

# ACTIVIZENSHIP

CIVIC SPACE WATCH REPORT 2020 • STORIES FROM THE LOCKDOWN





**GERMANY**

## Civic space in Germany is rated “Open” on the CiViCUS Monitor.

**T**he legal, fiscal, and administrative frameworks for civil society in Germany are reasonably good. The civil society contains an important “*corporatist*” sub-sector that works closely with and is predominantly funded by the State and plays an essential role in the welfare system, as well as a sub-sector which engages in advocacy, watchdog, and deliberative democracy functions. In recent years, a trend emerged towards limiting the space of civil society dealing with “political” issues. Public benefit associations that regularly express themselves politically are at risk of losing their non-profit status, thus, their tax incentives. A surge in far-right movements has also created worries amidst democratic civil society. While the COVID-19 measures were largely met with citizens’ approval, they reduced the opportunities for civil society to participate to the policy-making, creating a feeling of neglect.

## THE SECTOR IN NUMBERS

Population of the country (2020)

**83.1 Million**

SOURCE: STATISTISCHES BUNDESAMT (DESTATIS), 2020

Number of CSOs registered in the country (2016)

**658,451** (+0,76% compared to 2015)

SOURCE: P. 10, HOLGER KRIMMER (HRSG.): DATENREPORT ZIVILGESELLSCHAFT, VS VERLAG FÜR SOZIALWISSENSCHAFTEN 2019

Number of people employed by the sector (2016)

**3,7 Million** (9,9% of the total german workforce)

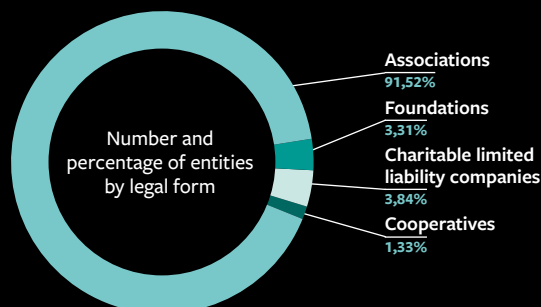
SOURCE: HOLGER KRIMMER (HRSG.): DATENREPORT ZIVILGESELLSCHAFT, VS VERLAG FÜR SOZIALWISSENSCHAFTEN, P. 94, (2019)

Number of volunteers (2017)

**32%** of Germany are engaged in voluntary work

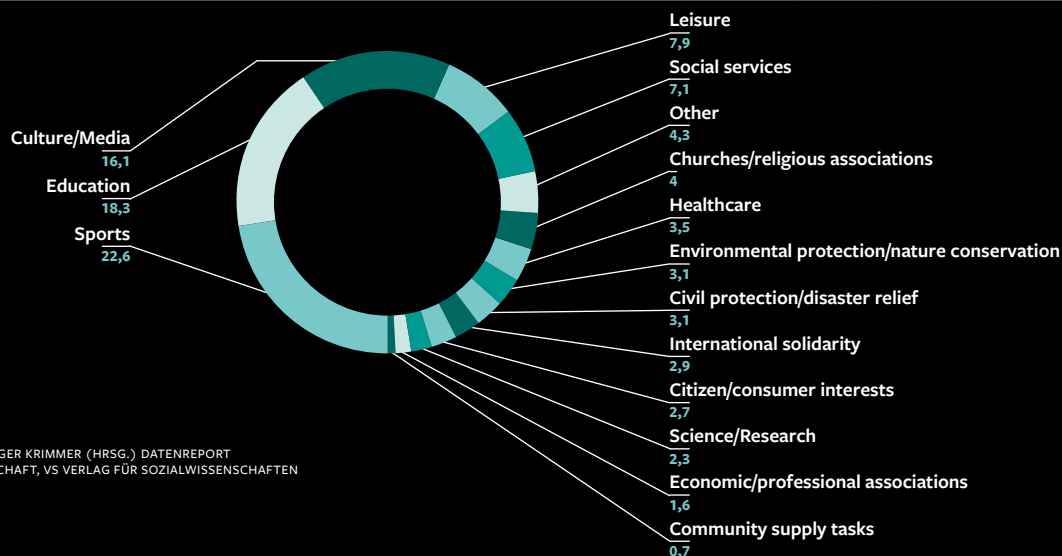
SOURCES: SIMONSON, JULIA, VOGEL, CLAUDIA, TESCH-RÖMER, CLEMENS (HRSG.) 2017: FREIWILLIGES ENGAGEMENT IN DEUTSCHLAND: DER DEUTSCHE FREIWILLIGENSURVEY 2014

SOZIOKONÖMISCHE PANEL : [HTTPS://WWW.DIW.DE/EN/DIW\\_01.C.618351.EN/1984\\_2017\\_V34.HTML](https://www.diw.de/EN/DIW_01.C.618351.EN/1984_2017_V34.HTML)



SOURCE: HOLGER KRIMMER (HRSG.): DATENREPORT ZIVILGESELLSCHAFT, VS VERLAG FÜR SOZIALWISSENSCHAFTEN, P. 94, (2019)

## DISTRIBUTION OF ASSOCIATIONS BY FIELD OF ACTIVITY (2015)



SOURCE: HOLGER KRIMMER (HRSG.) DATENREPORT ZIVILGESELLSCHAFT, VS VERLAG FÜR SOZIALWISSENSCHAFTEN (2019), P. 17

## THE ECONOMIC WEIGHT OF THE SECTOR

The sector accounts for around

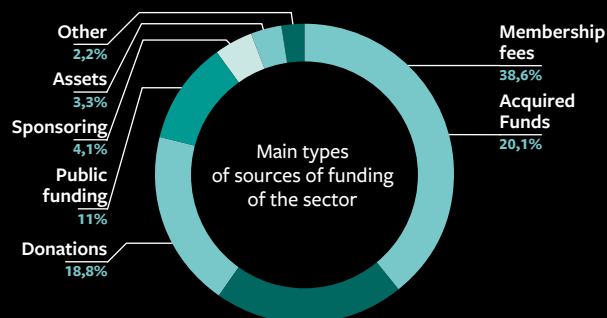
**4.1%** of the gross value added in the economy, approximately **90 billion Euro**

SOURCE: BERTELSMANN STIFTUNG, CIVIL SOCIETY IN NUMBERS: "WE MEASURE CIVIL SOCIETY", [HTTPS://WWW.BERTELSMANN-STIFTUNG.DE/EN/ABOUT-US/WHAT-WEVE-ACHIEVED/ZIVIZ-PLACING-CIVIL-SOCIETY-ON-THE-ECONOMIC-MAP](https://www.bertelsmann-stiftung.de/en/about-us/what-weve-achieved/ziviz-placing-civil-society-on-the-economic-map)

Level of trust towards the sector (2020)

**43 %**, (-1 % compared to 2019)

SOURCE: EDELMAN TRUST BAROMETER 2020, VERTRAUEN BLEIBT IN SCHIEFLAGE



SOURCE: SOURCE: HOLGER KRIMMER (HRSG.): DATENREPORT ZIVILGESELLSCHAFT, VS VERLAG FÜR SOZIALWISSENSCHAFTEN, P. 115, (2019)

# CONDITIONS FOR CIVIL SOCIETY ARE GOOD

## But civic actors were neglected during the emergency

By Siri Hummel und Rupert Graf Strachwitz, Maecenata Institute for Philanthropy and Civil Society

**W**hile, overall, the legal, fiscal, and administrative frameworks for civil society in Germany are reasonably good, civil society was strained by the COVID-19 pandemic and the following rights restrictions in its advocacy and watchdog functions, as well as in its role as service provider and promoter of the social cohesion. But it also became evident that an active civil society is of outstanding importance in all functions for overcoming the crisis.

### THE CONTEXT

The German civil society contains an important “*corporatist*” sub-sector that works closely with and is predominantly funded by the State (including contracts with the National Social Security System), providing services, and performing self-help functions. Traditionally, civil society organisations (CSOs) have played an essential role in the German welfare

system, including by providing crucial health care services and disaster care. However, as part of the Government’s neglect of precautionary measures against the repeated appeals from civil society and academia, funding for disaster care units has been significantly scaled down since the 1990s.

There is also an “*independent*” sub-sector which is funded predominantly through voluntary donations, fees for services, and foundation grants and engages in advocacy, watchdog, and deliberative democracy functions. Additionally, CSOs are active as intermediaries, in community building, and as catalysts of personal growth.

Civil society has been growing and changing over the past 30 years, recently becoming more digital, more diverse, more informal and less hierarchical. Citizens’ involvement and engagement have shifted from large, established and traditional organisations to small, new

movements, and from a permanent or long-term commitment to short-term activity and spontaneous unorganised engagement. Civic engagement in times of needs (disaster care, refugee crisis...) has proved to be strong, while a commitment to leadership roles is diminishing.<sup>1</sup>

<sup>1</sup> Strachwitz, R., Priller, E., & Triebe, B. (2020). Handbuch Zivilgesellschaft. Berlin, Boston: De Gruyter Oldenbourg.

**CITIZENS’ INVOLVEMENT AND ENGAGEMENT HAVE SHIFTED FROM LARGE, ESTABLISHED AND TRADITIONAL ORGANISATIONS TO SMALL, NEW MOVEMENTS**

The legal, fiscal, and administrative frameworks for civil society in Germany are reasonably good. There is an ongoing debate about the political role that CSOs could or should have in society. German non-profit law determines non-profits as rather unpolitical and civil society organisations that regularly express themselves politically are at risk of losing their non-profit status, as it happened in the case of ATTAC or Campact.<sup>2</sup>

## COVID-19: THE STATE RESPONSE

On 27 January 2020, the first COVID-19 infected person in Germany was identified. Shutdown measures were introduced by the federal and state governments and applied by government agencies, CSOs and businesses alike in early March. On 25 March, the federal parliament declared

<sup>2</sup> <https://www.zivilgesellschaft-ist-gemeinnuetzig.de/attac/>

**The Maecenata Foundation** is an independent think tank in the field of civil society, civic engagement, philanthropy and foundations. It has the legal form of a non-profit foundation under civil law and is based in Munich. It was established in 2010 and since 2011 has been uniting all Maecenata activities under its roof. The foundation manages and bundles the activities of its programs and represents the positions it has developed externally. It sees itself as an idealistic service provider for civil society and advocates its transnational strengthening and the development of an open society in Europe and beyond.

The Maecenata Foundation realizes its statutory purposes through six main programs and other projects.

- MAECENATA INSTITUT (MI) - Research and Teaching
- TRANSNATIONAL GIVING (TG) - International Donation Transfer Program
- EUROPE BOTTOM-UP (EBU) - European Action Programme
- TOCQUEVILLE FORUM (TF) - Support and Network
- MENA STUDY CENTRE - Research and debate
- CENTRE FOR HUMANITARIAN ACTION (CHA) - Analysis and debate

an epidemic situation of national scope. Stretching constitutional powers to the utmost, federal Chancellor Angela Merkel took on the leadership and coordinating role.

No overall state of emergency was inflicted, despite a nearly complete social lockdown. "Emergency laws" did not come into effect, these being applicable only in the case of an external attack or internal emergencies, such as civil unrest and a natural disaster.<sup>3</sup> All measures to contain the epidemic were taken on the basis of general administrative powers accorded to the States, and the federal Infection Protection Act (IfSG).<sup>4</sup> The IfSG regulates which diseases/pandemic are notifiable and, thus, belong to the diseases that the State can take special measures to combat. In the event of infections, the authorities are authorised to take all necessary protective measures to the extent and for as long as necessary to prevent the spread of communicable diseases.

In accordance with the constitution, health-related regulations were directed and enforced by the State and local authorities and, as a result, differed substantially.<sup>5</sup> Besides the possibility to impose quarantine and a ban on work for infected or possibly infected persons, the federal States enacted extensive contact restrictions and the closure of schools, day-care centres, retail outlets (with the exception of grocery stores), leisure activities, and other locations of public life. Associative life came to a complete standstill. Some states, e.g. Bavaria and the Sarre, went beyond these regulations.<sup>6</sup> The Government of Saxony prohibited people from leaving

<sup>3</sup> <https://netzpolitik.org/2020/warum-ausgangssperre-und-notstandsgesetze-nichts-miteinander-zu-tun-haben-corona-grundrechtseingriffe/>

<sup>4</sup> <https://www.gesetze-im-internet.de/ifsg/>

<sup>5</sup> Overview of all regulations in all federal states (in German language): <https://kripoz.de/2020/03/25/straf-und-ordnungswidrigkeitenrechtliche-massnahmen-des-bundes-und-der-laender-im-zusammenhang-mit-der-corona-pandemie/>

<sup>6</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

**GERMAN NON-PROFIT LAW DETERMINES NON-PROFITS AS RATHER UNPOLITICAL AND CIVIL SOCIETY ORGANISATIONS THAT REGULARLY EXPRESS THEMSELVES POLITICALLY ARE AT RISK OF LOSING THEIR NON-PROFIT STATUS**

their homes without good reason and allowed fewer exceptions than had been agreed between the federal and States' governments.<sup>7</sup> Contact restrictions extended to protest and demonstrations as well as to meetings in places of worship, bordering on infringements on the right of assembly and of exercising the freedom of religion. By and large, the emergency measures met with citizens' approval, while concerns were voiced at an early stage that these measures might stay in force beyond their necessity.<sup>8</sup>

From 15 April, the federal and state governments enabled a step by step withdrawal of the restrictions imposed on the citizens. They put the decision of further gradual reopening of public life mainly in the hands of the States, given the fact that some were merely affected (e.g. Mecklenburg – Western Pomerania), while others had very high rates of infections (e.g. North-Rhine – Westphalia and Bavaria). To date, it seems that generally speaking, Germany has coped with the virus moderately effectively.

<sup>7</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

<sup>8</sup> <https://www.forschungsgruppe.de/Aktuelles/Politbarometer/>

## THE IMPACT ON FUNDAMENTAL FREEDOMS

In Germany, political rights and civil liberties are largely ensured both in law and practice.<sup>9</sup>

The COVID-19 pandemic restricted rights on several grounds:

- ▶ restrictions on the right of assembly made demonstrations and expressions of opinion difficult,
- ▶ new surveillance technologies and registration formalities posed risks for civil society actors,
- ▶ accelerated legislative procedures significantly limited the opportunities for civil society to participate.

### Freedom of assembly

As in several other matters, each State enacted its own regulation regarding the ban of demonstration and the freedom of assembly and the regulations varied in terms of allowed sizes and preparations.<sup>10</sup>

By 8 May 2020, approximately 1,000 urgent applications had been submitted to German constitutional and administrative courts in connection with the restrictions on the right of assembly.<sup>11</sup>

Some courts predominantly understood the coronavirus containment measures of the federal States as a general ban on assemblies - even if applicable contact restrictions could have been provided.

<sup>9</sup> See eg. the Freedom house or V-dem democracy indices.

<sup>10</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

<sup>11</sup> <https://www.etl-rechtsanwaelte.de/aktuelles/erste-gerichtsentscheidungen-zum-coronavirus>

**ACCELERATED  
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THE OPPORTUNITIES  
FOR CIVIL SOCIETY  
TO PARTICIPATE**

The Administrative Court of Neustadt, for example, considered it lawful to prohibit a demonstration of two people wearing protective masks and observing the social distancing requirements.<sup>12</sup> On 5 April, demonstrations of the alliance LeaveNoOneBehind, which were to be carried out in the form of “individual walks”, got dispersed by the police in several places.<sup>13</sup> In Muenster, permission to hold a vigil against an imminent uranium waste trans-

**GERMANY DOES NOT  
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AND CIVIL SOCIETY**

port from Gronau to Russia was granted – under conditions – after filing an emergency petition in court.<sup>14</sup>

### Data protection and surveillance

The development of an app for tracking COVID-19 infection chains and the issue of transmitting data of infected persons, e.g. to the police for a forced quarantine, were highly disputed. Heavy protest and advocacy for data protection from civil society organisations, like the Chaos Computer Club (CCC), delayed the development of the app and resulted in improvements regarding tracing methods and data storage. The app, originally planned for April, was launched in

<sup>12</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

<sup>13</sup> <https://www.neues-deutschland.de/artikel/1135186.seebruecke-und-unteilbar-aktionstag-fuer-aufnahme-von-fluechtlingen.html>

<sup>14</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

June. The developers also published the app’s infrastructure on the open-source platform Github, which makes it possible



### THE AUTHORS

#### Rupert Graf Strachwitz,

Ph. D., born in 1947, has been involved with not-for-profit organisations for well over 30 years – as a volunteer, staff member, board member, consultant, and researcher, and lecturer. Since 1989, he has been managing director of Maecenata Management, a consultancy that specializes in foundations and associations, corporate citizenship and philanthropy, and since 1997, he has also been the director of the Maecenata Institute for Philanthropy and Civil Society, Berlin. Furthermore, he is Executive Director of the Maecenata Foundation, Munich, Deputy Chairman of the German-British Society, Berlin, Chairman of the Board of the Fliege Foundation, Feldafing, Deputy Chairman of the Board of the ADAC Foundation, Munich, and Deputy Chairman of the Board of the Wilhelm Kempff Cultural Foundation, Munich/Positano. His approx. 700 publications, in German as well as in English, Italian, French, Chinese, Turkish, Japanese, and Polish, include books and articles on foundation issues as well as cultural policy, the third sector, and civil society.



to see the source code. By July, the app had been downloaded over 15 Million times.

The police were also contested for using the mandatory filing of personal details when entering public places for other purposes than tracking down infections.<sup>15</sup> Additionally, CSOs have voiced concerns of violation of quarantine orders. The association *Hilfe für Menschen in Abschiebehaft Büren e.V.* (deportation aid) in North Rhine-Westphalia reported cases of enforced quarantine in a deportation prison without sufficient medical staff.<sup>16</sup> Many advocacy organisations made a point to carefully monitor the balance between the necessary emergency measures and the duty to uphold citizens' constitutional rights.

### **The dialogue between CSOs and governmental agencies**

Germany does not enjoy a compact or an overall framework for consultation and dialogue between the federal and state governments and civil society, nor there is a strong overall representation. The network of umbrella organisations (Bündnis für Gemeinnützigkeit) is weak and does not encompass all areas of civil society activity. In particular, human rights and other movements are not represented. This network was not able to agree on a formal reaction to the Government's emergency policies. Individual umbrella organisations were in touch with their government counterparts, most often with limited success. Organisations not aligned to an umbrella organisation, e.g. protest movements and civil rights organisations, usually had no access to decision-makers. A notable exception is Fridays for Future: Federal Chancellor Angela Merkel received a delegation that included Greta Thunberg and the German spokeswoman Luisa Neubauer on 20 August 2020. Arguably, however,

this was more an example of civic activism exploited for political ends rather than an exercise of the Government listening to civil society.

An example of fruitful dialogue and joint action from civic organisations and governing bodies was a hackathon which was organised by the Federal Government together with several digital initiatives and CSOs. A hackathon is a design and programming competition in which participants try to develop applications within a few days. Under “#WirvsVirus” (#WEvsVirus) over 42,000 people registered and programmed innovative designs to solve problems created by the pandemic, e.g. for coordinating volunteers online.

During the crisis, the neglect of civil society participation in the adoption of coronavirus regulations was overly apparent. Parliamentary fast-track procedures contained less (or no) possibilities for consultation and public hearings. Also, virtually, no support from the media was received. Recommendations from academia, e.g. the German National

e.g. from child protection, human, civil, or gender rights, were heard.

### **FINANCIAL VIABILITY AND SUSTAINABILITY OF THE SECTOR**

The financial effects of COVID-19 for civil society are not foreseeable yet. First projections indicate that waves of redundancies and insolvencies are not apparent (yet), but there are no sufficient data. Surveys conducted by CSOs indicate, on the one hand, a decline in corporate donations, on the other hand, a significant increase of small sum individual



### **THE AUTHORS**

**Dr. Siri Hummel** is Deputy Director of the Maecenata Institute for Philanthropy and Civil Society and is a political and communication scientist. Her research focuses on democracy and civil society, gender equality in civil society, as well as research about foundations. She is also a lecturer in the Nonprofit Management and Public Governance program at the Berlin University of Applied Sciences (HWR). Before joining Maecenata, Siri was a research assistant at the Alfred Krupp Wissenschaftskolleg Greifswald from 2011-2017. In 2018 she received her PhD at the University of Greifswald on the topic of democracy promotion through foundations.

**PROTEST MOVEMENTS  
AND CIVIL RIGHTS  
ORGANISATIONS,  
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Academy of Sciences Leopoldina, did not include the needs of civil society and habitually failed to consider perspectives from different social groups in society. The working group was contested on this ground as the average age of the members of the Leopoldina working group was over 60, and the group of 26 comprised only two women. No CSOs,

<sup>15</sup> <https://freiheitsrechte.org/corona-und-grundrechte>

<sup>16</sup> <http://www.gegenabschiebehaft.de/hfmia/pressealias/pressemitteilungen/corona-fluechtlingshaftanstalt-bueren.html>



## THE NEGLECT OF CIVIL SOCIETY PARTICIPATION IN THE ADOPTION OF CORONAVIRUS REGULATIONS WAS OVERLY APPARENT

giving, especially in the neighbourhoods.<sup>17</sup> What does appear is that independent CSOs continue to refuse any government funding, relying exclusively on their supporters to fund their activities. But again, there are no valid data yet.

The impact on contracts with governments and the public social security system depends on the field of activity. The halt on non-essential

<sup>17</sup> Phineo (2020): Corona-Krise: Die Zivilgesellschaft braucht staatliche Unterstützung. Aufruf an die Bundesregierung: Wir fordern staatliche Unterstützung für alle, ohne Ausnahme! Berlin. Online abrufbar: <https://www.phineo.org/magazin/aufruf-corona-bedroht-die-zivilgesellschaft-zuletzt-abgerufen-08.09.2020>. Phineo (2020): RISIKEN abwenden, STRUKTUREN erhalten, CHANCEN nutzen. Umfrage unter PHINEO-Wirkt-Sigel-Organisationen zu den Auswirkungen der Corona-Krise auf die Zivilgesellschaft. Berlin. PDF online abrufbar: <https://www.phineo.org/magazin/risiken-abwenden-strukturen-erhalten-chancen-nutzen>, zuletzt abgerufen 27.08.2020. Verband Entwicklungspolitik und Humanitäre Hilfe deutscher Nichtregierungsorganisationen e. V. (VENRO) (2020): Organisationen brauchen mehr Flexibilität. Ergebnisse einer Befragung der Mitglieder von VENRO zur Corona-Krise. Greenpeace & Gesellschaft für Freiheitsrechte (2020): Demokratische Teilhabe der Zivilgesellschaft in der Corona-Pandemie Monitoring "Coronavirus und Civic Space in Deutschland".

surgery and medical care to make hospital space available for COVID-19 patients to a larger degree than what was needed may affect the income situation of civil society hospitals, which manage approximately 50% of German hospital beds. CSOs fear that contracts will be revised, and funding will be reduced on a large scale. There are already some indications that government grants for CSOs will be slashed in 2021, or even in 2020. For example, the Federal Government decided to cut a 220-million-euro funding programme for socio-cultural projects to 60 million euros in June.<sup>18</sup> This programme was launched in January 2019 and due to start in 2020. Similar cuts are expected to follow.

Foundations are also reassessing their grant programmes, both in order to streamline them in favour of COVID-19 related causes and in terms of declining income. Approximately 500 large foundations are sole or majority shareholders in business corporations and are dependent on the financial success of this particular business, which may often be suffering or will suffer from a decline in profits.

Civic arts and educational institutions are suffering from losses in the income they normally generate from fees for services, ranging from concerts and other artistic performances to educational programmes, training courses etc.,

<sup>18</sup> <https://www.mdr.de/nachrichten/politik/gesellschaft/theater-k-foerderprogramm-start-sachsen-antisemitismus-100.html>

due to massive cancellations. Civil society operated youth hostels and guest houses (e.g. Friends of Nature House - Naturfreundehaus, which operates around 400 guest houses) were massively affected by the ban on tourist overnight stays and the closure of restaurants.<sup>19</sup> Youth hostels, in particular, are affected by school trips being cancelled for an indefinite period. Furthermore, CSOs that depend on wide-scale fundraising through events are reporting massive problems.

Overall, it has taken a great deal of campaigning and petitions to get the Government react at all. Support and state assistance for CSOs came late, after implementing protective shields for business corporations on a large scale at the very beginning of the lockdown. CSOs may participate in general govern-

## THE IMPACT ON CONTRACTS WITH GOVERNMENTS AND THE PUBLIC SOCIAL SECURITY SYSTEM DEPENDS ON THE FIELD OF ACTIVITY

ment relief programmes at federal, State, and local level, but virtually no specific CSO relief programmes exist. Also, programmes are administered by a plethora of different government agencies at the federal and state level, applying is complicated and carries a number of clauses and restrictions that many CSOs find difficult to meet. Overall, these funds are much smaller than those granted to ailing business corporations.

<sup>19</sup> <https://www.tagesspiegel.de/berlin/corona-rettungsschirm-hat-luecken-gemeinnuetzige-betriebe-in-not/25705576.html>

## THE IMPACT OF THE COVID-19 CRISIS

**A survey by PHINEO carried out at the end of April 2020 found that:**

- ▶ **97.5%** of the organizations were or will be affected by negative consequences of the Corona crisis in terms of content, economy and operations
- ▶ **2/3** assumes that the criteria of government support programs do not apply to them
- ▶ Only **34.8%** had requested or planned to request funds for emergency aid
- ▶ Around **30%** expect to make redundancies for operational reasons
- ▶ More than **50%** was able to digitise their services

Source: Phineo (2020): RISIKEN abwenden, STRUKTUREN erhalten, CHANCEN nutzen. Umfrage unter PHINEO-Wirkt-Sigel-Organisationen zu den Auswirkungen der Corona-Krise auf die Zivilgesellschaft. Berlin. PDF online abrufbar: <https://www.phineo.org/magazin/risiken-abwenden-strukturen-erhalten-chancen-nutzen>.

**WHILE POLICE  
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On 8 July, the Federal Government provided around 25 billion euros for small and medium-sized enterprises, including CSOs. However, application procedures continue to be complicated and do not meet the specific needs of CSOs, and in many cases, CSOs do not qualify for some reason. In Berlin, for example, CSOs can only apply for financial aid to bridge the gap if they are a limited liability company, but not as a registered association.<sup>20</sup>

Finally, CSOs face a fiscal financial problem. Not being permitted to build up reserves beyond a very limited extent, their risk of insolvency is considerable. Also, they do not usually qualify for any of the loan programmes the Government has launched.

A recent study on what CSOs can offer, what they need, and what assistance they are given, undertaken and published by the Maecenata Institute, revealed that non-financial support was seen as equally important and equally lacking.<sup>21</sup> E.g., while police officers and other government employees received profuse thanks for the extra workload

they had to take on, CSO staff and volunteers regularly went unmentioned.

**CONCLUSION: CIVIL  
SOCIETY UNLOCKS ITS  
POTENTIAL**

CSOs active in health and disaster care (e.g. the German Red Cross, the Order of Malta, and others) were able to engage their volunteers and provide help and services, e.g. in mass testing, against heavy odds.

Civic solidarity at the neighbourhood and local level was strong. Due to the contact restrictions, most of the initiatives were organised online. Grocery-Services for elderly or quarantined people were organised via platforms like Facebook or nebenan.de (a platform especially for neighbourhood communities, founded some years ago) or WhatsApp groups. Initiatives like “giving fences” with bags of necessities for people in need were created and supported in many towns, and many people started crowdfunding campaigns for small businesses or culture places in their neighbourhood areas, e.g. ‘ich bin ein Lieblingsort’ (I’m a favourite place) or Rettet die Clubs! (save the clubs!). Data about sustainability and the range of these actions are unavailable.

Attempts were made, e.g. by Fridays for Future, to put their protest online. Public visibility was naturally much reduced. Public demonstrations that respected security measures were very rare. More recently, however, a complex paradox has arisen in that demonstrations that did not respect those measures

were staged by opponents of the Government’s action. Anti-coronavirus demonstrations began to take place in July 2020 all over Germany in defiance of police regulations, with hotspots in Berlin, Hannover and Stuttgart<sup>22</sup>. They assembled a strange melange of conspiracy theorists, critiques of capitalism, and xenophobic, right-wing extremist and esoteric and alternative-medical groups. During these events, attacks on journalists and police were reported and triggered an ongoing public debate over the peril of radicalisation of the anti-lockdown protests. Civic activists found themselves in the strange situation of witnessing their very own causes, e.g. protesting infringements on civil liberties including freedom of assembly, being voiced in public by assemblies they would wish to disassociate themselves from by all means.

Over the next few months, an intense discussion over principles of civil society action and the role of civil society in defending and reforming a democracy based on the rule of law, human and civil rights, and ideals of an open, cosmopolitan, liberal, and participative society devoted to social change and justice will be required in order to fend off forces that have shown their ability to assemble sizeable numbers of citizens for very different ends. ■

The analysis is updated to 17 September 2020.

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<sup>20</sup> <https://www.tagesspiegel.de/berlin/corona-rettungsschirm-hat-luecken-gemeinnuetzige-betriebe-in-not/25705576.html>

<sup>21</sup> Will be published in October 2020

<sup>22</sup> <https://www.spiegel.de/international/germany/the-corona-conspiracy-theorists-protests-in-germany-see-fringe-mix-with-the-mainstream-a-8a9d5822-8944-407a-980a-d58e9d6b4aec> <https://www.dw.com/en/how-are-germanys-coronavirus-protests-different/a-53443502>

*The genius of #Unteilbar was to shift the narrative towards a genuinely positive and hopeful vision of solidarity in diversity in Germany. Its story shows that it is not just enough to be reactive to the far-right infused public discourse that too often leads to normalising hate and violence towards minorities in Germany. In order to make equity and social justice common sense, the activists behind #Unteilbar seized the opportunity to weave the narratives of the increasingly intersectional grassroots initiatives and CSOs in Berlin and beyond into one powerful message of solidarity beyond borders – in the public space and in the minds. Not only did they manage to do that in Berlin, but also in cities in East Germany where civic initiatives are in need of support in the face of increasingly powerful far-right movements. Solidarity practices require that each of us listen to one another and look not for differences, but for points of overlapping interest or concern. The solidarity approach of #Unteilbar did lead to a common assessment among civil society that all forms of discrimination and hate are divisive tactics that needs to be overcome altogether, for social and climate justice to become reality. The pride and euphoria the demonstrators experienced during the demonstration of the 13th of October 2018 and the subsequent actions of “#SoGehtSolidarisch” showed so clearly how important narratives shape our worldviews and bring us the courage to speak up for our values and for the rule of law..*

Martin Pairet,  
European Alternatives



# SOLIDARITY IS MORE THAN A PRACTICE

## We need to ask who is paying for the crisis

Interview with Rebecca Rahe and Corinna Genschel, #Unteilbar

97

**Can you tell us about the #Unteilbar? When was it founded, who are its member and goals?**

**CORINNA GENSCHEL:** #Unteilbar, which means “Indivisible”, was founded two years ago, in the summer of 2018. The Minister of Interior from the rather conservative Party CSU (ed.: Christian Social Union in Bavaria) was pushing against taking in refugees coming from Greece. This was just the last step after a long process shifting the government towards the right. The stand against refugees’ rights was a symbol. Back then, a small civil liberties organisation brought together other civic organisations and social movements to do something; not just another march or small initiative; we needed a larger response from the civil society and social movements. Throughout the summer, we sat down and reflected on what could be a response that would bring along the

progressive civil society in its broadness, together. We wrote a short but decisive call and started gathering signatories.

Then, we had a major fascist incident in Chemnitz in Saxony, in South-East Germany. Following a murder, the far-right mobilised in mass, while the police did not step in. We were already out with our initiative, but this mobilisation really pushed the civil society in Germany to act and gave momentum to our call. We needed a response in that town, but we also needed a federal response. We called for a demonstration on 13

October 2018 in Berlin. In the end, 240 thousand people showed up; it was one of the largest marches in Germany in the last decades. And it was very mixed: young people, older people, families, people in wheelchairs, people from social movements and people who had never been in demonstrations before. We did not organise thinking of a huge federal mobilisation, but people came in from other cities and picked up the message “Unteilbar”, “Indivisible”. The meaning is that we do not let the welfare state be pitted against the rights of migrants, against climate change, against other rights. Human rights are indivisible, and we are in solidarity with each other.

The other very important element is that we are an organised civil society response, and we want to give voice to those people who are unheard. However, we do not want to just add all these voices and specific demands; we want

**WE NEEDED A LARGER RESPONSE FROM THE CIVIL SOCIETY AND SOCIAL MOVEMENTS**



Rebecca Rahe

to create a synergy that makes all of us stronger. The right-wing is dominating the public discourse: they are loud; they are aggressive. We felt we needed a way to fill the public space with all those people who are there but are not as loud. After this huge far-right mobilisation, activists, musicians, and people from the civic and public space organised a huge free concert in Chemnitz in September under the slogan “*We are more*” which was also addressing the issue of who is in the public space, who is influencing the political discourse.

Initially, we as #Unteilbar only intended to have a march (in October), but it was so successful that we started to think that #Unteilbar had a bigger political responsibility.

**REBECCA RAHE:** What made #Unteilbar so successful was that it was not just a demonstration against the push of the far-right or racism; it was a march to be united in solidarity and to unite our struggles. The subtitle of the call was: “*Indivisible. In solidarity instead of exclusion. For an open and free society*”. There were the trade unions and big social welfare organisations being allies with small initiatives of self-organised refugees or feminist groups, climate justice groups, civil rights groups etc. Everyone could unite with their own struggle under the label “Unteilbar”. #Unteilbar became more than a

label: it was a way to do politics as a social movement, yet not a social movement independent from its parts. Inside #Unteilbar we can do things that we cannot do on our own.

### How were you able to manage such a diverse coalition?

**REBECCA:** I think that one thing is the personal relations of people knowing each other and having built trust before. The movement was not born out of the blue. It was built by people willing to go a bit further than they usually would, because of the political situation. That was the time to build broader alliances. Since a couple of years, we had started understanding that we cannot do things on our own, and this created fertile ground for #Unteilbar.

**CORINNA:** I think that there was the feeling that there was a momentum to act. We also have an organising core group, like a coordinating committee that has the duty to build the alliance and organising the marches. But this is not like a traditional alliance where you are voted into this core group. We work together because we trust each other on a personal level. We also always try to avoid merely adding our individual demands to the alliance; we try

to think of those that march without us or those that are marginalised and might not be in the core group organising. We try to be representative and inclusive of more and giving voice to more, and that way bringing people into the alliance and the movement.

We keep the call rather short: we do not provide a long list of specific demands. Instead, we try to be abstract in a comprehensive way. The “indivisible” label tries to build bridges beyond our individual specificities, and we try to give voice to those who have specific concerns. We are trying to give another picture of the society. To give another example, last year we had a big demonstration in Saxony before the State elections. In the general public, there is an image of Saxony as a very white and racist state. We organised with various local anti-racist civil society organisations, migrants’ groups. For us, it was very important to have speakers to the press that made the “other Saxony” visible. This is a long process, so we usually do not organise a protest quickly. In the end, the march in Dresden was against racism not only for its messages but also for the visibility of persons of colour and an open and diverse society. In Saxony,





Corinna Genschel

there are a lot of groups of migrants or people working with migrants who struggle every day. They picked up the march as an opportunity to come out together and be strong in their togetherness. That was the beauty of it.

**Why did you decide to organise the demonstration #SoGehtSolidarisch? What messages did you want to spread?**

**REBECCA:** In Germany, the shutdown of public life came in mid-March. From that moment on, we were meeting every Wednesday in virtual space asking ourselves what we could do to address the consequences of the pandemic, but also how we could do it in the context of the pandemic and the limits to assemblies. Our main tool to protest and bring our claims into the public is through demonstrations, so we needed to think anew. There were some initiatives, for example under the slogan “*Leave no one behind*” that organised actions, rallies etc. for refugees to be evacuated from the Greek islands. We tried to broaden the attention of these initiatives. At the same time, the issue of migration as a civil rights question came back to the table given the hard stance our government (and the EU) took on evacuating the refugees from the Mediterranean. It found a small space in the press,

but still, nothing happened. The people were creative in finding ways to protest during the pandemic. Yet, people were not evacuated from Moria. It was frustrating. At the same time, the social inequalities that existed before the pandemic were getting even more drastic. We know this from all countries and regions – there is so much written about this now. However, in this crucial moment bringing the voice of civil society on how the situation should be dealt with was still not possible. And when the lockdown was gradually eased, the streets were taken over, again, by right-wing demonstrations with wild conspiracy theories, spreading anti-Semitic ideologies etc. It was not just about the “streets”: the public discourse seemed to be dominated [Ed.: by the far-right] again. And that was the point in which we decided to act very quickly and organise a “ribbon of solidarity” in many cities in about three weeks. We thought that was the time to address the government but also the society differently. We wanted to communicate that solidarity is not just the practice of supporting one another in the neighbourhood but it is also about asking how the money is being distributed, who is going to profit from it, who is going to come out of the crisis worse or better.

**CORINNA:** I think we can see very clearly in this mobilisation that #Unteilbar wants to be more than just “*against the right-wing*”. We want to work for a society in

solidarity. We want to bring a different imagination to the streets. In that regard, we also had to engage with the issue of the pandemic. Masses of people rallying together are the life of social movements, but we could not do that, and not only because of the government’s restrictions. We also wanted people to feel safe going out in the streets. #SoGehtSolidarisch was both a political message with all these demands and connecting struggles, but it was also an experiment of demonstrating differently, in a safe way during the pandemic. This is how we came up with the ribbon of solidarity. It was very colourful; it was very nice. There were long lines of people, keeping the distance but being connected through the ribbon. And it worked. The beauty of it was that in the very small timeframe we had, ten cities decided to take that on and initiate small alliances and formed their ribbon of solidarity. Climate action groups, with anti-racist groups, with feminist groups... **REBECCA:** As Corinna said, we wanted everyone to be safe - that is also why we put so much effort into the live streaming, which we also published on YouTube afterwards to reach people even in the aftermath. That day, on 14 June, we had more than 20’000 clicks on the live stream, and many thousands watched it throughout. On the streets across Germany, we were also more than 20’000 people. If you add everything together, we reached more than 50’000 people on the day itself, but even more in the aftermath through Youtube.

**Is the protest connected with other strategies in different fora to obtain change?**

**REBECCA:** #Unteilbar is a way to do things together that we cannot do alone. Individual organisations do so much political action, and it is important that it is that way. #Unteilbar does not take on specific challenges that can be done by the organisations themselves or other alliances. Of course, we network with others, we

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represent the idea of #Unteilbar in other circles, but our political strength lies in organising protests as an alliance, this is how we work for change.

**CORINNA:** To give an example, after we cooperated with civil society in Saxony last year before the state election there, in the upcoming year, we will try to initiate a similar process in five States in the East. The “East” is a specific region and next year three State elections will be held, and we run the danger to have a big right-wing shift. The solidarity structure is struggling hard there; there is a difference between the East and the West because of the

different history of civil society. This is one reason we started networking with several initiatives there to think whether it is feasible, and it makes sense to build up a campaign in solidarity with the East – to build special fora – to answer your question – in a way that does not say “*the people from Berlin come there to protest the right-wing elections*”, but to start a campaign of those initiatives and act as a magnifying glass to make it stronger. We might not be “*more*”, but the structure is there. Part of the society in the East is not voting right-wing, that is protesting and trying to build an alternative of solidarity.

### What impact is this initiative having?

**REBECCA:** In February, in Thuringia, a parliamentarian from the FDP (ed.: Free Democratic Party) was voted as Minister-President with votes from the AfD (ed.: Alternative for Germany). There were spontaneous rallies all over the place and the next morning we received several calls to ask what #Unteilbar was going to do. #Unteilbar had positioned itself before, claiming that if AfD becomes the ruling party in one of the States, civil society is called to action. Of course, this was not exactly the case, but it prompted us

to intervene. There was a local alliance in Erfurt/Thuringia that we joined and worked together with. It was clear that something had to be done and who was going to do it. For me, this was an important moment to measure what role #Unteilbar can have in society. I also think that the announcement of our demonstration provoked a change in parliamentary politics<sup>1</sup>: civil society was putting pressure on them, and that was going to be big. Then, I tend to measure the impact more in terms of the state of civil society rather than in terms of changes in the law or parliamentary politics. For example, now the *Fridays for future* movement is supporting workers’ struggle around higher wages for the public transport sector. I think that these kind of alliances are so crucial for social change. #Unteilbar does have some role and some impact in that people see it as possible to link up with movements and people that are not the closest to them.

**CORINNA:** I totally agree with Rebecca. At the same time, I think the question of impact on power balances is fundamental, and there is a real need for reflection inside civil society in Germany and Europe. As #Unteilbar, and more broadly as civil society and movements, we have been on the streets in large numbers for years. We might manage to shift the public discourse, and that is important. But in the long-run the question for organised civil society and social movements is how to influence changes also legally, institutionally and structurally – and this is not just a question for #Unteilbar. I think that in the last five years at least, there has been a gap between the very strong public outcomes of social movements and the impact at the policy level. We see it for example with *Fridays for Future* and *Ende Gelände*: we have a very strong, continuous pressure on the politics of climate change, but the effects are really limited.

<sup>1</sup> The elected Minister-President announced his resignation and a new vote was held.

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**To connect to this, there has been a push to keep civil society outside of the realm of politics. Is this issue addressed inside of your movement?**

**REBECCA:** Last year in Germany we had a big debate about “*gemeinnütziger Verein*”<sup>2</sup>. It is about tax laws, a bit boring but important, because it allows organisations registered as organisations working for the “*good of the public*” and, therefore, to be tax exempt (especially important for donations). When eventually also the *Association of Persecutees of the Nazi Regime/Federation of Antifascists* (VVN-BdA) lost its “*gemeinnütziger Verein*” status (ed.: “*public benefit*” status), #Unteilbar addressed the issue head on by writing an open letter and collecting signatories. We had not done that before, but for us, this was a big issue for the state of civil society: how organisations can act politically or are structurally enabled to do so. We were concerned about what could happen from now on if such State decisions would become legitimate: What can organisation say or do if they are always threatened with losing their “*public benefit*” status? We stood in support of the organisation, also stating that civil society deals with issues that are political.

**Is there a desire to get organised also transnationally in Europe?**

**CORINNA:** Well, #Unteilbar is always thinking globally or transnationally, but it is not organised that way – we act “locally”. Although we have strong ties, we do not organise for this issue across Europe. Within Europe, and I like to stress Europe rather than the European Union, we are in a different position compared to ten years ago when, with the financial crisis, all civil society and social movements

came together and strategised together. We are in a different stage now, that does not mean that there are no networks organising in a pan-European way, but just saying it seems to be a different context right now. For us, getting this award is a way to be in companionship with these other groups.

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**Do you think that the European Union can be an ally in your struggle? In what way?**

**CORINNA:** No, not really. This is a state organisation, not an alliance partner, plus for us it is important to think Europe not just the EU. We are companions or allies of civil society in the EU and Europe but also beyond: there are other spaces or terrains of struggles that we look at, like the Balkans, the Mediterranean... #Unteilbar understands itself as an agent of civil society or organised civil society. We are independent of parties and states.

**What lessons can be learned from this initiative that can potentially inform a post-COVID-19 institutional and societal response?**

**REBECCA:** I think that, especially at the beginning, there was a discourse even in big media institutions that this crisis was a window of opportunity for some profound societal change, to organise the economy differently, for more equality and more justice. I do not think that this is necessarily a lesson from the pandemic but has more to do with the ups and downs of the

political discourse and politics in general. We did see that there is a lot of money if governments decide that it is needed, and that politics can act together and solve problems in a crisis if they want to. Yet, we – civil society – need a balance between pushing, interacting, and interfering, and that was imbalanced or even out of balance before, particularly in COVID-19 times. Institutionalised politics can act, but we need to keep them accountable, transparent, responsive. For me, it is an open question: can we build up more pressure for them to act differently?

**CORINNA:** What I learned is that strong and accountable institutions might be very useful, but for a society in solidarity we also need them to be in relation with an organised progressive civil society that can have a say in these decisions. It was civil society that pointed to the issue of refugees in Moria or the homeless people that could not find a shelter or other societal issues. In these kinds of situation, we need a relationship between accountable institutions and a civil society that allows finding a solution to these questions, needs and demands much earlier on. We need people voluntarily standing in solidarity in their neighbourhoods, but we also need organised solidarity, and it needs to be supported by “the State”. Linking to what Rebecca was saying about the “*public benefit*” status, this context makes that boring textbook question so crucial because for civil society to be organised, for solidarity to be functioning, it needs to have resources. We can learn this all the time, but these last months made it really clear that civil society needs to be much more cherished, not just by clapping on the balconies. ■

The interview was carried out on 20 July 2020.

<sup>2</sup> The definitions of legal categories such as “charitable”, “philanthropical” and “benevolent” associations differ considerably between jurisdictions. “*Gemeinnütziger Verein*” can be roughly translated as “public-benefit”.

**Edited by**  
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**Publishing Director:**  
Jean-Marc ROIRANT

---

**Editor in chief:**  
Alexandrina NAJMOWICZ

---

**Editorial advisors:**  
Jan Robert SUESSER, Raffaella BOLINI and Karolina DRESZER-SMALEC

---

**Coordination of editorial content, editing and prepress:**  
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---

**Desk research for infographics:**  
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---

**Proofreading:**  
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---

**Graphic design:**  
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---

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Van der Poorten

---

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European Civic Forum - Association Loi 1901  
167 Bd de la Villette, 75010 Paris – France  
Tél. +33 180 05 19 12  
[www.civic-forum.eu](http://www.civic-forum.eu)  
E-mail: [contact@civic-forum.eu](mailto:contact@civic-forum.eu)

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