

Civic Activities: Towards a Civil Society with a Future

Summary of the Study Commission's Report

I. Structure and Composition of the Report

The Study Commission's purpose in presenting this report is to help promote civic activities and further develop civil society overall. As a starting point, it has taken stock of, analysed and evaluated the status quo, and drawn up development perspectives and recommendations for action to improve the parameters for civic activities. The Study Commission's report has been adopted unanimously¹. There are, however, several dissenting opinions and these form part of the Study Commission's report*.

The report presented by the Study Commission is composed of the following three parts:

- *Part A* "Civic Activities: Towards a Civil Society with a Future": After first taking stock of the many forms of civic activities, the concept and historical antecedents of civil society and civic activities are defined and expanded up-on. Based on this, the Study Commission presents its own notion of civic activities. The various positions of the parliamentary groups in the German Bundestag are also set out in the report².
- *Part B* "Civic Activities: Stock-taking, Analysis, Development Perspectives and Recommended Action": In keeping with the Study Commission's priorities, this chapter is also divided into three sections. Section *B1*. "Civic Activities and Civil Society" examines civic activities in selected fields of activity (sport, culture, the Churches and religious denominations, the environment and social affairs), portrays the commitment displayed by selected social groups (men and women, children and adolescents, senior citizens, migrants) and investigates the organisational side of volunteering in clubs, associations, foundations and volunteering services. Further

topics include civic activities in East Germany, the importance of infrastructure facilities in promoting civic activities (self-help contact points, senior citizens' offices, volunteering agencies), the role of the media, development of a pervasive culture of recognition, the importance of learning processes as a basis for civic activities, and the requirements in terms of training and further training. A further central issue is political commitment and its institutional parameters. The prerequisites and requirements for promoting civic activities at federal, Land and local level as well as at European and international level are examined, and appropriate recommendations for action presented by the Study Commission.

- Section *B2* examines the topic of "Civic Activities and Gainful Employment". Proceeding from the changes that have taken place in the working world, and an analysis of the importance of civic activities for creating social capital, the Commission attaches central importance to improving the compatibility between civic activities, gainful employment and the family. The role of companies, trade unions, as well as third-sector organisations in creating a civil society is examined.
- Section *B3* "Civic Activities and the Welfare State" explores the concept of the welfare state with its focus on safeguarding people's living conditions and ensuring their integration into society. This concept of the welfare state comprises participation on the part of citizens; in this sense, civic activities can be seen as the "living side of the welfare state". Drawing on various fields of activity in which the fruits of civic activities, as well as impediments to them, are particularly easy to pinpoint, the report indicates how structures can be rendered conducive to civic activities and calls for institutions to open themselves to civic activities internally and towards the outside world. Such spheres of activity include, for example, the health sector, care of the elderly, improvements to the local neighbourhood, assistance to the socially disadvantaged, schools, and child and youth welfare. Following an analysis of the history and present-day importance of the Free Social Welfare Associations, the call for institutions to open themselves to civic activities is extended to these organisations as well.

- *Part C* “Recommendations for Action and Development Perspectives in State and Society”: This deals with future measures to promote civic activities on the part of the Federal Government, as well as central recommendations for action such as more extensive participatory rights for citizens at federal level and the institutional sustainability of measures to promote civic commitment – also at federal level. At the level of organisations, the recommendations for action relate to improving the tax parameters for clubs and organisations, ways of reducing bureaucracy, improving the civil law parameters for foundations and strengthening civic activities of and in companies through appropriate tax regulations. The Study Commission’s recommendations for action at the level of civic activities by the individual are aimed at promoting compatibility between civic activities, family and gainful employment, and improving the insurance coverage parameters (“protective function”), particularly with respect to liability and accident risks.

The Study Commission’s numerous expertises appear along with the report in the series “On the Future of Civic Activities” published by Leske + Budrich.

II. Guidelines of the Study Commission

The Study Commission prepared its final report and in particular its recommendations for action with the following guidelines in mind:

1. A specific definition of civic activities – civil society as the frame of reference.

For the Commission, the term “civic” is linked with emphasising certain motives and consequences such as responsibility for others, learning to be community-spirited or becoming active as a member of the community. Civic activities are not solely confined to working in political parties and associations and participating in organisations pursuing social and political goals. They can develop just as much in the context of recreation, sport and social life. The continuing importance of honorary work and the positive effects of a rich culture of clubs and

initiatives on the community as a whole are undisputed today. Defined in this way, the term 'civic activities' also allows criticism to be voiced about types of activities that, in pursuing their own interests, lose sight of their obligations towards the community and the common good.

The Study Commission has chosen as its overriding frame of reference the model of the civil society – a polity in which citizens can organise themselves according to democratic rules and influence the manner in which the community evolves. Given the competing claims of market place, state and family, civil society manifests itself wherever voluntary associations are formed, opportunities to contribute and help mould society are seized, and citizens assume responsibility for the common good.

2. Civic Activities Manifest Themselves in Various Forms.

Civic activities are frequently associated with a person's regular volunteer activity. In actual fact, however, there are far more forms in which civic activities find expression. These can take the form of having the courage of one's convictions, doing occasional work, donating money, or becoming involved in a "Bürgerstiftung", i.e. a foundation set up by several citizens or a group of citizens; they can also take the form of an organisation, initiative or an association demonstrating a capacity to cooperate or be receptive to civic concerns. The Study Commission has sought to grasp and pay tribute to these manifold forms. This expanded repertoire of action and an increased awareness among citizens of their competencies are what constitutes the potential of an active civil society.

3. The Activities of Committed Citizens Need Recognition and Protection.

The Study Commission supports the frequently voiced demands that the civic activities of committed citizens be better protected against risks and accidents, and that committed persons be reimbursed as far as possible for actual expenditure incurred in connection with civic activities. Here it must be ensured, however, that committed citizens maintain their independence and that recognition of the respective

activities does not approach forms of remuneration akin to gainful employment. The Study Commission is particularly opposed to having periods of civic activities count for pension purposes because this would bring unpaid, volunteer work, designed to promote the common good, into the realm of gainful employment.

Recognition is one of the most important ways of promoting civic activities. The Study Commission aims to develop a comprehensive culture of recognition contributing to a lasting appreciation, encouragement and public visibility of civic activities.

4. The Promotion of Civic Activities is a Cross-Cutting Task.

The much cited task of “improving the political parameters” of civic activities should not merely be equated with more financial assistance and the solution of questions concerning the legal status of committed individuals. After all, effective promotion of civic activities also includes general action (“awards”/ “recognition”) and the provision of additional resources and commitment infrastructures in the form, for example, of volunteering agencies and the like. What matters, however, is above all to strengthen a culture of cooperative action and decision-making which should mould central spheres of life and institutions. This also means improving the parameters for civic activities in politics and individual fields of activity such as health, social affairs, work and cultural life. Citizens should be given the opportunity not only to bring their influence to bear as clients and customers, but to share responsibility and be able to have a say and participate constructively. Promoting civic activities in this sense must be seen as a cross-cutting task. Policy-makers will need to combine solutions tailored to the fields of activity of specific ministries with the wider cross-cutting issues of promoting civil society.

5. Civic Activities – a Challenge for the Business Community and the Working World.

The changes in the workforce show that the way in which the working world is organised has consequences for civil society too. The central players in the working world – employers and employees, trade unions

and employers' associations – are faced with the challenge of seeing themselves as players in civil society too and acting accordingly.

The first point that must be made in respect of the relationship between gainful employment and commitment is that civic activities cannot be a substitute for the loss of one's job. Integration into gainful employment continues to be of central importance for the identity of the individual, for sharing in social prosperity and for gaining access to civic activities. Experience gained in eastern and western Germany shows, however, that civic activities can indeed help establish a link with the working world and help integrate the unemployed socially.

As regards the changes in the working world in general, it can be said that more flexible working hours and greater freedom improve the conditions for civic activities – both within offices and companies and outside. It follows that employers' associations and trade unions, companies and works councils, as well as law-makers decide upon the compatibility of gainful employment, the family and civic activities. People who gain experience as committed citizens and train their social competencies want to incorporate these qualifications into their work as well. The Study Commission supports all projects and endeavours that help companies in Germany to increasingly see themselves as "corporate citizens".

6. Participation-oriented Institutions and Organisations – a Key Issue for the Future of Civil Society.

For there to be a willingness to show commitment – over and above the broad spectrum of small clubs and initiatives responsible for organising their own affairs – it is of central importance that institutions too be participation-oriented. This goes not only for "third-sector" organisations, such as clubs, welfare associations etc. Public-sector institutions run by the government or local authorities – such as schools and kindergartens – are also potential places for people with a sense of commitment to join in and participate. Throughout the public sector, opening up to citizens to enable them to join in must be an important goal in promoting civic activities. As far as the respective forms of discussing and planning such renewal processes are concerned – for example as regards refurbishment of one's local neighbourhood, or

the health sector – it is a matter of developing a planning and decision-making culture that is more civic and participation-oriented in its approach. A key issue for the Study Commission, therefore, is whether civic activities and the concept of a civil society can assume greater importance in the form of models for central areas of life and politics such as the working world and housing, culture, urban development, schooling and education.

7. Strategies of Empowerment are Called for – on the Part of the State and Citizens.

Opening up opportunities for civic activities is a political task in the widest sense. This calls for initiative on the part of both the state and professional politicians, as well as citizens.

In doing so, the “empowering state” should not only aim to free citizens and so-cial organisations from government tutelage and excessive red tape; it should also improve the conditions for assuming societal tasks on one’s own responsibility. The strengthening of resources and competencies at local level is an important prerequisite for this. A policy of empowerment also means devising measures and strategies for reaching those segments of the population for whom the traditional procedures and forms of participation do not have sufficient appeal to encourage them to engage in civic activities.

Conversely, as far as citizens are concerned, it is often only due to their commitment and determination to stand up for their convictions that problems are highlighted and appropriate policies discussed and drawn up. When considering strategies of empowerment, therefore, the Commission also took a particular interest in forms of politics which encourage both sides – the state and the individual – to undertake “voluntary commitments” and engage in joint projects. In the Study Commission’s view, such a cooperative policy can be pursued above all through new forms of cooperation and conflict management such as partner-ships, alliances, networks and contracts linking various players, decision-making and activity centres – government departments and enterprises, suppliers and consumers, citizens’ initiatives and local authorities, institutions and clubs.

III. Recommendations for Action

1. *Institutions and Organisations*

Civic activities are not just a matter for non-profit organisations, and certainly cannot be confined to the “volunteer sector”. Rather, civic activities oriented towards the common good are a key component of a civil society, and apply as much to civil organisations as to government institutions. State institutions and civil organisations should be developed further in such a way as to promote civic activities. This means that public offices and authorities – as well as the relevant statutory provisions – will have to be consistently developed to make them more citizen-friendly.

As far as the organisations of civil society are concerned, the Study Commission suggests that clubs and associations, foundations, the Churches, trade unions and public-law corporations and institutions play a greater role in civil society. Health service establishments and voluntary welfare institutions, as well as the Churches and trade unions should strengthen civic activities in their respective core sector. Civic activities should become a systemic component in their organisation’s development. When modernising organisational structures and developing the organisation overall, more opportunities for participation should be provided, and cooperative organisational and management structures established. Basically, for an organisation to project an image of itself as a player in a civil society entails opening up within and towards the outside world. Opening up internally involves incorporating civic activities into the organisation’s core concept and technical content. This calls for cooperation between voluntary workers and full-time staff, as well as for more extensive involvement of voluntary workers in organisational matters and decisions affecting their work. To help an organisation open up to the outside world, the Study Commission recommends closer cooperation and networking with other players in the community, and improved access to volunteer work, in particular for children and young people and other groups hitherto underrepresented.

It is particularly important to encourage schools to be more receptive to civic activities. They should acquire greater significance both as places of learning for civic activities, as well as players in civil society that open up to the community. To do this, schools need to be given more autonomy and responsibility in managing their resources and designing their own teaching content³.

2. Make Public Authorities Citizen-oriented and Less Bureaucratic

The Study Commission recommends that public authorities be made more citizen-oriented and that citizens no longer be looked upon merely as customers. They are also co-designers and co-producers of services. At local level, it favours the idea of what is called the citizen-oriented local community, i.e. a community to which local citizens make committed and active contributions. To this end, it suggests that staff be trained to deal with citizens, that incentives for user-friendly behaviour be created, and that service points be set up in public authorities to inform and advise citizens. The Study Commission further recommends that the organisations of civil society be offered more opportunities to participate, that decision-making powers be decentralised, and that mediation and monitoring as new forms of the bargaining process be integrated more closely into citizen-oriented administrative action.

The Study Commission suggests that there be more transparency and recommends that government departments offer those engaged in civic activities information and advice. It suggests that the laws on administrative proceedings at federal and Land level, as well as the Fiscal Code be developed accordingly on the model of Part I of the Social Code (SGB I) that already contains such an obligation to inform and advise. In addition, a freedom of information act should provide for access to files and information at federal level free of charge.

In order to improve the promotion of civic activities, the Study Commission also recommends that bureaucracy be reduced in the legal provisions governing grants from, for example, local and federal authorities to non-profit bodies, and as regards the related practice. The grants practice can be simplified in a number of ways, for example by providing for payment of fixed amounts and partial funding by the state

in more cases, and having civic activity count towards the non-profit body's contribution towards the overall cost of a project.

3. *Create Opportunities for Participation*

Civic activities are closely linked with opportunities to participate and make a contribution. The Study Commission recommends that the right to participate be strengthened and fresh opportunities to participate be provided. At local level, opportunities for participation can be strengthened by resorting to procedures of direct democracy more frequently and reforming local parliaments. Furthermore, informal initiatives, neighbourhood forums and social groups are to be given better opportunities to participate. The Study Commission recommends introducing or strengthening procedures of direct democracy – popular initiatives, petitions for referendums, and referendums. It suggests that participation in administrative proceedings, in particular in the environment sector, be increased. The Study Commission suggests that political parties and trade unions boost members' participation and attract new ones by devising new forms of membership. At European and international level, the Study Commission recommends that international organisations be more receptive to the concerns of the numerous non-governmental organisations (NGOs), and that civil society forums be expanded.

The procedures for participation provided for in the Law on Administrative Proceedings, the Building Code, Part VIII of the Social Code, and the "Social City" programme, initiated by the Federal Government and the Laender, have proved a success. They should be supplemented by innovative forms such as Round Tables, planning cells/citizens' expertises, citizens' forums and workshops to develop forward-looking models for the local community. Here, local authority associations can coordinate and lend support.

In the health service, the Study Commission suggests having patients participate comprehensively in advisory and coordinating bodies, and strengthening the role of patient self-help organisations.

4 *Recognise, Show Appreciation and Train*

Recognition must not be confined to individual instruments; rather, it must reflect the variety and diversity of civic activities. A *culture of recognition* comprises traditional and more modern forms of appreciation, opportunities to participate in institutions, services and organisations, the provision of material, as well as human and financial resources, making civic activities more visible amongst the general public and in the media, and advanced and further training courses. Recognition is a task of both government and the public authorities, as well as clubs, associations and other organisations in civil society.

Training, a central element in a comprehensive culture of recognition, responds to the voluntary worker's desire to make a contribution and help shape developments, and, in the process, fulfil his or her own potential. The Study Commission recommends that training courses and measures already in existence be expanded and additional ones developed. Here, training strategies should not concentrate solely on committed citizens, but should also focus on full-time staff and on organisations. In this way, civic activity can be further developed into a characteristic feature of institutions and services as an organisation develops.

To mould civil society, it is of crucial importance that conditions and structures conducive to civic activities, *as well as an environment which promotes learning processes and practical experience* be provided in the family, in education and training and in gainful employment. Such structures are necessary for acquiring social competencies and gaining practical experience of civic activities. The volunteer services in which young people are active as part of a voluntary social or ecological year are also important places for learning civic activities.

Social recognition also entails providing opportunities and venues for learning civic activities as early as possible.

5. *Create Networks and Develop Infrastructures*

Civic activities call for public awareness and pressure groups at federal, Land and local level, in the various fields of civic activity. To this end, it is important to pool existing resources and establish networks between

the players, organisations and institutions of civil society. The formation of networks can help enhance the value of civic activities in society, as well as develop and implement suitable promotion strategies. The Study Commission therefore recommends the establishment of networks at federal, Land and local level such as already exist in many places. In order to project promotion of civic activities as a crosscutting task, there needs to be closer cooperation among government authorities, policy-makers and government departments. Moreover, there should be cross-departmental networking between government players and organisations and those of civil society. Depending on the respective conditions, suitable instruments must be devised at federal, Land and local level to ensure this.

At local level, important cooperation and networking tasks can be performed by infrastructure institutions promoting civic activities such as self-help contact points, senior citizens' offices, volunteering agencies and the like. These institutions – each having its own specific priority – provide interested citizens with information and advice and put them in touch with the body responsible for a specific civic activity. They advise and support organisations and engage in intensive public relations work and lobbying for civic activities. The Study Commission recommends promoting the development and expansion of a sustainable infrastructure for the promotion of civic activities, raising the profile of these institutions as repositories of expertise, and pressing for close cooperation between the different types of institution. In sustaining and developing this infrastructure, local and regional conditions and needs should assume precedence over standard, nation-wide solutions and programmes based on entrenched patterns.

6. Enterprises as Players in Civil Society – Strengthen “Corporate Citizenship”

In view of the changes that have taken place in the working world (increasing intensity of work, flexibilisation processes, an ever-greater variety of forms and types of employment), companies too are facing new challenges to help fashion civil society and promote civic activities. The goal is to develop a corporate culture in which the profit motive is linked with an orientation towards the common good and the

assumption of social responsibility in the community. Here, promotion of civic activities on the part of company staff assumes special importance. The Study Commission therefore suggests *expanding corporate volunteering*. In this connection, existing traditions such as, for example, releasing company staff to provide training and conduct examinations at professional associations should be taken into account and expanded. The efforts now being made by companies to become more involved in civic activities, known internationally as “corporate citizenship”, should be paid special attention and actively supported. These include partnership projects between companies and non-profit organisations, as well as involvement in regional networks for combatting unemployment or improving the local neighbourhood.

Support for civic activities is not a new form of charity on the part of companies. The experience of other countries shows that, by performing activities devoted to the common good, the conditions for entrepreneurial action undergo a positive change too. Enterprises depend on intact communities and well-trained employees, and by engaging in civic activity they can contribute to this.

Policy-makers and the state are called upon to play a mediating and empowering role in this by suggesting and establishing new cooperative mechanisms between the various players involved.

Expanding civic activities among a company’s staff also confronts trade unions with a fresh challenge. Their support and cooperation will be needed in develop-ing projects, as well as in formulating the general conditions for corporate civic activities in in-house bargaining processes or even as part of wage negotiations.

7. Reform the Legal Provisions Governing Non-Profit Status and Donations

The Study Commission recommends a reform of tax law regarding non-profit status and donations. The current rules on non-profit status do not convey a clear picture of what this term really means. The catalogue of non-profit purposes set out in Section 52 of the Fiscal Code needs to be thoroughly revised by a commission to be set up by the German Bundestag. Before this – second – stage of a reform of tax legislation on non-profit status and donations there should – in the Study

Commission's view – be a first stage in which the following legislative action is taken in the foreseeable future: it is imperative that it be made easier for volunteering agencies and self-help groups to acquire non-profit status. At the same time, an independent arbitration body should be set up to examine complaints from associations and organisations about loss of non-profit status or failure to obtain it. A range of measures should be taken to help non-profit associations and organisations be more flexible in respect of the four fields of activity open to them (non-business activities, asset management, special-purpose enterprise, commercial business). In this connection, the Study Commission recommends linking the tax exemption limits to the inflation rate.

As regards the legal provisions on donations, the Study Commission strongly urges that absolute liability regardless of fault, currently applying in the case of misappropriation of donations, be transformed into liability that is only incurred through wilful or negligent wrongdoing on the part of those concerned. In addition, the provisions governing donations should be simplified and improved in the near future by treating donations and membership dues equally, and raising the different ceilings for donations, currently 5% and 10% of income respectively, to a uniform 10%.

8. Improve Protection and Compensation for Expenditure Incurred

It is a matter of central importance to the Study Commission that adequate third-party liability and accident insurance cover be ensured through cooperation between the state, civil society organisations and the insurance industry as players. In addition to providing more information about third-party liability risks, the state's contribution could entail providing grants earmarked for third-party liability insurance cover to be taken out by the organisations responsible, and extending statutory accident insurance cover to further fields of civic activity. Cover should only be extended to further fields of civic activity, however, if and to the extent that sufficient third-party liability and accident insurance cover cannot be secured as part of an agreement reached among the above-mentioned players.

In order to compensate for expenditure actually incurred (travel expenses and telephone charges, etc.), the Study Commission recommends a general tax-free allowance of 300 euro per annum for volunteer work performed for a non-profit corporation or a national legal entity under public law. Such an arrangement would exempt lump-sum reimbursement of expenditure incurred on civic activities from tax. The Study Commission does not suggest extending the tax-free allowance for course instructors such as coaches and choir leaders to other categories of persons because the introduction of further tax incentives is not an appropriate and effective way of promoting civic activities¹.

9. *Increase Knowledge of Civic Activities*

In order to increase knowledge of civic activities and their role in civil society, and develop the relevant theoretical foundations on the basis of empirical data, the Study Commission recommends *expanding research activities*. The survey on “Volunteering in Germany” commissioned by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and submitted in 1999 provides a good basis for this, and should – after revising and supplementing the study’s design – be continued as an on-going investigation of civic activities.

A further priority should be to study the *institutional and organisational parameters*. What is wanted are studies that examine concrete procedures and structures in non-profit organisations, initiatives and social movements, as well as studies that examine the importance of these organisations to civil society, and their relations with the state and the business community.

Furthermore, the *research topics and the subjects researched need to be expanded*. This includes studies that broaden knowledge of the civic activities of selected groups (e.g. migrants, the unemployed) and what motivates them. Other studies should examine the particular forms, conditions of and obstacles to civic activities in the various fields of activity in society, in order to be able to specify ways of promoting and supporting civic activities on a sectoral basis.

¹ This recommendation for action was adopted by majority vote against the votes, inter alia, of the members of the CDU/CSU parliamentary group.

10. Place Civic Activities on a Sustainable Basis

The Study Commission would like to see civic activities develop in a durable and sustained manner. To this end, it suggests institutional structures capable of ensuring this. It recommends the establishment of a commission attached to the Bundestag. This commission is to make sure that policy-makers at federal level pay constant attention to civic activities, and secure the necessary political support. In addition, the Study Commission suggests that there be closer cooperation and coordination between the various ministries as regards the promotion of civic activities, and that a nationwide network of organisations engaged in civic activities be formed.

* Dissenting opinions on the Study Commission's report were delivered by Members of Parliament Christian Simmert (Alliance 90/Greens) and Gerhard Schüßler (FDP), specialist members Prof. André Habisch, Prof. Roland Roth and Count Rupert Strachwitz; a more extensive dissenting opinion was delivered by the members of the CDU/CSU parliamentary group and specialist members Prof. André Habisch and Prof. Peter Maser, which comments on the report as a whole (Appendix 1).

The following dissenting opinions were delivered in respect of the summary:

- 1 Member of Parliament Ilse Aigner (CDU/CSU): The members of the CDU/CSU parliamentary group and specialist members Prof. André Habisch and Prof. Peter Maser abstained when the vote was taken. They state their reasons for doing so in their dissenting opinion.
- 2 Member of Parliament Ilse Aigner (CDU/CSU): CDU and CSU dispensed with stating their own position here, as they are presenting their views in a dissenting opinion of their own.
- 3 Member of Parliament Norbert Barthle (CDU/CSU) does not consider the term autonomy appropriate for describing the future role of schools in civil society, as it stands for a position in the debate on education which he does not share.

The dissenting opinion of Member of Parliament Gerhard Schüßler (FDP) and specialist member Count Rupert Strachwitz on the summary is attached as Appendix 1.