislation such as the Education Act 1998. An additional 342 schools have registered as charities and/ or companies, for a total of 4,004 schools. Recent developments may see some or all schools being registered with the Charities Regulator.

- Sporting organisations are typically not formally constituted or registered, and are sufficiently distinct to be considered as

different from other unregistered groups. Of the 2,793 sporting organisations in the Benefacts database, 2,094 are not incorporated entities. (The others are included under the other categories).

- The Register for Friendly Societies has ceased to allow registration of new societies, as of 2014. Nonetheless, 688 Friendly Societies remain in existence.

- The 484 Approved Housing Bodies are another category unto themselves. In most cases (414) they are registered with the CRO, the CRA and have CHY status from Revenue. An additional 8 AHBs are counted as Friendly Societies, for a total of 492.

For comparison of scale, the Companies Registration Office (CRO) reports that there were 205,019 Irish companies on the register in 2016, of which the vast majority are private limited companies. 15,633 companies were limited by guarantee (CRO 2017). According to the Irish State Administration Database, there are currently 339 state bodies in existence (Hardiman et al 2017).[25] While commercial bodies clearly outnumber state organisations, the number of civil society organisations is somewhere in between, with approximately 19,500 registered nonprofit organisations in Ireland. Many of these nonprofits overlap with the above companies limited by guarantee.

A more detailed analysis of the Benefacts database identifies some trends among civil society organisations about what types of organisational structure are used by different subsectors.

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25   These comprise 16 ministerial departments, 24 executive agencies, 129 statutory corporations, 54 statutory non-department bodies, 30 non-statutory non-departmental bodies, 13 statutory tribunals, 2 non-statutory tribunals, 13 constitutional and/or statutory office holders, 13 chartered corporations, 17 public limited companies, 16 private limited companies, and 26 companies limited by guarantee.

4,316
Non-profit companies
(not charities)

2,094
Sporting organisations
(unregistered)

484
Approved
Housing
Bodies

688
Friendly
Societies

4,126
Charitable non-profit companies
(registered companies that are also
registered charities)

342
Schools
w. charity
status

3,662
Schools registered with DES

3,185
Registered charities
(not companies)

Figure 6. Civil Society Organisations by Type of Organisation

- The majority of the following are set up as registered companies without charitable status: social enterprises (71%), job creation organisations (69%), environmental sustainability organisations (65%), agricultural fairs (64%), media/film organisations (64%), international affiliation bodies (63%), recreational clubs/societies (57%) and environmental enhancement organisations (54%). In most cases, the large part of the remainder of each type are registered companies with charitable status. The only exception are the recreational clubs/societies, where 29% of them are charities

without being registered companies. Also, one in eight agricultural fairs, media/film organisations and social enterprises, plus a smaller number of environmental bodies, are registered as friendly societies rather than companies.

- The majority of the following are set up as charities without being registered companies: philanthropies (76%), diocesan/parishes (74%), fundraising bodies (63%), religious associations (58%) and places of worship (57%). Organisations from these subsectors also appear as registered companies and as companies with charitable status.

- The majority of organisations from the following subsectors are registered companies with charitable status: hospices (91%), civil and human rights (70%), legal services (70%), youth services (67%), voluntarism (64%), international development (63%), addiction support (62%), health services and health promotion (60%), pre-school childcare (60%), residential care centres (55%), research (53%), services for people with disabilities (51%) and vocational and technical education (50%). For the remainder, there is a greater tendency to be registered as companies, although a smaller number simply exist as registered charities.

- The large majority of primary schools (88%) and secondary schools (78%) are simply registered with the Department of Education and Skills, however the remainder have some kind of charitable status;

- The 83 chambers of commerce and 3 political organisations in the database are all registered companies;

- The large majority of group water schemes (86%) are friendly societies, with the remainder being companies (10%), charities (1.4%) or both (3.4%);

- The majority of trade unions and employer organisations (61%) are friendly societies, with the remaining third being companies;

- Most sports organisations (75%) are not registered as anything, with almost all the rest being companies. Sports organisations are not eligible to be registered charities according to the Charities Regulator;

- The large majority of organisations in social housing (75%) and sheltered housing (70%), as well as the biggest group of homelessness services (41%) are approved housing bodies, which implies that in nearly all cases they are also registered companies and charities. The remainder of the social housing and sheltered housing organisations are either companies with charitable status, companies or friendly societies. Other subsectors also have approved housing bodies, including residential mental health services (33%), residential care services (27%) and services for people with disabilities (14%);

- The remaining subsectors have organisations of two or three different types (mainly but not exclusively companies, charities or both) with no one type being dominant. These subsectors include: adult and continuing education, advocacy, animal welfare (which has a significant number of friendly societies), arts, education support, emergency relief services, family support services, heritage and visitor attractions, homelessness services, hospitals, local development, mental health services, museums and libraries, pre-primary education, professional or sector representative bodies, residential mental health services, services for older people, service for Travellers and ethnic minorities, and third level education;

- For all of the above examples of organisations registered as charities, most are registered with both the CRA and Revenue, but some only have charitable status with one of these regulators.

What the analysis tells us is that the regulatory regime for civil society organisations is by no means clear-cut. This is not to say that there should be a one-size-fits-all approach, but there are questions about the coherence, efficiency and appropriateness of some of the regulation that exists.

Annex 2: Active Citizenship Indicators

Political Life

- Political parties: membership
- Political parties: participation
- Political parties: donating money
- Political parties: voluntary work
- Worked in political party/action group last 12 months
- Donated money to political organisation/ action group last 12 months European Parliament - Voting Turnout
- National Parliament - Voting Turnout Women Participation in national parliament

Civil Society

Protest

- Working in an organisation or association
- Signing a petition
- Taking part in lawful demonstrations
- Boycotting products
- Ethical consumption
- Contacted a politician

Human Rights Organisations

- Human Rights Organisation: membership
- Human Rights Organisation: participation
- Human Rights Organisation: donating money
- Human Rights Organisation: voluntary work

Trade Union Organisations

- Trade Union Org.: membership
- Trade Union Org.: participation
- Trade Union Org.: donating money
- Trade Union Org.: voluntary work

Environmental Organisations

- Environmental Org.: membership
- Environmental Org.: participation
- Environmental Org.: donating money
- Environmental Org.: voluntary work

Community Life

Non-Organised Help

- Non-organised help in the community

Religious Organisations

- Religious Org.: membership
- Religious Org.: participation
- Religious Org.: donating money
- Religious Org.: voluntary work

Business Organisations

- Business Org.: membership
- Business Org.: participation
- Business Org.: donating money
- Business Org.: voluntary work

Sports Organisations

- Sport Org.: membership
- Sport Org.: participation
- Sport Org.: donating money
- Sport Org.: voluntary work

Cultural Organisations

- Cultural Org.: membership
- Cultural Org.: participation
- Cultural Org.: donating money
- Cultural Org.: voluntary work

Social Organisations

- Social Org.: membership
- Social Org.: participation
- Social Org.: donating money
- Social Org.: voluntary work

Teacher Organisations

- Teacher Org.: membership
- Teacher Org.: participation
- Teacher Org.: donating money
- Teacher Org.: voluntary work

Values

Human Rights

- Immigrants should have same rights
- Law against discrimination in the work place
- Law against racial hatred

Intercultural

- Allow immigrants of different race group from majority
- Cultural life undetermined/enriched by immigrants
- Immigrants make country worse/better place

Democracy

- How important for a citizen to vote
- How important for a citizen to obey laws
- How important for a citizen to develop an independent opinion
- How important for a citizen to be active in a voluntary org.
- How important for a citizen to be active in politics

(Hoskins et al 2006)

Annex 3: The Location of Civil Society Activity

The number of nonprofits varies by location. Unsurprisingly, Dublin (5,015) has by far the largest number of registered headquarters for nonprofits, and Cork (1,953) and Galway (1,141) have the next largest shares, whereas the lowest numbers are in Leitrim (219), Carlow (216) and Longford (205), all of which are counties with low populations. Comparing the registered office of nonprofits to the population of Ireland's counties, the number of nonprofits varies from 2.5 to 6.8 per 1000 in the population, with a national average of 4.2 nonprofits per 1000 people. The counties with the lowest concentration of nonprofit head offices include Kildare (2.5), Meath (2.6), Laois (3.0) and Wexford (3.2), and those with the highest concentration include Sligo (5.2), Roscommon (5.4), Mayo (5.8) and Leitrim (6.8).

County	Number of nonprofit organisations	County Population	Nonprofits per 1000 in the population
Carlow	216	56,875	3.8
Cavan	342	76,092	4.5
Clare	504	118,627	4.2
Cork	1,953	542,196	3.6
Donegal	777	158,755	4.9
Dublin	5,015	1,345,402	3.7
Galway	1,141	258,552	4.4
Kerry	647	147,554	4.4
Kildare	548	222,130	2.5
Kilkenny	407	99,118	4.1
Laois	258	84,732	3.0
Leitrim	219	31,972	6.8
Limerick	768	195,175	3.9
Longford	205	40,810	5.0
Louth	424	128,375	3.3
Mayo	759	130,425	5.8
Meath	512	194,942	2.6
Monaghan	305	61,273	5.0
Offaly	292	78,003	3.7
Roscommon	346	64,436	5.4
Sligo	342	65,357	5.2
Tipperary	727	160,441	4.5
Waterford	432	116,401	3.7
Westmeath	340	88,396	3.8
Wexford	478	149,605	3.2
Wicklow	478	142,332	3.4

Table 3. Number of Nonprofits per County

This report makes the case that a good society based on active citizenship can be achieved for everyone in Ireland, but this requires a strong new public governance system to oblige all public agencies to foster participation, and it also requires civil society organisations to consciously take steps to redress power inequalities faced by citizens.

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