Civil society: Enabling dissent
About the Commission of Inquiry into the Future of Civil Society in the UK and Ireland

The Commission of Inquiry into the Future of Civil Society was established to explore how civil society could be strengthened in the UK and Ireland. The Inquiry Commission was chaired by Geoff Mulgan and was also informed by an International Advisory Group.

The objectives of the Inquiry were to:

• explore the possible threats to and opportunities for civil society, looking out to 2025;
• identify how policy and practice can be enhanced to help strengthen civil society;
• enhance the ability of civil society associations to shape the future.

The Inquiry Commission’s work began with an extensive futures exercise to explore possible futures for civil society. Drawing on the findings of the futures work, which are documented in two reports, The Shape of Civil Society to Come and Scenarios for Civil Society, the Inquiry Commission agreed to explore the current and possible future roles of civil society associations in relation to the following themes:

• Growing a more civil economy
• A rapid and just transition to a low carbon economy
• Democratising media ownership and content
• Growing participatory and deliberative democracy

This paper was written to inform the Inquiry’s work on the roles of civil society associations in growing participatory and deliberative democracy.

The final report of the Inquiry Commission, Making good society, was published in March 2010.

For further information about the Inquiry and to download related reports go to www.futuresforcivilsociety.org

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Introduction

In 2007, the Commission of Inquiry into the Future of Civil Society in the UK and Ireland undertook an extensive futures exercise to explore the possible future threats to, and opportunities for, civil society, looking out to 2025. Contributors to the futures work highlighted the marginalisation of dissent as a key concern.

The issue of dissent connects strongly to others surfaced throughout this phase of the Inquiry: namely, the diminishing arenas for public deliberation and the concerns over the relationship between media and civil society. These discreet issues – dissent, media and spaces for deliberation – are all interconnected and important components of an effective public sphere. Respondents clearly emphasised that if our societies are to develop a more deliberative and participatory civic culture then they will need more deliberative spaces, a more democratic media and the ability to handle dissent and difference.

Although dissent as an issue surfaced (implicitly) in many different conversations at the Inquiry events, it was explicitly referred to in two contexts:

1. The Republic of Ireland – contributors felt that many civil society associations are excluded from national-level social partnership forums due to their more critical perspectives on government policy. It was felt that this arrangement marginalised the more radical dissenting voices in Irish society. In addition, participants expressed concerns that the associations that do participate in the social-partnership arrangements may well engage in self-censorship in order to avoid risking their place at the table and, in a wider context, state funding streams.

2. The International Advisory Group to the Commission of Inquiry into Civil Society highlighted how the recent restrictions of civil liberties in countries such as the UK and the USA (anti-terror legislation) provides a green light for more illiberal regimes across the globe to suppress and repress dissent in the name of the war on terror, even where the groups and/or individuals involved are clearly exercising their right to freedom of association, assembly and expression and are not engaged in any violent activities.

The Inquiry chose to explore this issue in more depth given these findings from the futures workshops. Concerns on the efficacy of our current public spaces, including the media, to provide a conducive environment for civic deliberation were ubiquitous across all the workshops. In the Welsh and Scottish contexts it was particularly felt that media had not kept pace with devolution and in fact was going in the other direction with much news now being aggregated and distributed by centralised news agencies with local independent journalism in serious decline. While devolved government needs the oxygen and scrutiny of local media, much local or regionally based media is simply disappearing, especially local newspapers.

Participants in the Inquiry’s futures work strongly felt that, in general, our societies lacked the skills, the spaces and the examples of deliberating across difference. In an age when the potential for spaces connecting different viewpoints, values and argument is seemingly unlimited, given the progress of information technology and social media, the fear for many is that these IT tools are being used to narrow our exposure to the ‘other’ and to consume our media in a narrow rather than ‘broadcast’ paradigm. In a world of uncertainty and diversity we seem to be increasingly talking to ourselves, and others like us and are less likely to be introduced to alternate ideas and values. The implications of this are discussed in this paper.

The Inquiry held three events, where speakers discussed the theme of enabling dissent:

Glasgow, 20 June 2008: Civicus World Assembly
- Kumi Naidoo (CIVICUS Global Alliance for Citizen Participation)
- Oonagh McArdle (Community Workers Co-operative)
- Adnan Siddiqui (Cage-prisoners)
- Simon Woolley (Operation Black Vote)

Dublin – Chester Beatty Library, Dublin Castle – 20 May 2009
- Sister Stanislaus Kennedy (Sister of Charity/Focus Ireland)
- Niall Crowley (formerly Equality Authority, Ireland)
- Jack O’Connor (SIPTU)
- Kumi Naidoo (CIVICUS)

London – St Martins in the Field – 28 July 2009
- Malcolm Carol (Baptist Minister/Plane Stupid)
- Sunny Hundal (New Generation Network)
- Dr Fran Bennett (University of Oxford)
- Kumi Naidoo (CIVICUS)
Each of the events was recorded and transcribed to capture the range of questions and contributions from the floor. All transcriptions and/or write-ups are available at the Inquiry website (www.futuresforcivilsociety.org). To complement these contributions an online survey was set up to draw a wider range of ideas and views. This paper represents a synthesis of these findings together with some perspectives from the wider literature.

What is meant by the marginalisation of dissent?
Cass Sunstein (2003), in his book Why Societies Need Dissent, defines dissent as the ‘rejection of the views that most people hold’. The Encarta Dictionary cites dissent as ‘disagreement from a widely held or majority opinion’. The Inquiry, however, is not focussing solely on dissent but rather the ‘marginalisation’ of dissent and therefore implicit in this are power relations. A better definition must place the disagreement in relation to power; dissent, in the context of marginalisation of dissent, is to disagree with the opinion and/or ideas of the powerful regardless of whether these views are widely held. Only individuals, organisations and institutions with power have the ability to marginalise or suppress dissenting voices.

Responses to dissent: Marginalisation, suppression and repression

There are key differences between the terms marginalisation, suppression and repression. Marginalisation and suppression is action against dissent that does not involve physical violence. Suppression seeks to eliminate dissent whereas to marginalise involves excluding, ignoring or even ridiculing dissent. Violent action (beatings, imprisonment, torture, abductions, extra-judicial killings and so on) to eliminate dissent is termed repression; this is the most extreme form of response against dissent.

The repression of civil society activists is still common place in many parts of the world. The Civil Society Watch programme at CIVICUS (World Alliance For Citizen Participation) documents incidents across a number of countries; these incidents include the worst of repression and suppression.

The work of CIVICUS highlights the concerns that surfaced among the Inquiry’s International Advisory Group that many governments are using the ‘war on terror’ as a cover for repressing legitimate civil society activity – activity that often constitutes dissent. Colombia, Burma, Ethiopia, Zimbabwe, Turkmenistan and Uzbekistan are among the worst State offenders. The ‘war on terror’ did not create repressive states, but the terror context has provided another cover for repressive regimes. Colombia, for example, is often singled out as a very dangerous place to be a civil/human rights activist or a trade unionist. Although the war on terror [and drugs] in the Colombian context pre-dates the 9/11 attacks.

Colombia has never been a safe place to be a human rights defender, and politicians, trades unionists, journalists, church personnel, community and social leaders, and ordinary people resisting violence and displacement continue to be threatened and murdered. In addition to the human tragedies this causes, this repression sends a clear message to ordinary people not to organise themselves in defence of their rights (ABColombia, 2009).

Direct comparisons between the worst International State offenders and the UK and Ireland are problematic and untenable. However, that is not to say that the effects of state efforts to combat terrorism and serious crime have not been felt in the UK. Laws aimed at curbing serious crime and terrorist activity are routinely used by state agencies to police and monitor demonstrations and activists.

The following draws on the ‘suppression of dissent’ website edited by Brian Martin of the University of Wollongong, Australia. This categorises the types of suppression into three broad categories:

Direct suppression – this happens when the powerful take direct action to stamp out dissent. An employer might dismiss an employee; a professional body might refuse to license an individual restricting their ability to practice that profession; a government might use ‘anti-terror’ legislation to restrict the free-speech of individuals, legitimate civil society associations and activists.

Indirect suppression – this is more akin to the marginalisation of dissent. Dissenters find that they or their ideas are ostracised through a lack of opportunities. Academics might be denied exposure through restrictive ‘peer-review’ procedures for publishing; an employer might refuse to promote dissenting employees; governments might refuse further funding or refuse to invite groups to partnership forums when their ideas and opinions do not conform. No direct action is actually taken against the dissenter;
they are simply denied the opportunities that others are able to benefit from. As one respondent to our survey put it: ‘Dissent is marginalised by ensuring non-dissenters are promoted ahead of dissenters, that funding is diverted away from dissenters and positions of influence, such as seats on the board, are given to those who support the “mainstream” ideas and ideals.’

**Self-censorship** – this almost always occurs because individuals and/or organisations are worried about the possible ramifications of speaking out – risking their jobs, promotion prospects, funding, professional standing, credibility in their community or worse. Self-censorship makes the more overt forms of suppression and marginalisation unnecessary. This is the hardest to quantify but all of us will be able to remember instances where we were unable or unwilling to speak what we believed to be the truth due to various pressures to conform. The theme of civil society stifling its own voice was particularly emphasised in a number of responses to the online survey and in the Inquiry events in Dublin and Glasgow.

What becomes clear from the above is the number of contexts where dissent can be articulated and the number of ways that dissent can be suppressed. In nearly all cases it is the dissident rather than the dissent that is suppressed; those seeking to suppress dissenters classically use spurious reasons to justify their suppression. Employers might dismiss employees for reasons other than the dissent itself, for instance, often claiming poor performance; trade union activists might be top of the list for redundancy when companies restructure or appear on a ‘blacklist’ preventing employment across a whole industry. Other strategies include an attack on an individual’s character and behaviour in an attempt to discredit the individual. What all these strategies have in common is that they refuse to engage with the dissent itself. This makes it very difficult to be certain when and where dissent is being suppressed and very difficult to get a clear evidence based picture of how widespread the suppression and marginalisation of dissent is.

The more obvious forms of suppression and repression are more clearly discernable, however, as Sunstein (2003) makes clear it is the less shocking, day to day individual examples of self-suppression that, when aggregated, can result in important information deficits that have a discernable impact on the decisions societies make.

*The spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then.*

Thomas Jefferson, 1787

### Why is dissent important?

Dissent, its cultivation and articulation, is a key issue for civil society. Given that for many civil society associations one of their key roles is to seek change by challenging power, this issue is central to the future of civil society.

Dissent is crucial for a healthy democratic society and in an increasingly diverse world freedom of expression, association and assembly should be encouraged so that all points of view can be articulated and deliberated. While the state is the obvious focus for this theme, dissent can be marginalised and/or suppressed by any organisation or individual that has power over the dissenter. Media, employers, an industry or profession, a faith group, a trade union, an NGO, a community, a school and even a family are all capable of marginalising and suppressing dissent. In addition, an organisation or the individual themselves can self-suppress their dissent for fear of reprisals.

But why is dissent important? From the literature, two distinct themes emerge that relate to an individual’s right to civil liberties and to the importance of information exchanges to avoid sub-optimal decisions.

The right to the freedoms of association, assembly and expression are recognised as human rights, political freedoms and civil liberties. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, commonly referred to as the International Bill of Rights, set out these legal rights. For the labour movement the freedom of association is developed further by the International Labour Organisation Convention core international labour standards. In this case the freedom to associate relates specifically to worker organisations and trade unions and their rights to organise and collectively bargain. These rights also form the bedrock of many national level democratic constitutions.
In liberal democracies these rights and others like them are critical as they inhibit and constrain decision-making power as political elites are only able to exercise power within a framework of the law (rule of law) and hence the importance of these rights. So these rights provide protection and space for the individual, not just from state activity, but much more generally – to express, assemble and associate without fear of reprisals. These rights provide the normative environment essential for a well-functioning liberal democracy. These rights have been fought hard for and provide a contrast to the situation in pre-industrial societies where church and state had the arbitrary power to silence dissenters.

Putting the freedom of the individual perspective to one side – why is it important to protect and even encourage spaces where dissenting voices can be heard? Sunstein argues strongly that protecting and encouraging people to share their information, including dissent, is crucial to ensuring that better decisions are made: ‘A strong system of civil liberties can be justified not as an effort to protect individual rights but as a safeguard against social blunders.’ (Sunstein, 2003: 84).

The basic thesis put forward by Sunstein is that people and organisations currently withhold important information, for a variety of reasons, that if disclosed could prevent what he describes as ill-informed conformity leading to social cascades and group polarisation (see below for elaboration of these terms). It is essentially an argument for robust pluralism as a means of expanding the range of information available to decision-makers. The key theme he explores is why do people not reveal the information they hold even when they think they are right? This connects to the self-censorship (self-suppression of dissent) point above.

**So why do people withhold information?**

The key to understanding why important information held by individuals is not revealed is that people, for two important reasons, like to conform. The first reason is that, as individuals and groups, we often lack information of our own and therefore the decisions of others provide the best information we can get. People often follow others even when others are simply following the crowd. The second reason derives from the human desire to have the good opinion of others. The desire to maintain good relationships and the good opinion of others often squeezes dissent and breeds conformity. Both of these influences explain conformity in our society, however, the problem with widespread conformity is that it deprives society of the information it needs to have.

Conformity per se is not a bad thing in itself. There is general conformity on the principle that our children should be educated, that we should not kill each other and that eating five portions of fruit and vegetables is important to a healthy diet. Conformity around correct decisions is important and helpful; a society would be impossible to govern if there was no conformity. An understanding of these dynamics explains how good decisions can be engendered – the smoking ban and the drink driving legislation illustrate how information can interact with changing social norms to effect behaviour and individual decisions. However, individuals often conform around bad decisions following the exactly same dynamics described above; in a situation where we either lack information and/or fear being singled out for being different we tend to follow the crowd.

While society can point to decisions that are clearly right or wrong, especially with hindsight, quite often society does not know for sure whether we have converged on the right answer. Following the crowd reduces potentially productive disagreement that can help re-examine and further explore our actions and decisions.

Given that many decisions are not black and white; a well-functioning society is one in which the rights framework and the institutions are designed to reduce the risks that accompany conformity; the separation of powers (checks and balances). Civil society associations have traditionally been one of these checks and balances within society, in some cases they have been formally sanctioned to play this role, more often than not they play this role informally.

Dissent can play a critical role in breaking two phenomena that can contribute to social blunders. These two phenomena are social cascades and group polarisation (Sunstein 2003); they are the extreme decision-making outcomes stemming from an informational deficit coupled with too much social pressure to conform.

Social cascades are built up over time and begin as one or two individuals or groups initially engaging in certain acts or thinking in certain ways. Others then follow this initial example on the assumption that the initiators are probably right (hold important information that they are not privy to) or because they want to gain social approval – this is especially important when people identify with the initiators or, in a world of celebrity,
when initiators are famous. The snowball effect increases over time creating a social cascade; with very few individuals and groups stopping to think or re-examine information for themselves. Advertisers aim to create such cascades and this explains consumer fads and the popularity of restaurants, clothing, books and films. So clearly it is dissenters that start many social cascades and again it is important to understand that these cascades can lead in good or bad directions.

When cascades occur, the key problem is that the followers are failing to disclose or to rely on their private information. Because society does not receive that information, serious trouble and indeed catastrophe can result (Sunstein, 2003: 11).

Dissent is therefore critical to injecting new information into society and to challenge existing social cascades. Social cascades generally begin and end with dissent. At this point, the important thing is the role dissent plays not the ideas it conveys.

Group polarisation occurs when members of a group are shifted to a more extreme position in line with their positions prior to group contact. Group decision-making, if not exposed to challenge or dissent, will shift in ever more extreme directions. Sunstein (2003) highlights how extremist groups require these types of dynamics to thrive, however, his book also relates how more mainstream decision-making groups can also fall foul of these dynamics. He cites panels of judges, politicians and advisors (Bay of Pigs decision), investment groups as examples of where decisions often veer off into more extreme cul-de-sacs because of the group polarisation phenomena. As with social cascades, dissent is an important corrective for group polarisation.

Group polarisation, in some circumstances, can be extremely beneficial to society. The dynamics of group polarisation can often be a useful tool for the more marginalised groups in society to come together, form a coherent agenda and then surface information previously unheard by society. Therefore, group polarisation can serve to bring new information and perspectives on to the agenda. However, without interaction with other views and perspectives group polarisation left unchecked can leave groups more alienated and with the propensity to become more extreme. As Sunstein (2000) points out: ‘The ambivalent lesson is that deliberating enclaves can be breeding grounds both for the development of unjustly suppressed views and for unjustified extremism, indeed fanaticism.’

The important thing to note here is that group polarisation again can lead to both good and bad decisions – many of the civil society groups alive and well today would not exist without these phenomena. What is important to understand is that the decisions that society takes are open to challenge and dissenting views and are not taken behind closed doors by like minded people. For our public realm it is also important that the group polarisation phenomena that creates and sustains many civil society groups, especially those organised on identity, faith and ideology, are checked by interaction with each other. It is in this interaction that ideas are challenged a group member is exposed to other perspectives.

However, spaces that offer the opportunity to deliberate with those who hold divergent viewpoints, values and perspectives are not common. As a recent report points out: ‘We chat behind closed doors and with close friends, and we engage with matters that interest us online, but in groups and among friendship circles in which conversation is safe and reinforcing, rather than challenging and changing.’ (Jones 2006: 99).

Talking to ourselves is not a problem in itself. It becomes a problem when it is disconnected from more public conversations. An effective public sphere needs more than talk ‘behind closed doors’. It requires ‘public’ conversations, in which we ‘talk with others who might not share our opinions. Risk, in this context … is the challenge of being open and exposing your opinions and attitudes to scrutiny. This process is difficult but, at the same time, it is necessary if we are to live together equitably, democratically and cooperatively’ (Jones 2006: 57).

A paper, written by the University of Bradford for the Commission of Inquiry into the Future of Civil Society, Civil Society: Supporting dialogue and deliberation (2010), explores this part of group polarisation in more detail. The paper highlights the good and bad of group polarisation, highlights the contribution of civil society groups in encouraging a more deliberative public sphere and proposes a number of recommendations aimed at government and civil society to enable a more deliberative culture where we are much more comfortable deliberating with those with alternate viewpoints and much more comfortable in disagreement.
Many of the issues raised above highlight how better decisions could be achieved if those who hold important information were incentivised to share it. Currently there are too many incentives for witholding rather than disclosing information. Legislation on whistleblowers is just one example of how disclosers can be better enabled. An important assumption about the nature of conformists and dissenters needs to be corrected. While conformity is important for civilised societies it is often over-valued as an attribute above dissent. Who does society value and how are they portrayed?

‘There is an ironic point here, one that I shall stress throughout. Conformists are often thought to be protective of social interests, keeping silent for the sake of the group. By contrast, dissenters tend to be seen as selfish individualists, embarking on projects of their own. But in an important sense, the opposite is closer to the truth. Much of the time, dissenters benefit others, while conformists benefit themselves.’ (Sunstein 2003: 6).

What kind of dissent?

One important reason why dissent has a bad name is that much dissent is contrary to the prevailing values that underpin a modern democratic society. Dissent can of course lead people in the wrong directions. It is certainly not the Inquiry’s view that all dissent is welcome or a good in itself there is much dissent that is racist, homophobic, promotes or encourages violence and other forms of discrimination. However, it is crucial that we don’t throw the baby out with the bathwater – the ‘cost’ of giving dissent an airing means that we will have to put up with extremists, the Cassandras and serial contrarians but this will provide us the opportunity to also hear from the ‘disclosers’ – those individuals and groups that hold key information that can influence and develop collective decisions.

‘It is proper for social pressures to discourage senseless, hysterical or paranoid forms of dissent. It is also proper for norms of civility to discourage dissent’s most hateful and dehumanizing forms. When conformity and cascades lead people in good directions, society has no particular need to encourage dissent.’ Sunstein (2003: 91).

Therefore, it is not dissent per se that needs to be encouraged but dissent of the ‘right kind’. Sunstein (2003) makes the distinction between ‘disclosers’ and ‘contrarians’ – it is the disclosers that need to be encouraged even if this too provides space for the serial contrarians. Disclosers add information they hold and the full disclosure of accurate information is a central goal of good institutions. – the example of the boy in the tale of the Emperor’s new clothes – he is not a malcontent or a sceptic; he is a discloser, revealing the information that he actually holds (the Emperor has no clothes).

One of the key concerns of the Inquiry into the Future of Civil Society is how can civil society contribute to providing the spaces where disagreements can be deliberated? For a genuinely pluralist democratic society to function effectively it is not enough for diverse individuals and groups to be tolerated – the existence of difference and diversity is of little value unless we can find ways of bringing differences together. It is the dynamics resulting from these processes that can challenge harmful social cascades and group polarisation and thereby enrich our public sphere and, subsequently, decisions.

Themes to emerge from the online survey and the ‘Enabling Dissent’ Inquiry events.

The key questions posed to the speakers and by the online survey were:

1. How is dissent marginalised and by whom?
2. What are the main factors that inhibit dissent?
3. What do you think needs to be done, and by whom, to enable dissent?

As one might expect the key actors identified by the speakers and the respondents to the survey as stifling dissent were those organisations and institutions that hold power. The state, the law, the media and the police were consistently singled out. In addition the self-suppression of civil society and the use of state funding to stifle voice was a recurrent theme in both the online survey and especially at the Inquiry events at Dublin and Glasgow. The workplace also surfaced a number of times with respondents from universities and public sector organisations particularly concerned that employees’ legitimate concerns were being both marginalised and suppressed. The perils of workplace trade union activism also surfaced as being problematic in addition to concerns over increasing surveillance within some workplaces (CCTV, smart cards, etc.). The following overviews the key points to emerge from these broad themes.

The institutions of state are required to act on illegal forms of dissent but the respondents mainly identified the knock-on effects of recent changes to law, policy
and practice have on lawful dissent and protest. The backdrop of the ‘war on terror’ and how legislation aimed at curbing terrorist activity has been interpreted and used as tools to police legitimate protests and create an environment of fear and criminality around activities that should be regarded as active citizenship was a consistently voiced concern.

Many respondents felt that the role of the police should be to enable protest and lawful assembly, not to control. The use of Forward Intelligence Teams (FITs, forward arrests before demonstrations), ‘kettling’, stop and search and the confiscation of property, and filming protesters, were all identified as methods which in the long-term will impact on legitimate assembly, demonstration and expression. Legitimate protesters can feel intimidated by this environment.

Some factors are obvious: intimidation by police (e.g. FITs, abusive practices on demonstrations e.g. at Kingsnorth and the G20 protests). But as important are less tangible factors; economic and employment constraints meaning people cannot ‘afford’ to dissent (they don’t have the time, money or capacity to do). Furthermore, ‘dissent is marginalised by being presented in much mainstream media as either odd or in some way sinister. This inhibits people from dissenting’ (Survey respondent).

In addition, the media was identified as an important player – the media frame debate and often fail to present arguments and demonstrations fairly, they portray protesters as radicals and non-mainstream and, together with the police, can under-count the numbers of those taking part in demonstrations.

The importance of media was highlighted across the Inquiry events as critical to this theme. In particular by Simon Woolley of Operation Black Vote, who spoke at the Inquiry event in Glasgow. He pointed to the role of the Associated Press’ Evening Standard newspaper in the mayoral elections in London in 2008. According to Simon the Evening Standard ran 16 front pages and 36 full pages as part of a daily diatribe against Ken Livingstone’s equalities advisor, Lee Jasper. In his view, the Evening Standard, which clearly supported Boris Johnson’s campaign, saw Johnson’s record on race and equality as his Achilles heel and so they switched their focus to casting false aspersions against the anti-racists. For Simon this is par for the course: ‘If you are not being hauled up by the powerful then you are doing something wrong.’

Simon continued: ‘Doreen Lawrence – she knows all about racism. Her son was murdered at a bus stop by a group of racist thugs – she got up and said “I am not sure about Boris” she feared he would be a destructive force in such a diverse multi-cultural city. Now the minute she stood up and said this she was attacked for doing so by the Evening Standard. The paper suggested that the grants that The London Mayor had granted to her charitable foundation were the basis for her support of Ken and her opposition of Boris. Again the tactic is not to rebut the dissent but to undermine the dissenter. Pastors and activists all ran for cover.’

The role of the media also surfaced in the presentations of Fran Bennett (Senior Research Fellow in the Department of Social Policy and Social Work, University of Oxford) and Sr. Stanislaus (Sister of Charity and founder of Focus Ireland), both of whom were concerned over the portrayal of poverty and those who are poor in mainstream media.

Said Fran Bennett: ‘I think one of the problems is actually the media. Because everyday poverty is boring and depressing and it makes readers or watchers or viewers or listeners feel uneasy. So the media don’t tend to deal with it much. Or perhaps they just create victims or villains on the one hand, or heroes who’ve risen from nothing on the other hand. They’re not usually creating pictures of people with experience of poverty being ordinary people like everybody else.’

The negative media coverage makes it much harder to build public opinion in favour of a more equal society. This makes those in poverty multiply disadvantaged with regard to exercising their voice

- the practical obstacles that a lack of resources imply and a lack of access to the ‘tools of the trade’ (technology etc.) mean many voices go unheard;
- the lack of confidence and self-esteem caused by the experience of poverty mean that many will not speak up;
- the misrepresentation and falsehood in the media all contribute to the marginalisation of arguments that seek a more equal society.

Poverty thereby suppresses dissent in a number of ways. If people lack the confidence to speak out then they self-suppress their opinions. If people lack the time, resources and skills to engage then their opinions are not even surfaced let alone self-suppressed. If media portrayal of poverty is built upon stereotypes and misrepresentations of people it is easier to explain poverty as being the result of individual choices and failings and this hides the structural issues that require address if poverty is really to be tackled.
Civil society: Enabling dissent

Sr Stanislaus Kennedy identified a whole range of methods that are used in Irish society to stifle and marginalise voice:

- ‘the introduction of legislation, such as the Charities Act, which won’t allow organisations to be registered as charities if one of their aims is to advocate in relation to human rights;
- cutting funding to organisations who cause embarrassment, or who challenge the status quo;
- including clauses in funding contracts – or employment contracts – which prevent organisations or individuals from speaking out;
- using anonymous ‘official sources’ to discredit the work of NGOs in the media;
- making state-funded organisations seek clearance of press releases or publications from government departments before they are released;
- creating and fostering an environment where there is a prevailing perception that dissenting views are unwelcome or, at worst, disadvantageous for an NGO’s client base.’

Sr Stanislaus continued: ‘Some of these are deliberate policy decisions by the government, but others rely on the help, willing or otherwise, of others to be effective – the media or even the NGOs themselves. This is not a sign of freely accepting a muzzle, but of the very difficult and stark choices that sometimes must be made.’

Civil society’s relationship with the state threw up a number of concerns especially from respondents in the Republic of Ireland. The dependence on state funding and access to the social partnership process were consistently singled out as important. The concerns were threefold:

- the social partnership process excludes groups;
- those groups who rely on state funding are subject to funding cuts if they spoke up on issues;
- too many civil society groups feel unable to speak out and be critical of the state if they are in receipt of state funding or are part of the social partnership process for fear of jeopardising their funding or access.

At the Inquiry event in Dublin, Jack O’Connor from SIPTU emphasised that the social partnership process does exclude and that power is the key criteria for participation:

‘The reality is that those who are excluded from the social partnership process are quite entitled to feel marginalised because marginalised they are and marginalised their interests are. Because the social partnership process reflects the degree of power exercised in society by the participants in that process. And it doesn’t confer to any significant degree if at all, any power on those who don’t have it. And those who are there are there by reason of the power they exercise, or at least the power they once exercised.’

There were concerns raised that State funding is being used as means to stifle legitimate voice from civil society and respondents highlight the funding cuts aimed at the more vocal parts of Irish civil society in recent years. One survey respondent said: ‘Look at what happened to the Travellers movement when they talked about the governments attitude in an advertising campaign. Their money was cut and it was immediate. It was called a review.’

The role of civil society itself as self-suppressing its values and views was very common theme in both the online survey responses and the event presentations. The link between dependence (funding, access to government) and voice was of consistent concern particularly for a sizable section of Irish civil society.

Oonagh McArdle of the Community Workers Co-operative spoke at the event in Glasgow: ‘From national down to local level, many civil society groups, rather than representing an alternative view or ideology are keeping their heads down, avoiding working in solidarity with those most marginalised, and are afraid to challenge. This fear of reprisal has sometimes meant that economic survival is more important than the vision for which we claim to aspire. There is a danger that we are becoming agents of government rather than agents of change. If we are agents of government, then what happens to the voice of the marginalised? Who speaks for the marginalised if this community sector mechanism is turned on its head?’

Respondents and presentations also highlighted how corporate power can limit, marginalise and suppress dissent. Issues such as corporate regulation of ‘public’ spaces that do not allow lawful assembly and protest. Respondents to the survey identified corporate power and its almost total grip on the media as being largely responsible for the dominance of neo-liberalism; corporate actors and media have pushed this agenda and excluded alternative voices.
Malcolm Carol, campaigner and Baptist Minister, highlighted how easy it was for the larger corporate actors to get injunctions against his activism and that they were able to get his name put on a police website for domestic extremists. He spoke of the thousands of pounds it would cost in legal bills if he were to try and challenge this and he referred to this as the privatisation of law and order: ‘So there we are and I saw my name, just glimpsed it, when Panorama highlighted that and the case of Peter Harbour a couple of weeks ago. On a website for being an extremist, why? Basically because a multi-national company paid for its own laws, paid for its own police force and it’s a sign of how things are.’

Other factors that respondents highlighted as inhibiting the expression of dissent were surveillance (CCTV especially) and apathy. Apathy in light of how the huge demonstrations against the war in Iraq had little discernible impact on UK foreign policy – if voice and dissent on this scale is ignored then why express dissent at all?

**On the whole it is not dissent but certain groups that are marginalised, particularly people on less than the median income and non-citizens (asylum seekers, undocumented migrants etc.).**

Survey respondent

### What can be done?

Respondents to the survey suggest that the legal framework of security legislation built up, in what they see as a knee-jerk fashion, since 9/11 needs to be revisited.

The Convention on Modern Liberty was a manifestation of discontent over the body of legislation that has built up over the past 10 years and the general direction UK society is taking with regard to security issues. It was attended and supported by politicians from left and right, by faith groups, trade unions and other civil society actors.

**Recent laws should be rolled back. A written constitution enshrining citizen’s inalienable rights might be useful.**

Survey respondent

In addition to legislative changes there was a strong current of opinion in the survey respondents that pointed to changes to government and governance as a means to enable more debate and more dissent. These took the form of various different ideas, more local powers and democracy, more parliamentary powers vis-à-vis the executive and less influence over individual members of parliament from their party’s whip. These ideas highlight the idea of separating power and avoiding small clichés making big decisions.

Reform of the media surfaced as another possible action to enable more public service provision that is able to provide reportage on a wider and more plural range of voices. This debate is likely to rumble on given the acute difficulties now facing many commercial media companies and the difficulty they are finding in funding public service content. How do we get a media ‘fit for purpose’? One that can facilitate a more grown up, intelligent and deliberative civic culture.

Respondents felt the way demonstrations and public protests are policed is in need of reform. Police practices, FIT teams, stop and search, filming of lawful demonstrators, ‘kettling’ and the confiscation of property needs to be restricted and justified. Demonstrators and activists should not be treated as trouble makers and the use of legislation designed to prevent terrorism and serious crime should only be available to police in the appropriate circumstances. The practice of using this type of legislation to police legal and lawful protests is unacceptable. Police are there to serve the public and keep law and order – therefore their role is to enable and protect the right to demonstrate. Too often the unlawful actions of a minority have seen legitimate demonstrators subject to the applications of laws designed for serious criminals and terrorists.

**A stronger right of reply law for when minority views are denigrated in the media.**

Survey respondent
Teaching and building a more deliberative and participatory civic culture that relies on individuals and groups using critical thinking and engaging with people with different values, ideas and opinions – requires a significant culture change and capacity building.

Respondents suggested the need for more coalitions of civil society groups to create the safe spaces where difference and dissent can be articulated and deliberated. Civil society itself needs to challenge power much more; for many respondents parts of civil society are seen as too subservient at present. Coalitions on key themes and issues offers the ‘safety in numbers’ that might enable more individuals and associations to voice their dissent.

Survey respondent

The police need to be reminded that they are there to serve and protect, not to control. Laws need to reflect this. The media needs to expound it (compare the initial happiness with which the media accepted police versions of Ian Tomlinson’s death vs. what actually happened, and the media later had to acknowledge).”

Survey respondent

Many large charities and pressure groups also provide campaign training, and I think they could do more to make their skills and experience more generally available to marginalised groups and communities.”

Survey respondent

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Conclusion

This paper has highlighted the concerns that surfaced throughout the various Inquiry events and particularly the concerns raised in the specific Inquiry dissent events and the online survey.

The significance of the particular concerns raised in this paper are contestable, this is the nature of any discussion on the particulars of dissent. The paper has not attempted to ‘test’ these concerns or endorse the particular arguments – just to present the information that surfaced.

The key points that this paper has tried to convey is that the right to dissent is the key cornerstone of democratic life and the space for dissenting voices is critical to a well-functioning modern democracy and civil society, it is the lifeblood of social progress. As Sunstein (2003) makes clear, social trends both begin and end with dissent.

Civil society has traditionally been the vehicle for dissenting voices and has provided the spaces in which such voices are expressed and where people assemble and associate around ideas, values and needs. But the responsibility to build and nurture a society where people are able to and feel comfortable in expressing dissenting opinions on issues that effect them is for citizens themselves and for the organisations and institutions of market, state and civil society. It is about more than a strong framework of civil liberties. It is as much about individuals and society being as comfortable with nonconformity as they currently are with conformity.

Further information

Write-ups from each of the Inquiry events ‘Civil society: Enabling dissent’ can be found on the Inquiry website at:

http://democracy.carnegieuktrust.org.uk/civil_society/publications/civil_society__enabling_dissent
References


About the Carnegie UK Trust

The Carnegie UK Trust was established in 1913. Through its programmes, the Trust seeks to address some of the changing needs of the people in the UK and Ireland, in particular those of the less powerful in society. The Trust supports independent commissions of inquiry into areas of public concern, together with funding action and research programmes. There are currently two active programmes: the Democracy and Civil Society Programme and the Rural Programme.

The Democracy and Civil Society Programme has two elements to its work. The main focus of the programme is the Trust’s Inquiry into the Future of Civil Society in the UK and Ireland. The second focus of the programme is the Democracy Initiative, which aims to strengthen democracy and increase the ability of citizens and civil society organisations to collectively influence public decision-making.

The Rural Programme helps rural communities across the UK and Ireland to respond to and influence social, environmental and economic change. The programme works to ensure that rural priorities are fully recognised by decision-makers. This is done through: securing the practical demonstration of asset-based rural development; testing Carnegie UK Trust’s Petal Model of Sustainable Rural Communities; and hosting a Community of Practice for rural activists and professionals.
In 2007, the Commission of Inquiry into the Future of Civil Society in the UK and Ireland undertook an extensive futures exercise to explore the possible future threats to, and opportunities for, civil society, looking out to 2025. Contributors to the futures work highlighted the marginalisation of dissent as a key concern. The issue of dissent connects strongly to others that surfaced throughout this phase of the Inquiry; namely, the diminishing arenas for public deliberation and the concerns over the relationship between media and civil society. These discreet issues, dissent, media and spaces for deliberation, are all interconnected and important components of an effective public sphere. Contributors to the Inquiry’s work emphasised that if societies are to develop more deliberative and participatory democracy then they will need more deliberative spaces, a more democratic media, and the ability to handle dissent and difference. In response to this, the Inquiry held three events around the theme of enabling dissent. The findings from each of these events are summarised here.

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www.futuresforcivilsociety.org

Related reports on this theme:
Civil Society Supporting Dialogue and Deliberation (full report and summary), Kelly, U., University of Bradford (2010)