

# Charity, politics and the culture wars

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How the language of culture wars is helping close down the space for civil society action

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**A**fter twelve years of austerity under successive Conservative-led governments, civil society is under serious strain. Cuts to public spending, changes to the benefit system and precarious work have increased need to acute levels, while raising costs and undermining the capacity of the voluntary sector to respond. At the same time, civil society organisations more broadly have become subject to a series of legal frameworks restricting the space for legitimate participation. These factors have combined to create what has been described by the UN Special Rapporteur as the ‘closing space for civil society in the UK’.<sup>1</sup>

As will be explored later, ‘civil society’ is a contested concept. In this article, I will use the term to refer to any form of social organisation outside of the market and the state. My particular focus here, however, is on registered charities, which are just one of the legal forms that civil society can adopt (alongside others such as cooperatives, trade unions or informal groups and networks). This is partly because charity is often depicted as the ideal way to collectively meet social needs, and perceptions of what charities are or are not permitted to do profoundly shape the space for action for civil society more broadly.

Debates about the legitimacy of different kinds of civil society action have increasingly come to be framed in the language of ‘culture wars’, as happened with the National Trust in 2020, when it faced censure for publishing a report on the historical links between its properties and slavery and colonialism. My argument

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is that in this case, as in others, although the explicit culture-wars framing of the response was novel, there were continuities with long-standing debates over the legitimate space for civil society action, often discussed in terms of the obligations on charities to avoid being ‘political’. What this shift to the language of ‘culture wars’ achieves is then discussed in relation to the changing fortunes of the UK’s political parties since 2019, and the ambivalence towards autonomous collectivity within late neoliberalism.

Three mechanisms being used to enclose the space for civil society are then discussed in more detail: their government through uncertain and ambiguous rules; the increasing bureaucratic demands placed on regulated groups; and the impact on such groups of exemplary punishment. While these dynamics have intensified in recent years, they have been underway for far longer, and this longer history is explored in a section on how Muslim civil society organisations have experienced these contradictions since the 2000s. The article closes by drawing out some of the implications of this analysis for navigating culture-wars rhetoric and building resistance within the charity sector and broader civil society.

The article draws on research and interviews undertaken by the author for three different projects since 2018. The first was the Civil Society Futures Inquiry;<sup>2</sup> the second was a British Academy funded follow-up project to Civil Society Futures, *Policing the Political*;<sup>3</sup> and the third was a consultation for the Joseph Rowntree Charitable Trust (JRCT) on setting up a new fund to support grassroots movements.<sup>4</sup> Insights from across these research projects have informed this account of the shifting relationships between charities, politics and the culture wars underway today.

### **From ‘political wars’ to ‘culture wars’**

In September 2020, the National Trust published a report as part of its ‘Colonial Countryside Project’ exploring links between 93 of its properties and slavery and colonialism.<sup>5</sup> Although this was a four-year project beginning in 2018, the report happened to be published shortly after the biggest antiracist demonstrations in UK history, meaning it was indelibly linked in the right-wing imagination with the Black Lives Matter movement. In particular, it was interpreted as a continuation of the debates about history and memory which had been sparked by the toppling of the statue of Edward Colston in Bristol that summer.

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Right-wing criticism of the report was explicitly framed in terms of a ‘culture war’. In a letter to the *Daily Telegraph*, MPs and peers from the Conservative ‘Common Sense Group’ claimed that the National Trust’s leadership had been captured by ‘elitist bourgeois liberals ... coloured by cultural Marxist dogma, colloquially known as the “woke agenda”’.<sup>6</sup> Similar themes appeared in opinion pieces in *The Times* and *Spectator*, and a rebel alliance of 6000 current and former National Trust members established themselves as ‘Restore Trust’, with the stated aim of returning the Trust to ‘its founding purpose to protect and preserve historic and cultural treasures’.<sup>7</sup> In 2021 Restore Trust endorsed several candidates for the National Trust’s Council, including Steven Green of Christian Voice, known for his reactionary positions on gay rights, feminism and *Jerry Springer: the Opera*.

Rather than defend the National Trust, the Charity Commission responded to these criticisms by launching an investigation into whether the report fitted within the National Trust’s charitable purposes. This concluded six months later with the self-evident fact that the report fitted entirely within their purpose to preserve the history of their buildings. The only mild admonishment they could find to justify the investigation was that the Trust should have done more to explain the link between the report and its charitable purposes to the public. Even this was spurious, given that the Trust’s preparation had been exemplary, including consulting a panel of 2000 Trust members which found broad support for the research. Despite exonerating the National Trust’s actions, the tone and manner of the Charity Commission response sent a message that no amount of planning by the most respectable of organisations would be enough to avoid censure once a culture-wars framing had been imposed.

Writing in the *Mail on Sunday* a few months after the National Trust report was published, the Charity Commission chair Baroness Stowell drew out the implications for the charity sector at large. Again, rather than admonish MPs for making baseless accusations, she issued a warning to charities themselves: ‘if you want to improve lives and strengthen communities through charity, you need to leave party politics and the culture wars out of it’.<sup>8</sup> (This was delivered without any sense of irony that she herself sits in the House of Lords as a Conservative peer.)

This overt linking of ‘culture wars’ and ‘party politics’ helps connect the National Trust case with investigations earlier in the decade, discussed at the time in terms of charities’ obligations to avoid being ‘too political’ rather than

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in terms of the 'woke agenda'. For example, in 2013 Oxfam produced a report about poverty which they promoted with a tweet describing a 'Perfect Storm' of government policies contributing to growing inequality. They then faced an investigation by the Charity Commission following complaints from Conservative MPs, which returned an ambiguous ruling that could have been interpreted as upholding or denying the complaint.<sup>9</sup>

Both the Oxfam and the National Trust cases, then, followed the same pattern. In both cases, a large-scale, highly respectable charity faced right-wing criticism, which led to a Charity Commission investigation, which failed to find significant wrongdoing but nonetheless left an aura that the criticisms might have had some validity. What is new in the shift in language from being 'too political' to 'culture wars' is that this tactic has been expanded beyond cases which can be linked to government policies. The National Trust report made no recommendations for policy-makers and drew no conclusions beyond the fact that visitors to its properties should have the opportunity to be made aware of their histories. Similarly, when Barnardo's published a blog post about how to talk to children about white privilege in 2020 this had no relationship to party politics - and yet it was critiqued by the Common Sense Group as 'ideological dogma' and 'divisive militancy' and reported to the Charity Commission (which, once, again exonerated it).<sup>10</sup>

I would argue that this pivot from 'politics' to 'culture wars' has a clear logic when seen in the context of the Conservative Party's success in the 2019 election and the end of the Corbyn project. The Corbyn leadership was closely connected to social movements, both because of the personal support that figures such as Corbyn, McDonnell and Abbott had given to extra-party issues and campaigns for decades, and because many people from these movements and campaigns joined the party during this period. Corbyn also adopted a relatively open policy-making process, where the membership were given more opportunity to input into the Labour Party manifesto than at any time in its recent history.

This meant that policies emerging from the from the more mainstream charity sector, as well as from radical social movements, had access to an unusually transparent mechanism for being adopted by a major UK political party. In particular, Corbyn's broad opposition to austerity - which almost the entire charity sector had spoken out against - and willingness to commit to increased public spending meant that there was a broad alignment between the Labour Party

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manifesto and the policy demands being made by many charities. Allegations of ‘partisanship’ during this period did therefore potentially hold some weight. In fact, the more closely aligned Corbyn’s Labour was with the positions being put forward by social movements or the charity sector, the more impervious the Conservatives could be to their criticism, since they could dismiss lobbying around these policies as ‘party political’.

With the end of the Corbyn project, Starmer has once again closed off the Labour Party to this kind of influence, and he is seemingly unwilling to commit to any policy platform until far closer to the next general election.<sup>11</sup> In this context, partisanship is a far less credible accusation - and accusing charities of instead engaging in ‘culture wars’ creates a new means of enclosing the space within which civil society can act.

### Who started the war?

If charities now face new obligations to avoid not only being ‘too political’ but also to stay out of culture-war issues, this raises some significant problems. While the relationship between ‘charity’ and ‘politics’ is far from straightforward, there is at least a body of case law and formal guidance which can act as a starting point for debate. Culture wars issues, however, have the character of true controversies, where there is not even a baseline agreement on what the argument is about - including disagreement about how and when the war began (i.e. who it was that brought the issue under consideration into the political arena).

In the National Trust case, the Common Sense Group presented the National Trust as the aggressors - the ones imposing their ‘woke agenda’ and rewriting history ‘to suit snowflake preoccupations’. Expressing a similar perspective in modified terms was the former chair of the National Trust Simon Jenkins. Writing in the *Guardian*, he agreed that the main aim of the research was legitimate, but claimed it ‘needlessly provoked the anti-woke campaign’, in particular in its ‘infantile’ decision to condemn Churchill for his opposition to Indian independence.<sup>12</sup>

For the National Trust and its defenders, on the other hand, it was the MPs and those who pressured the Charity Commission to launch its investigation who started the war. They also pointed out that this was a dispute in which the two sides faced very different stakes. Along with the administrative burden of facing an

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investigation, the Trust's director-general received at least one death threat, and the report's author Corinne Fowler was advised not to go out alone for her own safety.<sup>13</sup>

The incommensurability of these perspectives was evident in a quote from Lord Peter Lilley (part of the Common Sense Group), stating that if Fowler could not take criticism she should not be in a university, let alone lecturing the nation: 'Arguably, it is she who has insulted her country by her book whose very title - *Green Unpleasant Land* - tells us what she thinks of her fellow citizens'.<sup>14</sup> The entire case takes on a very different complexion depending on whether you think Fowler's choice of book title, or the backlash against it, were the opening shots of the culture war.

In this highly polarised context, Baroness Stowell staked out an apparent middle ground. In her *Daily Mail* piece she argued that charities mustn't jeopardise goodwill 'by getting drawn into the culture wars, on any side of the argument'. This passive voice construction of 'getting drawn in' implies equal responsibility on the part of charities and those accusing them of waging a culture war. Only by avoiding 'being drawn in' could charities 'demonstrate sensitivity and respect for everyone' - including those without strong views either way on controversial issues. Avoiding anything that could be construed as a culture wars issue was therefore an essential part of fulfilling their duty to the public, many of whom 'seek out charities as an antidote to politics, not a continuation of it'.

As Jay Kennedy from the Directory for Social Change has pointed out, this entails a misreading of the concept of 'public benefit' within charity law, which, while contested, does have real meanings that are distinct from 'public opinion' or 'being popular' (and is certainly distinct from Baroness Stowell's personal beliefs).<sup>15</sup> Her assertion that charities should be an 'antidote' to politics also draws on an understanding of civil society as fundamentally a non-political space, as well as one of consensus. Theoretically, this perspective is rooted in the work of those such as de Tocqueville, whose account of civil society stressed 'volunteerism, community spirit and independent associational life', and bracketed out issues of political or economic contestation.<sup>16</sup>

From a Tocquevillian standpoint, oppositional groups are by definition excluded from civil society. But this is to overlook, among other things, the existence within civil society of groups whose aim is to make change happen, or which embrace an explicit political, social or environmental justice dimension. In the Civil Society Futures Inquiry, I was brought in to conduct interviews with such groups,

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when it became clear at the end of the first year of the inquiry that they were underrepresented in the research. When reaching out to some of these groups I then often encountered a mutual misrecognition: the groups themselves did not consider themselves part of civil society, and nor were they seen as such by more mainstream actors. This indicates that the liberal, consensus-oriented definition of civil society predominates in England.

However, there are other ways of understanding civil society, such as that articulated by Gramsci. Gramsci had a much broader, and more political, view of civil society, which he saw as being constituted of all the social activities and institutions that are not part of the government or its agencies, and which he directly contrasted to “political society” or the state<sup>17</sup>. He saw civil society as precisely as an arena of contestation, as the level at which consent to the dominant hegemony could be challenged, in what he saw as a war of position.<sup>18</sup> When seen in this way, demands that civil society organisations should act as an ‘antidote’ to politics, avoid criticising government policies, or confine themselves to non-controversial topics, are themselves an exercise in power - and claiming this space of contestation as legitimate is an important act of resistance.

Underlying the state’s current approach to the charity sector, and civil society more broadly, is a deep-seated ambivalence about autonomous collectivity within late neoliberalism - perhaps because they correctly understand civil society as a potential site of challenge. Talk of the ‘Big Society’ may have died with the Lib-Dem-Conservative coalition, but over the past decade the government has come to rely ever more heavily on charities and the voluntary sector to provide basic services, as the state has contracted.

The challenge for the government is how to ensure this kind of independent associational life continues to ameliorate the worst consequences of their policies without allowing it to become part of a Gramscian oppositional bloc. The shift towards criticising charities for engaging in ‘culture wars’ is one means of keeping civil society in a Tocquevillian box - and it echoes other, increasingly draconian, systems of control aimed at preventing this sphere from becoming an effective way of mobilising opposition. The next section looks in more detail at three of these mechanisms.

### Enclosing the space

This section looks at three mechanisms being deployed to shrink the space in

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which registered charities can act: governing through uncertain and ambiguous rules, increasing bureaucratic demands, and the impact of exemplary punishment. Although the focus is on the impact on charities, the effects extend beyond them, both because charity tends to shape the space for civil society more broadly, and because charitability works in conjunction with a number of other legal frameworks that bear similar hallmarks. These include the Lobbying Act, the Prevent strategy, recent Trade Union legislation, and, even more recently, the Policing, Crime, Sentencing and Courts Act.

Ambiguous and uncertain rules are apparent across a range of these frameworks. For charities, one major area of uncertainty concerns their relationship to ‘political activity’. This has a long and complex history, but the current legal framework is the Charity Commission’s CC9 guidance on charities and political activity.<sup>19</sup> The fundamental distinction it draws is between ‘campaigning’ - awareness raising to educate the public or influence opinion - and ‘political activity’, which it defines as trying to change the law or policy. It affirms that charities can campaign without restrictions, and have an active right to engage in political activity so long as this does not become the charity’s purpose and does not endorse a particular political party.<sup>20</sup>

This guidance has always been inconsistently enforced, and it has been made even more unclear in recent years; for example, the Charity Commission issued additional and more restrictive guidance on campaigning during the run-up to the EU Referendum - which was criticised at the time for giving the misleading impression that the law had changed.<sup>21</sup> Even when the guidance is taken at face value, it contains areas of uncertainty. The line between campaigning and political activity is not always clear, especially where legal frameworks conflict. The Human Dignity Trust, which defends LGBT rights around the world, was refused registration in 2012 on the grounds that its purpose was to change the law. However, they successfully argued on appeal that since all the countries they worked in had signed up to the UN Charter on Human Rights they were in fact trying to *enforce* existing laws rather than implement new ones.<sup>22</sup>

A further area of ambiguity is that charities have an obligation not only not to be party political, but also to avoid being *perceived* to be so. In the Oxfam ‘Perfect Storm’ case, the Charity Commission investigation ruling was ambiguous, recognising Oxfam had not intended to act in a partisan way, but stating that they



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should have done more to avoid *appearing* as if they were. The fact that the principal complaints came from Conservative MPs, who we might guess had their own partisan reasons for perceiving Oxfam to be anti-government, was not considered in the ruling.

The inherent ambiguities in legal frameworks which deploy the subjective language of perception is also a feature of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act, generally known as the Lobbying Act. Among its many confusing elements, the law defines the ‘regulated activities’ which it restricts as those ‘which could be reasonably regarded’ as intending to influence voters, rather than the clearer language in earlier legislation of being concerned with activities ‘*intended* to influence voters’. In a context in which it was unclear who was doing the ‘regarding’, this had a clear and chilling effect in the 2015 and 2017 elections: Age UK, for example, stated that they stopped campaigning on social care after it became a high-profile election issue in 2017.<sup>23</sup>

The Electoral Commission produced guidance intended to clarify which activities were covered by the Act - for example stating that an organisation continuing to campaign on issues they had already been working on would ordinarily not be considered ‘regulated activities’.<sup>24</sup> However, my interviews for *Policing the Political* found that smaller organisations still lacked confidence, and were constraining their activities in the 2019 election as a result of the legislation. For example, one organisation felt unable to continue to promote a report they had published after it was tweeted by several Labour MPs - i.e. they shut themselves down as soon as they had any kind of campaigning success.

Ambiguous language is, of course, central to Prevent (discussed in more detail below), where the elastic category of ‘extremist’ has been able to encompass a highly varied range of activities and organisations. Similarly, with the passing of the Policing Act we will see a new area of uncertainty open up, as protests will be able to be shut down for causing a ‘nuisance’ - even if this nuisance is only to a single person (who could be a police officer). The total effect of these different frameworks is to encourage cultures of caution and self-policing, in which the safest option is to adopt a narrow and conservative interpretation of the rules - significantly reducing civil society voice.

A second means of shrinking the space for action is through increasing bureaucratic demands. Obligations placed on charity trustees have become more

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onerous over the past decade, and high-profile investigations have often centred on whether there was an adequate paper trail and risk management process when organisations have been accused of doing anything controversial. In the National Trust case, Trustees had to show they had considered the possible reputational damage from publishing their Colonial Countryside report - and they still faced criticism despite extensive preparation and communication with members.

The Lobbying Act also features a disciplining role for bureaucracy. While ostensibly the law was intended to ensure that third parties could not be used to circumvent party political spending limits, the overall spending limit on 'regulated activities' (discussed above) of £250,000 was set high enough that almost no organisation was ever likely to breach it. The central point of the system, therefore, is not its direct impact on curtailing undue influence, but the deterrent effect of the additional bureaucracy.

The Act states that any organisation spending over £20,000 on regulated activities in the run-up to an election in England (or £10,000 in the devolved nations) has to register as a third party and submit detailed accounts of their spending. For larger organisations willing to register, this has meant diverting resources away from campaigning and towards continually monitoring that campaigning in case an election is called; and it has had a particularly disastrous effect on joint campaigns, given the difficulties of calculating costs across multiple organisations.

For those unwilling or unable to register, the emphasis has been on avoiding crossing the £20,000 threshold for registration. One organisation I spoke to described spending time meticulously examining social media output in the run-up to the 2019 general election, and deciding to stop promoting clips as soon as there was a possibility that they might be reaching the threshold, even while trying to second guess what was included within the category of 'regulated activities' ('I was counting a lot of things, saying better safe than sorry'). Other organisations recounted avoiding anything that could be construed as attempting to persuade the public, so as to avoid having to do this kind of monitoring.

This pattern of increasing administrative demands, and rising penalties for failing to meet them, has also been the modus operandi for restrictions on trade union activity since the 1980s. These intensified in the Trade Union Act 2015, which (among other things) raised turnout thresholds for legitimate ballots. Any attempts

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to ballot now involve huge administrative operations to ensure not just that people are voting for action, but that they are voting at all. This was a particular drain during the pandemic, when those who were working from home had to individually change their addresses to receive ballots, if their work address was the usual place they received union communications.

In some cases, claims of administrative mismanagement have been weaponised to pursue particular agendas. The dramatic implosion of Kids Company in 2015 arguably fits this description, when, after alleged breaches of its terms, a £3 million government grant was withdrawn and the charity went into receivership. The trustees were accused of failing to operate the charity on a financially sustainable basis - allegations which were thrown out of court six years later, in 2021.<sup>25</sup> One plausible explanation for the sudden and disastrous withdrawal of government support was that its founder Camila Batmanghelidjh had started to voice criticisms of the Conservative government's austerity policies, having previously allowed the organisation to act as a poster child for the Big Society.

The Kids Company case fits within the third mode of constraining the space for civil society, through exemplary punishment. The investigations into Oxfam and the National Trust, as well as the targeting of the funders of CAGE (discussed below), had significant ripple effects across the sector. Even when investigations exonerate the organisations in question, the very fact of being accused can act as a powerful deterrent. One of my *Policing the Political* interviewees stated that 'my boss always talks about Oxfam getting a slap on the wrist', despite the ruling not containing any clear criticism of their actions. Such investigations act as forms of social shaming, while increasing already unreasonable administrative demands. In many ways, the outcome of such investigations is irrelevant - the bureaucracy, scrutiny and shaming have already acted as the punishment.

These three modes of discipline - ambiguous and uncertain rules, increased bureaucracy and exemplary punishment - all work in conjunction with one another. We can anticipate, for example, that as the Policing Act comes into effect, a group which repeatedly holds protests which are shut down on the basis of being a 'nuisance' will run the risk of being labelled as 'extremist' and being caught up within Prevent. Or a charity that collaborates on a 'nuisance' demonstration could then face censure from the Charity Commission for being 'too political', and would have to show extensive administrative preparation (such as risk assessments) in

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order to exonerate themselves.

The resulting framework is best thought of not as a system of rules - which implies something static and consistent - but instead as a system of discipline. In some ways it resembles the tax system, in that the space for manoeuvre is highly dependent on one's position and relationship to power. Salaried workers on PAYE, self-employed lower earners, business owners who can afford accountants, and the super-rich who can place their assets offshore, all have very different relationship to taxation - and pay wildly different rates. Similarly, we can see that charities such as Runnymede, the Adam Smith Institute, Eton College, or a small Muslim charity sending aid to Syria, will face very different regimes, even though they all technically have the same obligations as registered charities.

All this provides extremely fertile ground on which to wage a culture war. While formally creating a single system where groups operate on equal terms, in practice there is huge leeway for discretionary interpretation of ambiguous rules. Those advocating for left-wing - or increasingly, even centrist liberal - positions can easily be tarred as non-charitable, nuisances, or extremists, while those comfortable with the right-wing status quo are able to avoid scrutiny or censure, as well as avoiding additional administrative demands that divert time and energy from essential work.

While these modes of discipline are intensifying and spreading, they are not in themselves new - and we can learn much from looking in more detail at a set of groups who experienced many of these measures earlier than others: Muslim civil society.

## **Canaries in the coal mine**

A more formalised Muslim civil society sector emerged at scale in the UK in the 1990s, in the wake of the Rushdie affair and the community uprisings of the 1980s. Working with other faith and antiracist groups, this emerging network of institutions secured some notable early concessions from the state, including coining and legitimising the concept of Islamophobia, having religion added to the 2001 census (which allowed Muslim disadvantage to be documented nationally for the first time), and seeing religion and belief become a protected characteristic in the 2006 Equalities Act. At the grassroots level, Muslim community groups were also pulled more closely into state functions as a vehicle for delivering newly outsourced public

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services under New Labour.

The character of the relationship changed following 9/11, the launch of the War on Terror, and the emergence of the anti-war movement against the invasions of Afghanistan and Iraq. At this point, the Tocquevillian vision of pacified good Muslims who could be seamlessly incorporated into the multicultural liberal state gave way to a growing recognition that an empowered Muslim civil society could be part of the basis for a Gramscian oppositional bloc. Following 7/7 and the launch of the Prevent strategy, efforts to curtail dissenting voices began to be couched as a battle against 'extremism'.

This framing of dissent as a matter of national security has come to be applied to a far wider range of groups in the intervening years, although Muslims remain disproportionately targeted by Prevent. While there has, rightly, been an increase in the number of people referred under Prevent as at risk of radicalisation by the far right, definitions of extremism have also been extended to campaigners for social change that would formerly have been regarded as part of the functioning of a liberal democracy.

We have seen a teenager who had been attending an anti-fracking camp being referred to as being exposed to 'extremist' views; while the Stansted 15 were convicted on terrorism charges for blockading a deportation flight (overturned on appeal).<sup>26</sup> A document leaked from a police training programme in 2020 included not only activist groups like Extinction Rebellion but also the Campaign for Nuclear Disarmament and Greenpeace as potentially propagating 'extremist' political beliefs.<sup>27</sup> Muslim communities have therefore been described as 'the canary in the coal mine for civil liberties and democracy in 21<sup>st</sup>-century Britain';<sup>28</sup> they have been seen as offering an arena in which new forms of state control and discipline can be road-tested before being applied more widely.

The constraints placed on Muslim civil society bear all the hallmarks of the mechanisms discussed above. As well as being caught within broader frameworks of ambiguous and uncertain rules (such as the Lobbying Act and charity law), the elasticity of the term 'extremism' has served to embed a culture of caution and self-policing. In some cases, guidance has been issued to Student Unions that compliance with Prevent means not only avoiding 'extremist' speakers but also 'controversial' ones.<sup>29</sup> This is a potentially boundless category, which again raises the question of who has the power to determine what topics are seen as controversial or safe.

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The overall effect of suppressing dissent has long been documented, for example in Arun Kundnani's 2009 *Spooked: How Not to Prevent Violent Extremism*.<sup>30</sup> Over a decade later, one of my interviewees for *Policing the Political*, who worked with an organisation providing research and training on Islamophobia, described how deeply this feeling of being under oppressive scrutiny had become embedded. In an atmosphere where even mentioning foreign policy or the War on Terror was equated with 'extremism', the room for debate had been severely curtailed: 'A lot of the more political knowledge and discussion happens in smaller groups, they don't happen in public workshops ... we want it to be for everyone but we can't.'

Bureaucratic demands on Muslim charities have increased, including through anti-money laundering obligations. These have led to organisations who receive and send money overseas - particularly to areas of conflict in Muslim countries - facing additional barriers to accessing financial services, as banks consider them too much of a risk.<sup>31</sup> Sofia Yasmin and Chaudhry Ghafran argue that looking at Muslim civil society helps to show how demands for accountability are becoming increasingly problematic for many NGOs, who find that 'fulfilling their formal reporting obligations no longer serves to remove suspicion and secure their legitimacy'.<sup>32</sup> The irony is that many Muslim organisations were encouraged to register as charities in the 2010s, and thought that formalising their activities in this way would demonstrate to the state their legitimacy - when in fact in many cases registration has simply increased scrutiny and raised the bar for being considered an acceptable actor within civil society.

As with the investigations into Oxfam and the National Trust, highly publicised investigations into Muslim organisations (and their associates) have been used as exemplary punishment to induce cautiousness across the sector. The most high-profile of these was the Charity Commission's investigation of the Joseph Charitable Trust and Roddick Foundation, for funding CAGE. CAGE, which supports victims of the War on Terror, is not itself a charity, but it did receive funding for some aspects of its work from charitable foundations. When the organisation produced a statement that Muhammed Emwazi ('Jihadi John') had partly been radicalised by his encounters with British intelligence officers, CAGE was described by those within the Commission as a 'terrorist-supporting organisation', and the foundations that were supporting parts of its work were put under pressure to pull their funding and to promise never to fund the organisation again.<sup>33</sup>

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CAGE was able to reverse this ruling under threat of judicial review, but the case had significant ripple effects. Several organisations I interviewed for *Policing the Political* mentioned that it had impacted on organisational decisions, especially with regards to charitable registration. It also led to many organisations working on similar issues feeling under pressure to distance themselves from CAGE, exemplifying what one of my interviewees referred to as the logic of Prevent, 'this very nasty insidious guilt by association stuff', where sharing any kind of platform with someone deemed 'extreme' could lead to also being labelled in this way. The extent to which this can severely undermine political legitimacy was of course very clearly demonstrated in the relentless attacks on Jeremy Corbyn on precisely these grounds.

There are many parallels here with the Trojan Horse Affair - during which the allegations of an Islamist plot to take over Birmingham schools were generally accepted to be a hoax, but nonetheless resulted in a major expansion of the Prevent strategy. In both the Trojan Horse Affair and in the targeting of Muslim charities, attempts by Muslims to participate in collective life have been recast as extremist plots to infiltrate state institutions. And in both cases we can see the contradictory demands of the neoliberal state, particularly where increased demands for formal accounting have been accompanied by cuts within the bodies responsible for oversight and regulation. A major factor in the Affair - obscured by the national security framing - was that it coincided with the roll-out of Academisation and the sudden shift of responsibility for many Birmingham schools from Local Education Authorities to an under-resourced centralised team in Westminster.

In a similar vein, the Charity Commission has seen an expansion of its duties in a period where its own resources have been significantly cut (at many points in the past decade it has been unable to fulfil basic functions such as managing charitable registrations). At the same time, one area where resources did increase in this period was funding channelled through Prevent. In this context, targeting Muslim charities has acted as a means of ensuring self-policing among the thousands of other small charities over which the Charity Commission could exercise no practical control; it has been through pressuring Muslim charities that the rest of the sector has been disciplined.

### **Resistance and avenues for change**

This article has painted a pretty bleak picture of the shrinking space for civil society in the UK, and the role that culture wars rhetoric is playing in constraining its

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activities. To conclude, I want to draw out some of the lessons that can be taken from this analysis about the possibilities for resistance.

First, conversations need to begin with a critical perspective that recognises that ‘the rules’ are not a static framework, but are constantly - and deliberately - constricting the space for action. While organisations will generally want to take steps to avoid being targeted by the state, their ability to do so will largely be due to factors outside of their control and should not be interpreted as organisational failings. Pushing back against the logic of guilt by association, and extending solidarity when groups become caught within a framework designed to delegitimise them, can be an act of resistance in itself.

Second, we need to recognise, harness and share the knowledge that exists within the sector. In my interviews for *Policing the Political*, I found that groups held significant expertise for navigating the restrictions placed on different organisational forms. Workarounds included: conducting all lobbying through an affiliated union; having different structures or arms to undertake different kinds of projects; and managing project funding in ways that covered core organisational costs without violating the terms of that funding.

While all of these workarounds were within the law, there was an understanding that these needed to be kept under the radar in order to avoid being closed off, and they were rarely discussed publicly. This meant that this expertise was only shared through trusted networks and therefore unevenly spread. Creating more avenues for these conversations, particularly among small organisations, would be immensely valuable. Larger organisations with greater resources would be well placed to do this, as well as to host conversations about how they can provide cover and maximise the space in which small organisations operate.

Third, there is a need to take active steps to avoid engaging in shaming, particularly around charitability. More than any other organisational form, charities carry with them two parallel histories. On the one hand, charitable status is a legal form with certain benefits and purposes (which has always been used as a tool for tax avoidance by the wealthy). On the other, ‘charity’ is a social construct broadly equivalent to ‘doing good things’ - creating a ‘charitable halo’ around activities associated with it.

While the right tend to use charity status pragmatically, and deploy the charitable halo cynically if at all, liberals (and some on the left) are far more likely to conflate



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the specific legal form and its social meaning. This then plays into a logic of social shaming, where accusations that charities have pushed the (increasingly narrow) boundaries of charitability are cast in moral, rather than legal, terms. This moral censure is then able to have significant negative effects even if its accusations are found to be baseless.

While there is little that civil society organisations can do about shaming coming from Conservative MPs or right-wing newspapers, they can avoid participating in it, and also take active steps to decouple charity status from the notion of 'legitimate civil society'. This could mean making sure that language distinguishes between civil society and charity, or encouraging funders to give grants to a greater range of organisational forms.

For funders established as charitable trusts, this also means exploring ways that these funds could exit from the constraints of charitability, e.g. through large-scale investment in democratically owned community resources. They should also avoid encouraging organisations they fund to register as charities if this is not appropriate for the work they undertake, and take seriously the risk that taking on charity status could mean being unable to engage in the kind of political activity that many issues and campaigns require.

Fourthly, rather than trying to claim the moral high ground on the grounds that civil society is legitimate because it is apolitical, we may be better placed to resist by reclaiming 'the political' as territory that civil society is necessarily engaged in. This could mean using more specific language in discussing the issue of partisanship or party-political alignment, confidently asserting that charities have the right to engage in 'political activity', or highlighting that contestations over power exist in all parts of society. The shift from 'political wars' to 'culture wars' makes it ever clearer that the space for being uncontroversial is shrinking, and that it is rarely those advocating for progressive ideas or policies who are in control of determining what is allowed to sit outside of contestation and debate.

### Conclusion

This article has explored how culture wars narratives are contributing to the 'closing space for civil society in the UK'.<sup>34</sup> The focus has been on restrictions being experienced by the charity sector, while drawing out the implications for other parts of civil society. Although the culture-wars framing of these attacks on charities

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has only recently emerged, the continuities with long-standing debates have been explored, for example with regards to whether charities can legitimately be ‘political’. Specific modes of discipline across a range of legal frameworks have been described, with a more detailed account of how these dynamics have affected Muslim civil society since the launch of the War on Terror. This article therefore contributes to academic and activist debates about the best ways to organise ourselves to achieve progressive ends in an increasingly hostile and authoritarian political context.

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## Notes

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