

An Uncharitable Chill:  
A Critical Exploration of How Changes in Federal Policy and  
Political Climate are Affecting Advocacy-Oriented Charities

by  
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A major project submitted in partial fulfillment of  
the requirements for the degree of  
MASTER OF ARTS  
in  
PROFESSIONAL COMMUNICATION

Royal Roads University

June 2014



### Abstract

Starting in 2012, the Canadian federal government deployed denunciatory rhetoric against environmental organizations and charities, increased enforcement of regulations governing resources that charities devote to “political activities,” and added environmental organizations to Canada’s anti-terrorism strategy as a potential national threat. Using grounded theory and in-depth interviews with leaders of charities that advocate on public policy issues and with charity experts, this study explores if, how, and why these organizations are affected by, and responding to, possible loss of charitable status. It finds Canada Revenue Agency audits target certain charities; communications and other functions are affected, along with the ability of these charities to maximize their socially mandated democratic work; and that government is abusing power by using state resources to treat charities as “enemies.” Though there are examples of contentious actions, groups are primarily using collaborative umbrella alliances to protect themselves from what they perceive as government abusing its authority.

### Keywords

advocacy, political communication, rhetoric, contention, civil society, social movements

## Acknowledgements

I gratefully acknowledge the assistance and support of my advisor, Dr. David Black, and also committee members Dr. Virginia McKendry and Shannon Daub for their inspiration, advice, assistance, and support of my research. I want to particularly acknowledge Shannon Daub's generosity in mentoring me through various iterations of this research idea since 2012, and her commitment to a result that contributes to needed public conversation.

Thanks also to my parents, June and John Kirkby, for their various encouragements this past two years and for teaching their young son to ask questions of the world around him. Most of all, thanks to my partner, Felix Chow, for his loving support and understanding of my monk-like isolation, seemingly broken only for restaurant dinners.

It is clear that thought is not free if the profession of certain opinions makes it impossible to earn a living. It is clear also that thought is not free if all the arguments on one side of a controversy are perpetually presented as attractively as possible, while the arguments on the other side can only be discovered by diligent search.

—*Bertrand Russell, Free thought and official propaganda, 2000/1922*

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*An Uncharitable Chill:**A Critical Exploration of How Changes in Policy Enforcement and Political Climate are Affecting Advocacy-Oriented Charities*

In 2012, the Canadian federal government increased enforcement of regulations governing resources that charities devote to “political activities” and added environmental organizations to the government’s anti-terrorism strategy as a potential national security threat. These actions followed rhetoric by government ministers denouncing some Canadian charities as acting against the national interest, and being tied to criminal and terrorist organizations. Also, the government in 2006 instituted the first of ongoing funding cuts for some leading policy advocacy organizations, including charities, with histories dating back as far as 90 years (Laforest, 2012, p. 189). With these dramatic changes in mind to what is variously called the “voluntary sector” or “third sector,” both of which include registered charitable organizations, (the first and second sectors being respectively the public or governmental, and private or corporate sector), this project’s central research question is posed as follows: How and why are charities that conduct advocacy related to public policy being affected by recent federal government rhetoric and changes to charitable regulations and enforcement (i.e., “the current federal political climate”)? Are, and how are, the structural, operational, and discursive functions (i.e., the charity’s focus on its “mission”) being affected?

A variety of theories relating to social movements and relevant communication theory, as well as methods addressed to draw some perspective from key individuals witness to these changes, are marshaled here to support that research question. I use in-depth interviews of charity leaders, and an exercise in applying frame theory to discourse, to explore if, how, and why these organizations are affected by, and responding to, the shifting political climate and the

accompanying possibility of losing charitable status as a result of a stepped-up auditing program. I also draw on Antonio Gramsci's ideas relating to how the active political involvement of civil society, rather than the state, is the major driver for progressive change (Gramsci, 1950 trans. 1996-2007; Buttigieg, 1995).

My greater theoretical debt is to the work of McCarthy, Tilly, and frame theory. I compare my interview data against resource mobilization theory (RMT) (McCarthy & Zald, 1997), Tilly's (2005) contention democratic paradigm, elements of successful social movements (Tilly, 2004), and frame theory for social movements (Snow, Rochford Jr., Worden, & Benford, 1986) to discover whether they fit the thoughts and perceptions of my participants and the behaviors of their charitable organizations. Together, RMT, contention theory, and frame theory, three approaches to understanding collective action, allow me to better develop a multi-dimensional understanding of the behavior of the charities under study than would any one on its own. RMT provides me a lens to understand mobilization in the context of access or loss of access (threatened or actual) to a variety of internal and external resources (Buechler, 2013). The particular form of contention theory I use allows insight into the interplay between government actions (for example, reducing opportunities for organizations to contribute directly to public-policy discussions) and the resulting reactions of the charities under study. Adding into the mix frame theory, the subjective side of mobilizing for change (utilizing a symbolic interactionist approach), adds to my understanding of the discursive choices—actions and reactions—found in both government and charity rhetoric and communications (2013, p. 441; Goldstone, 2010). Combined, the theories are particularly suited to understanding actions at the interstices of social movements, political action, network interactions, and communication.



Notably, resource mobilization theory focuses on the role of leadership, financial resources, organizational skills, and networking in the success of individual organizations and movements (McCarthy & Zald, 1977). It suggests that groups would be adversely affected by government actions that damage a charity's reputation and potential funding, and divert attention and funds from mission-related activities, particularly communications, instead shifting them to resource-expensive administrative and management tasks. Alternatively, Tilley's contention theories (2004, 2005) suggest that groups within social movements<sup>1</sup> organize alliances and shift repertoires to push back in order to accomplish their goals under pressure. This study provides insight into the actions taken by particular charities at a pivotal moment and in response to the environment created by a specific government. The degree of alignment of the charities with resource mobilization theory and/or with contention theories is an indication of their view of themselves as sufficiently secure and unfettered to "fight back" against perceived injustice in government actions toward them; or as vulnerable to, and at high risk of, damage caused by the state exercising the administrative, legal, and policing power at its disposal.

The argument for this project's value is defined by how it addresses a gap in the literature and by the moral urgency of its subject matter. This is the first national academic study of charity leaders to discuss the impacts of government policy on their work since the federal government's policy and enforcement changes and ramp-up of anti-activist rhetoric (Laforest, 2011, p. 9). It is the first known communication-oriented academic paper specifically focused on these issues, and their implications for civil society<sup>2</sup> since the 2011 election of the Conservative majority government. Whatever its originality, the substance of this paper is ultimately devoted to an issue that is both topical and of material significance for civil society and the public good. That issue may be characterized in this way: when government actions distract or damage charities that

advocate on issues of public-policy change, society itself suffers. These charities provide a public service by bringing problems and potential solutions into public discussion, building social consensus, and pressuring government and citizens to act (Fung & Wright, 2001; Phillips, 2010, p. 66). In so doing, charities and other civil-society organizations simultaneously enhance citizenship and democracy, social innovation, community building, and employment and economic development (Phillips, 2010, p. 66).

### **Background**

In an “open letter” to Canadians published in January 2012 in *The Globe and Mail*, former Natural Resources Minister Joe Oliver kicked off an “us” vs. “them” narrative pushing back against opposition by environmental groups to increasing natural resources infrastructure, production, and export (Oliver, 2012). The open letter labeled them “radical groups” jeopardizing the jobs and finances of “Canadians and their families” by “seek[ing] to block” extraction and shipping of oil and minerals to Asian-Pacific economies (Oliver, 2012). Resource extraction “help[s] ensure the financial security of Canadians and their families,” wrote Oliver (2012). There followed a series of similar denunciations from the Prime Minister, other cabinet ministers, and senators utilizing parallel rhetoric (CBC News, 2012a, 2012b; Paris, 2012a, 2012b; McDiarmid, 2012).

The appearance of this letter in *The Globe and Mail* was the inception of the Canadian Conservative government’s sustained 2012 attack on environmental regulations and assessments, international foundation funding of Canadian activist groups, the official charitable status of organizations seeking public policy changes, media access to government scientists, and funding of politically sensitive scientific research projects (May, 2012; McCarthy, 2013; Pynn, 2012; Turner 2013a). In February 2012, Canada’s anti-terrorism strategy was amended to add

environmental organizations to the threat list, an action that appeared ominous to some observers (Bronskill, 2012; Leahy, 2013; McQuaig, 2012; Monaghan & Walby, 2008, 2011, 2013; Public Safety Canada, 2013).

These actions occurred at a time of growing public and civil society concern about the government's domestic and international environmental record. The government's emergent national economic strategy focused on the expansion of the oil sands<sup>3</sup> and gas fields, as well as the transport and export of bitumen by pipeline, rail, and tanker (hereafter referred to as "oil and gas infrastructure, production, transport, and export"). The strategy, in the words of Prime Minister Stephen Harper, was to transform Canada into "an energy superpower" (Akin, 2012; Berman, 2012; Dobbin, 2012; Hoekstra, 2012; May, 2012; McCarthy, 2013). In this context, the open letter can be read as the inaugural act in the government's attempt to frame environmental organizations as enemies in the public mind at the very time that major contentious projects, including the Northern Gateway pipeline, moved toward approval.

The March 29, 2012 federal budget drove home the major shift in relations between the federal government and civil society (Hoekstra, 2012). The budget made available additional funds for Canada Revenue Agency (CRA) to step up audits of federally registered charities to verify that no more than 10% of their resources were devoted to "political activity" as defined by CRA.<sup>4</sup> At a time when other departments experienced reduced budgets, CRA received an additional \$8 million in funding for a variety of tasks, including increased auditing, monitoring and educational resources—\$5 million for 2012-13 and \$3 million for 2013-14 (Flaherty, 2012b, p. 205; McCarthy, 2012b; Waldie, 2012).<sup>5</sup> CRA has subsequently hired a dedicated team to focus on auditing charities that engage in political activity ("Charities program update," n.d.). Regulations governing charity spending on political activities and governing funding from

outside Canada were also tightened (Broder, 2014, p. 208; Caroline, 2012). *The Globe and Mail* newspaper later noted that while the budget “did not specifically cite environmental groups [as the intended target of audits], Conservative cabinet ministers, MPs and senators have attacked them” (McCarthy, 2012b). An unsigned editorial in *The Globe and Mail* was critical of the government’s accumulating policy changes and confrontational rhetoric regarding charities. In that, the paper mirrored concerns of Imagine Canada, the national charity umbrella and lobbying organization, in calling it “a campaign of intimidation” that has “begun to create a chill among charities who wish to participate in public-policy debates” (*The Globe and Mail*, 2012; Imagine Canada, 2012).

Though there has been academic discussion about an “advocacy chill” in the charity sector since these actions in 2012, and even preceding that date (DeSantis, 2013, p. 471; Laforest, 2012, pp. 190-191; Phillips, 2013, p. 900), there has been no post-2012 national study of how charities have answered these statements and events in word or strategic action. This project, based on interviews with affected charity leaders and experts as well as discourse analysis of commentary relevant to this “chill,” is committed to discover whether they perceive such a phenomenon occurring. Further, if such official government discouragement of environmental advocacy by registered charities is confirmed, this project examines its dimensions and implications. Moreover, assuming a chill is confirmed, this project is interested in the perception of charity leaders about why the government’s actions are occurring, as well as how their charities and the larger charitable sector are responding now and intend to respond in future.

## **Literature Review**

### **Government Regulation of Charities**

Italian theorist Antonio Gramsci, a source for this paper, theorized that social progress emerges from “civil society.” “Civil society” is a concept with a long history, dating to Aristotle and receiving a modern identity in John Locke’s 1690 essay *Two Treatises of Government*. “Civil society” is the term given to describe the totality of those groups, ranging from political parties to volunteer organizations to labor unions, that take part in and, through their activity, themselves constitute a major dimension of public life. They do so in that space outside the state, the economy, and the private sphere of the home, and here they combine with individual citizens in fostering debate and action relating to the state, corporations, or various issues and events of public importance. The World Bank offers a useful definition of the term “civil society”:

The term civil society refers to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations. (The World Bank, n.d.)

The charitable organizations that are addressed in this paper, of course, are constituent members of civil society. For that reason, in discussing these organizations collectively, we are likewise identifying them as part of civil society, and interpreting what the charity leaders and experts interviewed in this paper say as representative to a degree of the character and direction of Canadian civil society at this time.

**Regulation of the “voluntary sector.”** Though there is much academic literature examining Canadian voluntary organizations in Canada, there is less available specifically on

registered charities that advocate on behalf of public policy changes and their relationship with governments. Advocacy organizations include, but are not limited to, charitable, non-profit, and activist groups focused on issues and policies concerning First Nations, energy, global warming, poverty, homelessness, international development, women's equality, human rights, freedom of expression, and open media. Their missions, politics, and strategies vary from those with a preference for research, education, and consensus building around public policies, to highly contentious and more overtly political groups with a greater willingness to utilize a range of actions up to direct action—and everything in between.

Canadian researchers are increasingly using the term “voluntary sector,” which was adopted in the late 1990s by leaders of a wide range of organizations. The voluntary sector encompasses some 180,000 organizations including: charities; non-profits; cooperatives; interest groups; community, research, and religious organizations; social clubs; and self-help and mutual-aid groups (Laforest, 2011, p. 4). The category includes much of civil society; that is to say, the voluntary sector is part of, though not coextensive with, civil society, since the latter can include political parties, labor unions, and think tanks. The term “voluntary sector” will appear in this paper when referring to papers written by other researchers. However, I shall mainly draw on the term “civil society” in this paper; civil society delimits that portion of society that is other than the political governors (see a more elaborate definition in the “Notes” section of this paper on page 55). I shall also refer to “charities,” a federally regulated form of non-profit organization with specific tax benefits, and which are part of civil society.

Rachel Laforest is a leading Canadian researcher of the relationship between the federal Canadian government and the “voluntary sector,” including charities that advocate on public-policy issues. Laforest writes that this relationship may be at a historic low point (2012 p. 181;

2011, p. 130). Her recent study (2012) interviewed 26 voluntary sector leaders (not limited to charities) about the impacts of funding and policy change from 1990 to 2010, concentrating mainly on funding issues. The paper found early evidence of a “profound advocacy chill” following federal funding cuts to high-profile national organizations that criticized government policies (pp. 190-191; see also Levitz, 2010). Laforest (2012, p. 190) and Phillips (2011, p. 223 as cited in Lavasseur, 2012) have defined “advocacy chill” in terms of organizations reducing or eliminating their involvement in advocacy to reduce risk of losing government funding, or experiencing governmental sanction or deregistration. Laforest (2012) further sees it in terms of organizations avoiding speaking out in defense of other organizations so affected (p. 190). In this paper I shall follow their lead, with particular attention to the perceived effect of an advocacy chill that intimidates civil society organizations; in this study, I define advocacy chill in terms of reduced or altered out-bound communications, especially that which publicly call for changes in government policy and priorities, or publicly challenges government actions.

Gloria C. DeSantis (2013) also found evidence of “advocacy chill” in her exploration of challenges and opportunities faced by 39 non-profit community-based service delivery organizations in Saskatchewan. DeSantis studied groups as they juggled the needs of their organization, its marginalized clients, and the federal government while attempting to influence social policy development. She discovered that organizations resist advocacy chill to varying degrees, notably as they try to “seek out soft spots in order to make progressive change” (p. 467). But the experience of these organizations is contradictory. They have difficulty dealing with governments while also advocating on behalf of changed policies that affect their clientele; such government control therefore negatively influences community-based organizations’ advocacy

behavior (p. 467). Her research was limited by geography and by involving only nonprofit service-delivery organizations that received government funding.

Laforest's (2011, 2012, 2013a) works trace gradual federal government withdrawal over two decades from policy-oriented partnerships and direct funding of core operating costs of key organizations. Laforest traces the waxing and waning of the federal government's interest in regulating social relations since the Second World War as political ideologies shifted. Civil society organizations proliferated after the Second World War in parallel with the nation's economy and urbanization (p. 184). By the 1970s, government tapped civil society groups, particularly for their input as organizations representing vulnerable minorities, and expanded core funding for groups working on issues that paralleled government priorities (Laforest, 2012, p. 184; Phillips, Laforest, & Graham, 2010, p. 193-194). In the economically less vigorous 1980s and 1990s, core funding shrunk but significant project funding remained. The influence of civil society groups, as well as the amount of their government funding, waned as organizations in this period tended to criticize policies that governments had made a matter of priority, notably policies relating to economic liberalization and free trade, deregulation, and reduced government support for social programs. The federal Chretien Liberal Government's priorities were influenced by the rhetoric of the rightist Reform Party, which viewed civil society groups as "vested interests" (Laforest, 2012; Laycock, 2002, pp. 2,9,10). The Reform Party, precursor to today's federal Conservative Party, was notable for its "politics of resentment," according to political scientist David Laycock (p. 185). With the election of the Conservative Party in 2006, funding cuts hit advocacy organizations hard; six of 26 national voluntary organizations studied by Laforest had to shut down operations completely, and 14 organizations experienced federal funding cuts (Laforest, 2012, p. 190). "Some examples are notable," wrote Laforest (2012, p.



189). The Canadian Council for International Co-Operation lost 70 percent of federal funding despite a 40-year partnership with government. The Canadian Council on Social Development (CCSD) followed with a loss of all funding despite its national leadership for 90 years on social policy (p. 189).

Today, researchers suggest a transition is underway in how governments weigh the “legitimacy” of civil-society groups that they fund. Whereas governments previously recognized legitimacy based largely on the organization’s claims to represent a constituency, the ability of organizations to efficiently deliver services valued by the government is now the key measure of legitimacy (Acheson & Laforest, 2013; Laforest & Phillips, 2013). In parallel, a new norm around advocacy has emerged. Thought a valuable activity as recently as the 1980s, advocacy in deed and even in use of the word itself as a descriptor of an organization’s activity has been reinterpreted, gradually internalized by voluntary organizations as undesirable and even shameful, and likewise deemed an activity that places credibility and funding at risk (Burrowes & Laforest, n.d.; Lavasseur, 2012). The cuts to organizations engaging in advocacy have also hurt associational networks, “thereby restricting available routes citizens can use for mobilizing claims” and, through this means, wield sufficient power to influence governmental outcomes (2012, p. 181). Laforest concludes that Canada lacks three conditions necessary to building a strong social infrastructure that supports democratic participation—an institutionalized framework, governance arrangements, and resources—and so is in crisis (2012, p. 182).

**Charity regulations.** Historically, the Canadian state has regulated charities with the twin purposes of ensuring donations are devoted to charitable purposes while also protecting the integrity of a tax system that exempts charities from paying taxes on their own income, and allows individuals and corporations to deduct a portion of their donation from their yearly

declared income (Broder, 2014, p. 210; Phillips, 2013, p. 896; “What role does the federal government play,” n.d.). In Canada, to be one of the approximately 85,000 to 86,000 registered charities approved after application to the Charities Directorate of Canada Revenue Agency (CRA), the government’s tax authority, an organization must fall into one of four categories of purpose: relief of poverty, advancement of education, advancement of religion, or the broad category of other purposes that the courts have upheld as an appropriate benefit to the community (“Advanced search results,” n.d.; “What is the difference,” n.d.). The purposes were set out by the House of Lords in 1891 and can be traced to the reign of British monarch Elizabeth I. Though they have been updated in the U.K. and some other Commonwealth countries, the regulations governing purposes, among others, remain largely unaltered by Parliament or the Canadian courts, to the detriment of both individual charities and society generally, according to some charity experts, lawyers, and participants in this study (Broder, 2014).<sup>6</sup>

A 2010 survey by Imagine Canada, the nation’s umbrella organization and public voice for the charitable sector, explored the public activities of 1,625 charitable organizations. They applied CRA guidance of “allowable activities,” a protocol that reflects the commonly-held view of the charity experts I interviewed regarding the fine-grained rules guiding participation by charities in public debate (emphasis in original):

Activities are considered *charitable* when they are well reasoned and aim to increase awareness of an issue related to the charity’s purpose, but do not include a call to political action. While public awareness campaigns cannot be the charity’s primary activity, charities are allowed to devote significant organizational resources to charitable public awareness and policy activities. *Political* activities seek to pressure the government on an issue related to the charity’s purpose. Activities are permitted if they are non-partisan and

if the charity devotes substantially all of its resources to other, charitable, activities.

(Lasby & Vodarek, 2011, p. 545)

The study found that 86 percent of respondents engaged in some form of public awareness and policy activity over the previous year, and a very significant 37 percent engaged in some form of permitted political activity over the previous year (pp. 546-547). Most reported engaging in political activity only irregularly or a few times yearly, with only 6 percent participating at least a few times weekly (p. 547) and most political activity focused on provincial governments. The most common barrier to increased public awareness or political activity was lack of time, though concern about lack of impact was an issue among those engaging specifically in political activities (pp. 548, 550).

In contrast to the Imagine Canada survey, a 2012 Canadian Press analysis of the CRA database found that only 450 of 85,000 registered charities—less than 1 percent—actually reported spending money on political activities (Canadian Press, 2012b). Other analyses show that most charities come nowhere near attaining the threshold of the “10% rule” governing resources that can be dedicated to “political activity” (Blumberg 2012; Blumberg 2013, The Canadian Press, 2012b; Elson, 2011).

**A politicized process.** Through the 2012 changes, the government has chosen to focus on the two goals of false receipting and “political activity,” and the regulatory style has shifted from education and gentle nudging by CRA to increased auditing and sanctioning (Phillips, 2013). Susan D. Phillips, a leading researcher on Canada’s voluntary sector, expressed concern in 2013 about the new focus: “The main factor at play in Canada . . . is that government regulation has become politicized”; it is unlikely that this action, unique among advanced democracies, will

improve the accountability and effectiveness of charities (pp. 884, 896). In another reflection on the politicization of charity regulations, Phillips writes:

If there was not already an advocacy chill, there certainly is now. Relationships between the sector and the political executive are more strained than ever, and the regulator is caught in the middle. More than damaged relationships, the greatest consequence of the recent actions is that the state regulatory system has become politicized which, as the regulatory literature has long stressed, is a serious impediment to its legitimacy. (Phillips, 2013, p. 900)

This examination of the history of government's role in regulating charities puts in perspective the recent changes and demonstrates a systemic problem with government-civil society relations in Canada.

### **The Role of Civil Society in Keeping Democracy Healthy**

To understand the importance of recent actions and rhetoric taken by the federal government, and their effects on charities, both need to be placed in the context of the core meaning of democracy and the processes and institutions of representation in a healthy democracy. The debate around legitimacy in the use of power precedes the eighteenth-century emergence of modern social movements (Tilly, 2004). Citizens' votes, cast in a free and fair election, certainly have a history of conferring legitimacy and authority on both a political system and a government (Pitkin, 1967 and Rehfeld, 2006 cited in "Political participation," 2008). Others see democracy's core as a matter of citizens, singly and in groups (i.e., civil society), making claims to power and demanding policy input. For example, the newly emergent democracies of Eastern Europe after 1988 experienced the rise of an involved and demanding civil society sector of sometimes aggressive social movements in addition to establishing

parliaments and electoral systems of several varieties (Falk, 2008). Barbara Falk writes of the importance of dissent not only in nations transitioning to democracy, but also in already democratic nations: “Where dissent is stifled, democracy suffers and its legitimacy is thereby diminished. . . . We need to be challenged in order to survive” (2008, pp. 249, 253).

A vigorous democracy capable of addressing society’s challenges requires wide, rather than narrow, latitude in sharing power through various forms of citizen participation that go beyond regularly scheduled elections. Participation includes exercising a repertoire of actions such as petitions, demonstrations, public comments, labor pickets and strikes (Eikenberry, 2009, p. 13; Laforest, 2012; Laforest 2013a; Tilly 2004). Democracy can be seen not as a destination or merely a category of government, but rather as a process, a journey of the ebbing and flowing of public participation; this is what U.S. philosopher John Dewey saw as the ethics of being, relating, and living within an ever-improving democratic system (Eikenberry, 2009, p. 132).

From this perspective, social movements and other civil society actors like charities and voluntary organizations, play a vital role in keeping democracy healthy. Fung and Wright’s (2001) ideologically inclusive (though perhaps not complete) approach outlines six ways that civil society associations enhance democracy:

...through the intrinsic value of associative life, fostering civic virtues and teaching political skills, offering resistance to power and checking government, improving the quality and equality of representation, facilitating public deliberation, and creating opportunities for citizens and groups to participate directly in governance. (p. 515)

Through regulations and the power of the purse, government sets the parameters in which voluntary and charitable organizations perform their social mandates, in addition to choosing whether, when, and how to seek policy input. Corporations, through funding charities either

directly or through foundations, also have power of the purse. How can aggregates of people influence policy, particularly between elections? How do they make claims from a position of strength? Through contentious politics, answers sociologist and theorist Charles Tilly.

At the core of a social movement is a legitimate claim against oppressive power of some kind (Tilly, 2004, p. 3). Tilly (2004) sees social movements as a process of asserting popular sovereignty. “Even in systems of representative government . . . social movements pose a crucial question: do sovereignty and its accumulated wisdom lie in the legislature or in the people it claims to represent?” (p. 13). Charles Tilly sees the answer as self-evident.

Tilly, inventor of the field of contention theory and a major contributor to social movement theory, traces the history of European and North American people organizing for change in his 2004 book. Tilly’s work is applied to my project data to understand the actions of participant organizations when confronted by those holding power. The current actions of Canada’s federal government is not the first time that social movements have been challenged. Tilly’s historical study follows the highs and lows of social movements, which have not been on the steady upward trajectory that some progressives might expect. History tells us that there is a connection between democratic opportunities and the growth or decline of social movements, with the accompanying loss of ordinary people’s involvement in public politics, writes Tilly (2004, p. 3). Laforest, to this point, adds that “[g]overnments have a big role to play in [delimiting] spaces for political action” including shaping terms of access and opportunities for participation, access to resources, and empowering certain actors as more legitimate than others (2013a, p. 235).

Two additional theories related to social movements are particularly helpful in analyzing the meanings of recent federal actions and particularly the data from in-depth interviews

regarding how charities are responding to the federal actions and changing political climate.

I draw on a subset of contention theory—the “democratic pentagon”—as outlined by Tilly (2005). The relationship between civil society and the state is not stable, even in a democracy, writes Tilly (2004, pp. 140-143, 133). Contention is always in the air and is the democratic role of social movements. “Contentious politics runs the range from popular rebellion to strikes, electoral campaigns, and social movements,” explain three leading social movement theorists in a major work that attempted to tie together the various splits in social movement theories (McAdam, Tarrow, & Tilly, 2001). Tilly (2005) elaborates a hypothesis of how the various dimensions of the “democratic pentagon”—capacity, breadth, equality, consultation, and protection—play out the extent, form, and intensity of relationships between governments and non-governmental groups including social movements. For example, broadening the democratic political inclusion (i.e., “polity”) of non-governmental groups “incites alliance-formation and claims of recognition, satisfaction, and membership by still-excluded actors,” whereas “narrowing polity membership incites anticipatory resistance and alliance formation by threatened polity members” (2005, p. 434).

Tilly also argues that the success of social movements, operating within a sufficiently open political system, is tied to effective use of three synthesized elements. The first two elements are the ability to display worthiness, unity, numbers and commitments (i.e., “WUNC” displays), along with a campaign of “sustained, organized public effort making collective claims on target authorities” (Tilly, 2004, pp. 3-4). Success also involves employing a combination of varied forms of political action drawn from a repertoire of special-purpose associations, coalitions, public meetings, solemn processions, vigils, rallies, demonstrations, petition drives, statements in public media, and pamphleteering (pp. 3-4). Notable is that all three of these

elements are anchored profoundly in forms of communication, whether forms of broadcasting and outreach, personal statements, or from people putting their bodies “on the line.” In his 2005 paper, Tilly suggests that a government that is able to deflect, constrain, and otherwise manage the various forms of communication from social movement organizations is able to more effectively resist their demands without substantial political penalty (p. 435). Tilly’s main application of his 2005 hypothesis is to historic, sweeping social movements, and he concedes that the 37 variations in relations along the five axes explored in the pentagon are relatively static rather than dynamic (p. 440). Still, they offer some utility, especially when combined with other forms of analysis utilized in my thesis, for evaluating impacts of, and charity reactions to, shifting government regulations, provocative announcements, and changing political climate.

The second theory is resource mobilization theory (RMT) as expressed by John D. McCarthy and Mayer N. Zald (1977). Their work, a branch of social movement theories, gives centre stage to an emphasis on

both societal support and constraint of social movement phenomena. It examines the variety of resources that must be mobilized, the linkages of social movements to other groups, the dependence of movements upon external support for success, and the tactics used by authorities to control or incorporate movements. (p. 1213)

RMT allows for predictions of the effects of strong opposition from authority figures; a categorization of kinds of adherents, constituents, and beneficiaries; the impact of criticism by authority and media on donors of money and labor; the impact of economic indicators on an organization’s growth and stability; the fit of an organization within its movement sector and the role of competition; and the impact of an organization’s structure and network on its viability (McCarthy & Zald, 1977). RMT helps in understanding the what and why of actions taken by



participant leaders' mission-centered organizations as they make choices about their responses to the current political environment.

This section has demonstrated that civil society groups and particularly social movements have a vital role in keeping democracy dynamic, and that a healthy democracy requires more collective involvement than that associated with periodic electoral voting. Civil society plays its role by ensuring that new ideas and different approaches to the norm receive an airing.

### **The Battle for Public Opinion**

Finally, this study turns to Antonio Gramsci's ideas about public opinion connecting civil society and the state (i.e., civil society and political society). Though the forms and intensity of measurement and manipulation may have changed since Gramsci wrote in the 1930s of how the state creates agreement within the public to support its measures (i.e., hegemony), his recognition still holds that when the state wants to initiate unpopular measures, it organizes communications and other cultural elements within civil society in an effort to create favorable public opinion (Gramsci, *Quaderni del carcere* (QC), 2, pp. 914-915 as cited in Fontana 2006, p. 72). Gramsci viewed public opinion as the political content of the public political will, often discordant and contradictory, with clear winning sides that often succeed through more effectively dominating media and public conversation (Gramsci, QC, 2, pp. 914-915 as cited in Fontana 2006, p. 72).

Though government may have less direct influence than previously over communication channels, the importance of influencing public opinion to create hegemonic consensus or advance counter-hegemonies remains (Fontana, 2006, pp. 72-73). Both the state and its challengers rely on public opinion to legitimate or delegitimize their power, notes Fontana (2006, p. 72). Public opinion, in a modern, representative liberal-democratic political system where

members of the public are both overt political actors as well as spectators, is incompatible with most, but not all, forms of despotism and authoritarianism. However, the communication levers available to government give it strong influence in forming “sentiments, views, values and beliefs within the groups that constitute civil society” (pp. 72-73).

Thus, the fight for public opinion—a largely discursive battle—has become the “trench warfare” of opposing world-views of which Gramsci wrote (Gramsci, *Selections from the Prison Notebooks*, p. 243 as cited in Fontana, 2006, p. 58). This conflict over the creation and direction of opinion in civil society determines the content of the state as forces battle to both attain and maintain state power (Fontana, 2006, p. 74).

### **Methods**

My research used two forms of qualitative methods to collect the data analyzed in this study: qualitative interviews with subjects, and frame analysis of documents related to public statements made by two federal cabinet ministers. For the interview portion of the project, I interviewed 21 people: 16 were leaders of charitable organizations; five were recognized “experts” in the field of charitable organizations—academics, lawyers, former government staff, and staff at an umbrella organization. The participants worked in five provinces. The charitable organizations represented five sub-sectors: environment, international development, social services, research, and conservation; this allowed for basic comparisons in experiences and perceptions. Early pre-research discussions with some charity leaders revealed reticence to participate in a formal research study, given the challenges involved in disclosing potentially sensitive internal information and strategies and the highly charged political context. Others were keen to see such a project proceed. Therefore, a number of steps were taken in designing this research to protect the identity of participants and their organizations. Semi-structured qualitative

interviews were selected to enable trust building between participant and interviewer, and for the participant to choose how forthcoming they wished to be (Lindlof & Taylor, 2011, p. 175; Rosenblum, 1987, pp. 396-397). In line with this approach, interview topics rather than direct questions were developed, increasing the opportunity for participant and interviewer to mutually go “travelling” together (Sayrs, 1998) rather than the traditional staccato “mining” approach of interviewing that can trigger negative reactions (Sayrs, 1998). The fear within the sector had a definite impact on the pool of participant leaders; some of those interviewed were leaders willing to take a deep breath and trust that a master’s student would protect their identities.

I received ethical approval from Royal Roads University’s Human Subjects Review Board prior to beginning data collection, with participation in the research presenting minimal risk. All participants signed a consent form of their choosing to reflect their preferred level of anonymity. I repeatedly gave all participants the option to withdraw from the study at any time prior to my submitting the thesis draft of findings. Participants were informed of the purpose of the study and the process of research. I gave participants an opportunity to ask questions and discussed my interest in the study. Participants choosing not to be named in the document were assured of a high degree of confidentiality. Though a few participants chose to sign consent forms allowing more latitude for including data that may enable some to guess their identity, or in the case of two experts consenting to allow me to fully identify them, I have chosen a consistent approach with the intent of fully masking all personal and organizational identities.

I used the constructed grounded theory approach of Kathy Charmaz (2006; see also Charmaz & Bryant, 2008) to analyze the interview data. The approach offered both systemic rigor to “ground” my analysis in the data, while also allowing a degree of flexibility in collecting data from disparate organizations and in drawing on outside resources and theories, and on my

own past experience and my dialogue with the data, to facilitate and deepen my analysis (2006, p 2). I analyzed transcripts using open and focused coding in an inductive process of comparison within and between categories of data. The interview transcripts provided the primary data to be analyzed, and my interpretation of the transcripts was supported by topical literature and theory. In an iterative process, my interview data was coded, assigned to emergent categories (which were in flux as analysis proceeded), and analyzed and compared through writing more than 200 analytical and theoretical memos. Through increasingly analytical memos, a higher level of theory emerged (Charmaz & Bryant, 2008). Using my interpretation of the data, supplemented by illustrative interview segments and theory-driven points of analysis and contrast, my aim is to highlight the voices and experiences of my participants.

For the portion of my project involving the analysis of documents, I used frame theory as developed by Benford and Snow (and others) for application to social movement messaging (Benford & Snow, 2000; Snow, Rochford Jr., Worden, & Benford, 1986) to understand the context and content of two texts of particular importance to this research. Though the theory is normally applied for constructing and analyzing the character and course of social movements and their messaging (Benford & Snow, 2000, p. 611), it also has utility in understanding the framing of government communications, including in this case the rhetoric of two federal government ministers as they produce and maintain meaning for their audiences (p. 613). The communications, which are of particular importance for this thesis, were (1) the January 2012 “open letter” from former Natural Resources Minister Joe Oliver, and (2) a transcript of the February 2014 pre-budget press-conference comments by former Finance Minister Jim Flaherty (who died in April 2014). I applied Benford and Snow’s “collective action frames” which are constructions of dynamic, interactive, negotiated representation of the world that stimulate action

on the part of the allies of the framers, draw in bystanders, and/or discourage action by the adversaries of the framers. Through making events meaningful, collective action frames organize experience and guide action (Benford & Snow, 2000, p. 614). Understanding the intended meaning that the ministers' communications are attempting to negotiate with their audiences provides insight not only into the rhetoric itself but also successive actions.

My interest in conducting this research stems from my former career in journalism and my writings about the importance of having the widest possible latitude for non-violent, vigorous public conversation. In addition to past work as a journalist and media manager for corporate and alternative print and online media, I have worked in communications and served on the boards of directors for charities and not-for-profits, including civil-society environmental and umbrella organizations.

## **Presentation of Findings**

### **Summary**

Analysis of my interview data using Charmaz's constructed grounded theory (which permits drawing on past academic research) leads me to several theoretical conclusions. Pervading the data is the presence of strong emotions that connect the various theoretical findings below, and highlight a strong sense of confusion, fear, and vulnerability. The emotions connect with behavior relating to bullying or harassment—words used by the participants—or, more accurately, a government taking actions that amount to an abuse of the power and institutional processes at any government's disposal in order to advance its particular short-term policy preferences.

I find that an "advocacy chill" is affecting charitable organizations that advocate on public policy issues, though it varies in intensity and extent from organization to organization

and some organizations report no chill. The rhetoric and actions of the current federal government have also led some organizations to make changes in operational processes and to implement or consider structural changes. I find that the chill is partially created and maintained through a power balance expressed through an ongoing confusion about charity regulations and possible new interpretations of those regulations.

I find that there is evidence in the data that the government is attempting, with some success, to narrow society's important policy conversations. There is evidence that three specific charitable sectors are being singled out for CRA attention—environmental, development and human rights, and charities receiving donations from labor unions. These organizations tend to contribute a different approach to society's policy conversations than the current federal government favors. There is evidence of what one participant referred to as an “insidious” politicization of the administrative processes of the nation's tax authority, using complaints from an organization linked to the petroleum industry and the current federal government and Conservative Party to trigger audits of charities opposing the government's key economic policies.

Finally, I find that the data suggests that the current federal government is corrupting Canada's democratic processes by treating as political enemies those civil-society organizations whose contributions to public policy conversations differ from government priorities. This is a new, fourth, discursive shift in the federal government's relationship with civil-society since the Second World War. After closing off most opportunities to present policy recommendations directly to policy makers in the early years of the current government, the interview data demonstrates that the government is now, in effect or by design, “muffling” or “silencing” the contribution of charities to public debate by “distracting” them with the threat and reality of

CRA audits. The government has also potentially damaged the reputation of, and charitable donations to, important public policy players through rhetoric linking them to criminal and terrorist organizations. I find that the charities are responding mainly in three ways: by focusing on their mission-related activities; working through umbrella organizations to strategize and develop public communications citing the achievements of charities to society; and ensuring that their organizations meet CRA requirements. This approach, rather than directly confronting the government over its actions targeting the charities, are all predicted by resource mobilization theory (RMT). The above approach also contains elements of resistance and collective responses as predicted by social movement and contention theories; in addition I find that some charities are also looking at more contentious collective legal and policy responses to the current political environment.

### **Exhibiting “Chill”: Changing Communications, Processes, and Structures**

**Altering communications.** Asked if there is a “chill” in their organization, most participant leaders pointed to minor changes in the content, tone, channels, or frequency of their externally-bound communications. Some leaders replied that there was little or no change in their organization’s advocacy activities but that they could see changes emanating from other organizations in their sector. This occurred frequently enough that I find it most credible that some participants do not wish to concede that the changing political environment has affected their organization’s core work but instead speak of themselves under cover of speaking about others. A few participants said they were making no advocacy-related changes—and in several cases, no process changes whatsoever. They were doing this out of a commitment to their mission, avoidance of paperwork and re-allocation of internal staff and budget resources, or until

there are clarifications of expectations from Canada Revenue Agency arising from recent audits of their organization or of other organizations.

One participant sees environmental charities being particularly careful in considering their options:

Canadian environmental charities get less than [3%] of charity giving. They're the bottom feeders of the charitable funding. The resources are too tight to risk them, and so I bet a lot of charities are doing a cost-benefit analysis on their communications and the risk posed by CRA audits and the revocation of their status and saying, "This isn't worth our scrutiny." I'm sure there are lots of charities . . . keeping their head down. Sometimes they were the ones that had their head up, and are why CRA was looking at them in the first place. So, I'd say there's a chill in the sector. (Anonymous, personal communication, March 12, 2014)

Several participants refer to being more "cautious" than previously in their communication, ensuring that the content matches their approved purpose and that the tone cannot be read as partisan. Thus one participant speaks of changing the tone in websites and brochures to sound more "educational" than previously. Two participants have consciously avoided the "righteous indignation" of past communication, and several have consciously chosen to keep a low media profile on issues about which they would previously have sought out exposure. Speaking of a sector where some of the organizations are said to have gone virtually into hiding, one participant commented, "Some [organizations are] more cautious than others but all of us are more cautious than is healthy" (Anonymous, personal communication, March 5, 2014). Several participants speak of recently having been advised by consultants, lawyers, or their peers to avoid referring to federal politicians by their names or by party, but rather by their



title, such as “the Natural Resources Minister said. . . .” Some participants have taken that advice while others refuse, objecting to what several characterize as a blatant politicization of the charity regulations.

Another participant, speaking of staff, reported, “They’re much more thoughtful and careful about what they say and do in any public setting, what they say on the phone, and what they communicate by email and texting” (Anonymous, personal communication, February 27, 2014).

In contrast, private corporations have much more freedom for promoting their viewpoint on issues. Corporations are virtually unregulated in their freedom to advocate at will and deduct costs from taxes, in contrast to the very tight regulation of the discursive activities of charities. They can also deduct from their taxes the full value of a charitable donation, compared to the 23 percent that individual citizens can deduct (Anonymous, personal communication, March 11, 2014). Both charities and corporations are subsidized by taxpayers, so the question arises as to why one sector would enjoy much more advocacy freedom than the other. One participant argued, “I don’t see that it’s fair . . . So I would say the corporate and non-profit sector can be countervailing forces in society that ought to face exactly the same rules” (Anonymous, personal communication, February 25, 2014).

**Modifying operational processes.** Some participants used the word “chill” in referring to various other non-discursive responses to the federal political environment. Most participants noted the markedly increased knowledge of their staff and management about CRA regulations and expectations acquired from taking seminars and webinars, peer training, and sometimes involving a charity lawyer in training at substantial cost. Almost all organizations had markedly upgraded their required tracking of resources devoted to “political activities” including,

sometimes, that of partner organizations. The sophistication of the tracking process tended to match the organization size. Almost all spoke of one or more of the following: ongoing confusion about the interpretation of “political activities” by CRA; a belief that there are “grey areas” in how regulations are to be applied; judging the examples on the CRA website of how to apply regulations as “naïve”; and hearing from peers that recent audits may be re-interpreting definitions and previous audit findings. That is, even after utilizing CRA resources and outside expert training about applying the CRA regulations, and having experienced the rhetoric and policy/enforcement changes, most leaders report that they, or their staff, are still confused and/or distrust the professionalism and neutrality of a government department.

**Making structural changes.** Some participants report having recently made, or are considering, structural changes to add a non-profit, non-charity organization to their current non-profit, charity format. Given that there are few restrictions on the amount or kind of political activity that a non-charitable organization can undertake, having two separate organizations, or an organization with two different arms, can be viewed as a “best practice” that reduces risk compared to a single-charity structure, and even allows an expansion of advocacy and new kinds of programming (The Canadian Press, 2012a). The disadvantages of this strategy expressed by leaders are that only a charity can write tax receipts or receive donations from most foundations, and administrative costs rise due to duplication.

The participant responses reflect Phillips’ (2013, p. 900) argument that the government has politicized the state regulatory system. Almost all charities have a strong sense of their vulnerabilities and perceive hostile intent with this government. They almost universally view the government as “attack(ing)” them and expect more of it. Some of them no longer trust the professionalism or independence of CRA, which is unfortunate because the Charities Directorate

had only recently won back credibility through modernization of minor regulations and increased explanatory communications to charities (Lavasueur, 2012, p. 198). Until recently, the Charities Directorate was viewed by some as having overly narrow interpretations of regulations and relied on discretion and analogy in making decisions, leading to problems with consistency, fairness, and transparency in its oversight (Sossin, 2001 as cited in Lavasueur, 2012, p. 193).

Most charities are responding relatively quickly to the changed environment in order to protect themselves through seminars, lawyer involvement, and changes to process and structure. Of particular interest are the large number of changes to externally-bound communications reported by participants, and the voluntary reduction in public profile taken by organizations normally seeking to maximize exposure for their public-policy ideas and critiques.

This change in communication strategy fits the predictions of resource mobilization theory (McCarthy and Zald, 1977) that the stability and growth of individual organizations and entire movements, including building a cadre of experienced staff, is bound by access to needed resources, and is sensitive to external support and the tactics used by authorities to control or neutralize movements. The theory highlights the vulnerability of all charities, but particularly of small and newer charities, to economic downturn, shifts in government funding and regulations, and geographically dispersed supporters such as is common among Canadian charities—all experienced in recent years (1977, pp. 1224-1234).

Participants spoke often of confusion about charity regulations and interpretations and of the allowed “purposes” no longer fitting our rapidly changing society. Experts were quite strong in their criticism of how out-of-date is the governing legislation, how conservative are court interpretations, and how reluctant are recent governments to bring the sector into the current era as some other nations have done recently. Phillips (2010) agrees, making an eloquent plea for

modernization and attention (rather than what she characterizes as “neglect” by government and the courts). The legislation governing charities in Canada dates back to the United Kingdom in 1891, and governments have not responded to requests for updating. The Supreme Court of Canada has ruled on only two charity cases in four decades, upheld the substance of the law in both cases, and requested to no avail that Parliament update legislation to reflect contemporary society (pp. 66-67). Phillips notes that Canada has fallen behind other nations in reforming civil society, including charity regulations, due to a lack of a political vision from government (p. 70).

In interviews with researcher Karine Lavasseur (2012), senior managers at the Department of Finance volunteered four reasons why they resist updating the charity legislation: financial considerations, political considerations, lack of consensus, and divided jurisdiction. The depth and breadth of opposition, despite the overwhelming support of the charity sector itself for updating, left Lavasseur pessimistic about formal modernization coming from senior CRA administrators in the near future, though she saw more promise in Charities Directorate managers’ tweaking interpretations of rules (pp. 188-193, 197).

By continuing with narrow, dated regulations limiting the permissible activities and purposes of charities and leaving room for substantial inconsistency and subjectivity by administrators in applying the rules, some participants in my study suggested that the government fosters a climate of uncertainty, confusion, or perhaps unnecessary caution among charities. The significant “grey” areas regarding regulations also enables a motivated government to influence administrators toward increasingly strict interpretations of the policies and facilitates government bullying of the sector.

I find that the charity sector is experiencing a disquieting power imbalance regarding information about the current audits and whether, or how, regulations are being interpreted

differently through these audits than the interpretations that are commonly understood. There is a need for CRA to clarify the “grey” areas concerning acceptable “political activities” and “purposes.” Previous research found that prior to recent improvements by the Charities Directorate in communicating regulations, the organization was not widely viewed as meeting the standard of neutrality, fairness, consistency, and openness expected of federal government administrators (Sossin, 2001 as cited in Lavasseur, 2012, p. 193). Since 2001, the Charities Directorate gradually improved communications and tweaked regulations to build trust with charities, according to expert participants and research by Karine Lavasseur (2012). My data suggests CRA’s credibility within the sector is in rapid decline as a result of the stepped-up audits and widely shared anecdotes about overly strict regulation interpretations, shifting interpretations, and suspicion that the organization has allowed itself to be politicized or has compromised its neutrality. Some participant leaders and experts spoke of the need for the next government to address this power imbalance through charity involvement in writing legislation to match contemporary needs, as has the United Kingdom in recent years (Lavasseur, 2012, 189).<sup>6</sup> Canada’s legislation still treats charity as constituting delivery of service to society, such as soup lines for the hungry or basic schooling for the poor. Some participants have approached opposition parties to discuss this and other concerns as the parties develop their platforms for the 2015 federal election.

Perhaps updated legislation would recognize, as some participants suggested, that public policy input is the twenty-first century equivalent to feeding the hungry in service to society, and social media and web communication is the contemporary equivalent to classroom education for the poor. Society is more complex than it was in the age of Queen Elizabeth I or even Queen Victoria, the two monarchs in power when the current legal framework governing charities was

developed. There are different, new, and arguably more complex issues facing society, many of them highly contentious, and they require fulsome public conversations. Charitable organizations are among the leading experts in the issues related to their missions, and society needs to hear their opinion about the best public policies to address them. Continuing the example above, in addition to running a soup kitchen to feed the hungry or homeless, perhaps a charity could be unfettered in its ability to suggest public policy issues that would reduce the number of people requiring their services. Perhaps regulations should ensure equality of policy participation between charities and for-profit corporations. The private sector has no limitation on its ability to participate in public debates, except in regard to limits on allowable donations to parties or candidates, and “third party” advertising during elections in some provinces. The Pemsel Case Foundation was recently formed to catalyze just such modernization of Canadian charity law. They seek standing in new legal cases in order to encourage the courts to expand the number of accepted purposes, clarify and widen the definition of acceptable political activities, apply Charter rights to charity regulations, etc. (Broder, 2014).

### **Government is Narrowing Society’s Conversation**

Though this qualitative study is not meant to be “representative,” participant leaders came from 16 organizations of various sizes, public profiles, and budgets in five sub-sectors of the charitable sector located in five provinces. Eight participants, in three sub-sectors, had gone through an audit or other extensive experience with CRA in the past two years. Almost all participants agreed that the overall increase in audits is a result of increased audit funding in the 2012-2014 federal budgets and of government instructions to examine the “political activities” of charities (Flaherty, 2012a). Several participants also claimed that recent audits are additionally closely examining with a greater intensity and different outcomes than in past audits, the

organizational “purpose” to ensure it is “charitable” and up-to-date, thus confirming a connection between the stated (i.e., officially approved and registered) purpose and the organization’s current programming and activities. This has the effect of narrowing the ability to join public conversations (Anonymous, personal communication, March 6, 2014).

**Changing interpretations.** A large number of the participant leaders, and some of the five charity “experts” also interviewed, believed that the most recent audits are interpreting regulations differently than the information on the CRA website, or taught in webinars and explained by charity lawyers—but there are no audit findings to that effect in circulation. For example, some participants believe that auditors have recently been more strictly enforcing or re-interpreting regulations requiring that “political activities” (most of which will by nature be discursive) connect to the organization’s approved “purpose”; that means that communicating outside of an organization’s government-approved territory can be hazardous. The lack of case law on this issue results in legal ambiguity that may have historically held charities back from fully advocating on behalf of their missions (Broder, 2014, p. 212).

**Targeting critical organizations.** Contrary to the suggestion of recent media reports (Solomon, 2014), audited charities are not limited mainly to environmental organizations—the data shows that many charities are avoiding publicity about their audits. Nevertheless, it was the opinion of even the non-environmental participants, including all “expert” participants, that the environmental sector is the primary “target,” to use the most common descriptor, of recent audits. Most believed that audits mainly involve organizations that are focused on climate change, oil sands development, pipeline transport, tanker export, and on protecting the species and habitats of the Alberta and B.C. interior rivers, forests, and coastlines that would be most affected by the above infrastructure.

Secondarily, many participants believed international development charities are continuing to be a focus of government action; this is a persistent pattern, because international-development charities have been subject to defunding and changes to the associated government ministry structure and mission since 2006. Several participants believed that charities receiving a significant degree of funding from labor unions are experiencing more audits than would be expected in a random selection process. This may be consistent with recent government actions of intervening in the collective bargaining process to impose settlements or order strikers back to work, and the unsuccessful government-endorsed private members Bill C-377 that would have added to union paperwork and forced unions to disclose the names and salaries of all employees paid more than \$100,000 yearly (Curry, 2013). Finally, I see evidence that a disproportionate number of audited organizations have had significant funding from Tides Canada Foundation, which has itself been undergoing a perpetual audit since April 2012 (with CRA receiving complaints from Ethical Oil about the Foundation and Tides Canada Initiatives Society). The Tides organizations have been specifically or inferentially singled out for criticism by some media and cabinet members (Anonymous, personal communication, May 2, 2014; The Canadian Press, 2012c; Kernahan, 2012; Oliver, 2012; see also Libin, 2010).

A web posting by the Charities Directorate to clarify procedures during this period of heightened audits proclaimed that most of the approximately 800 yearly audits are selected randomly. Others are based on complaints, CRA follow-up to check on improvements since past audits, or because CRA staff noticed something that drew their attention. Also, some audits occur because CRA staff follow a trail from an organization being audited to other organizations that have some relationship with that organization. The “political activities team” intends to

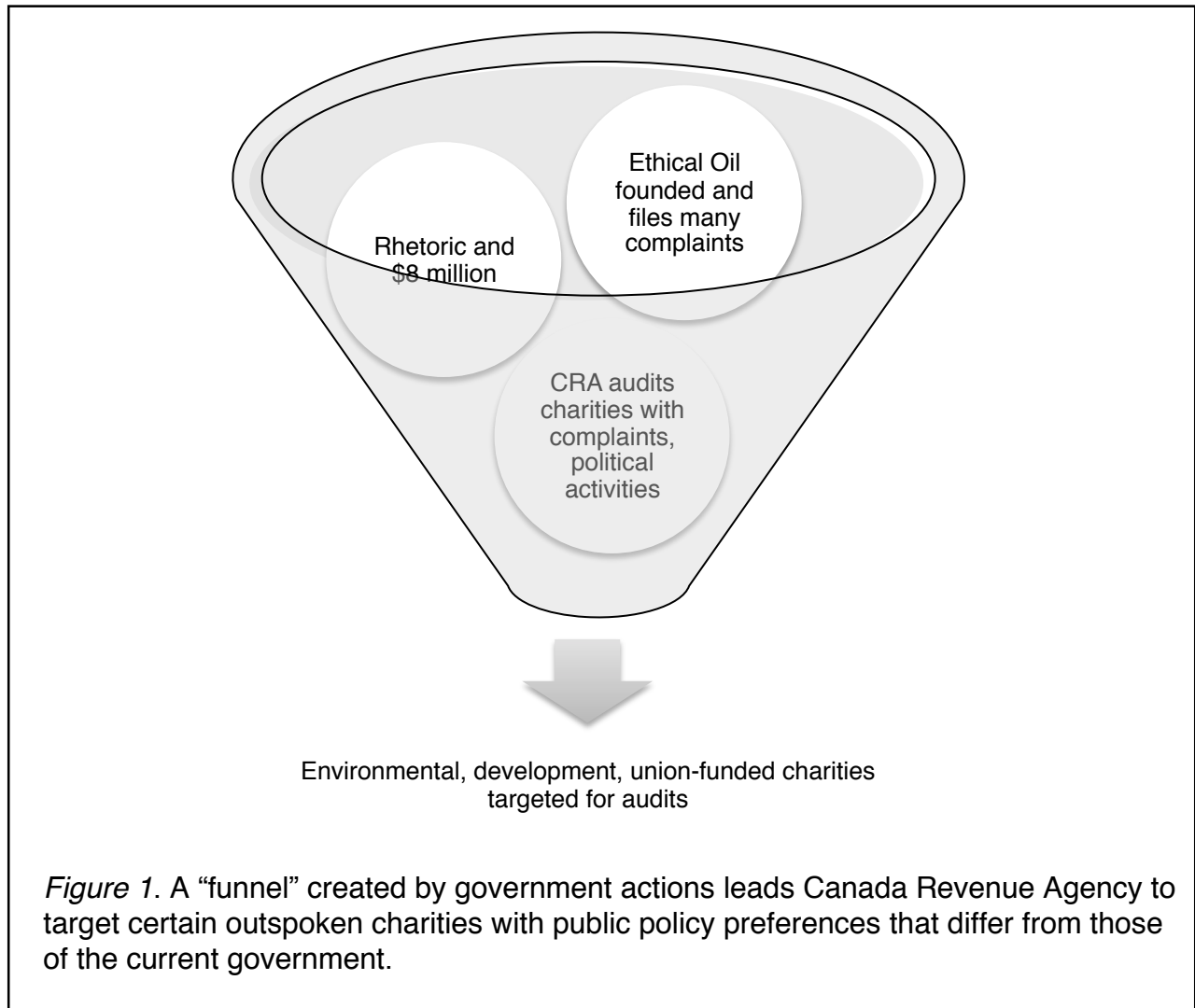


conduct 60 “political activities” audits over four years, in addition to those in the regular audit program (“Charities program update,” n.d.).

**An “insidious” selection process.** The most commonly cited answer by study participants as to “how” groups are selected for political activities audits is some version of the following quote from a participant:

And so the insidious side of this is that it isn’t a government directive to audit these environmental organizations. If the CRA takes their political direction, which is to look at the “political activity” of organizations, and here are some resources to do that, and then they go and see what are the complaints against “political activity,” then they can draw the conclusion that that’s how they arrived at this particular sector. (Anonymous, personal communication, March 10, 2014)

The “insidious” nature referred to is this, according to some participants: told to audit charitable organizations for “political activity,” in checking past annual filings by charities, CRA staff would discover that individual environmental organizations and perhaps some international development and human-rights organizations tend to have higher self-declared “political activities” than most other organizations. Looking into files, staff would discover individual charities—many, but not all of them environmental organizations—tend to have more complaint letters demanding CRA audit them and remove their registration. Many of the complaint letters will be from Ethical Oil and will be dozens of pages long, and some organizations will have multiple letters. With the additional funds provided by the 2012-2014 federal budgets, CRA will then have the staff resources to audit these organizations (see Figure 1).



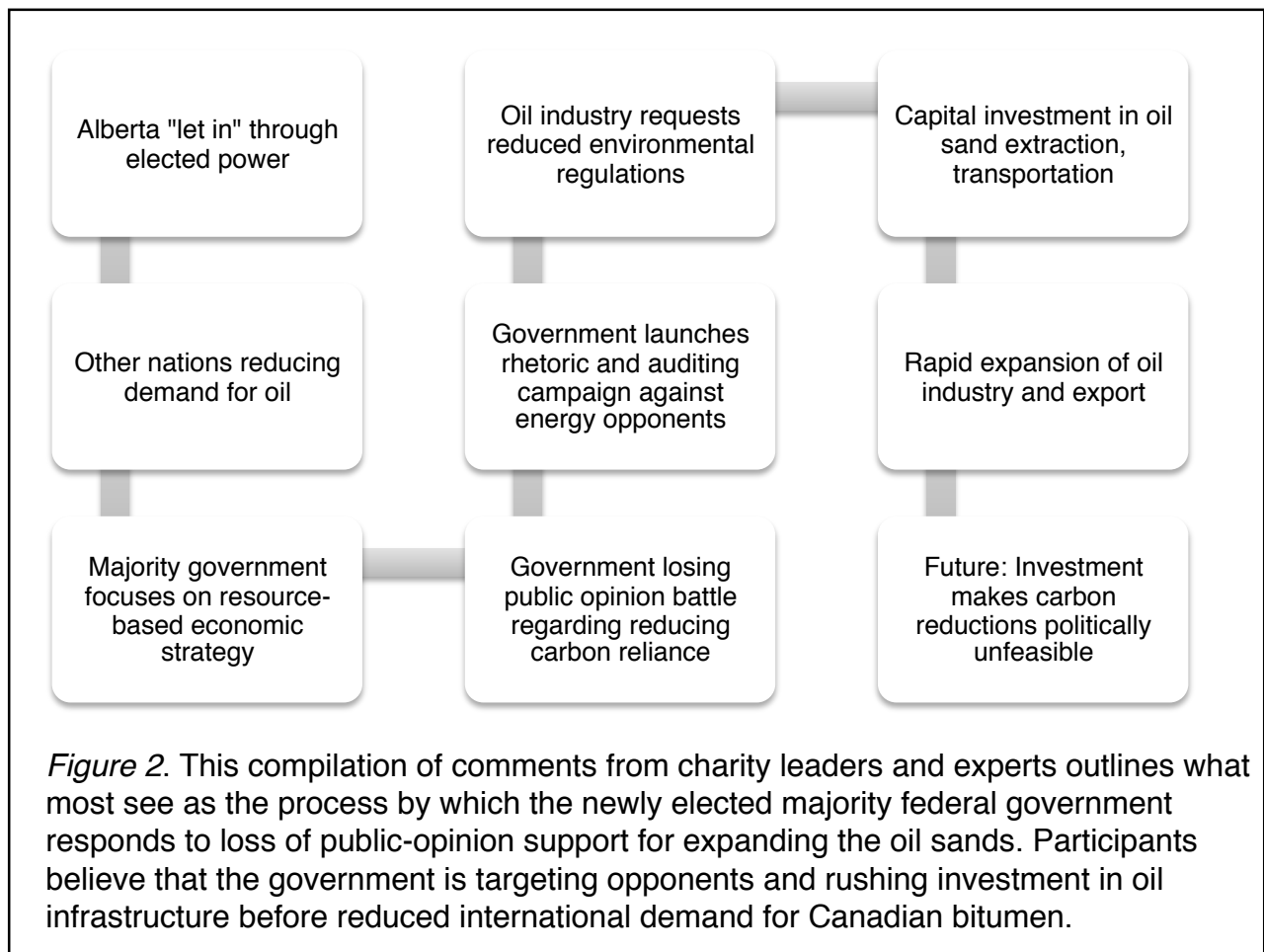
It is important to note that a significant number of participants saw a more direct connection between the increased audits and the government politicizing the CRA. Some participants suggested that the government minister directly instructed audits be targeted to environmental organizations generally, groups working on energy policy, or groups that have very publicly criticized the government. These participants believed that CRA had compromised the neutrality expected of the federal bureaucracy. Whether direct or “insidious” influence, most participants agreed that the government was abusing its power by ensuring that certain charitable

organizations would be distracted while the government proceeded with approval of oil and gas infrastructure projects.

**From action to distraction.** Asked why since 2012 the government has pursued the anti-charity rhetoric, new charity policies, and stepped-up audits, almost all participants suggested that there is an effort to distract those charities, particularly environmental charities, that speak or act out against the government's major policies. One participant argued that the government does not understand the importance of funding, or even tolerating "a plurality of voices so that we could be sure that policy was informed by different perspectives, different views, supported by documented evidence, and marshaled arguments." (Anonymous, personal communication, March 5, 2014)

This is the most popular variant of the narrative as seen by most participants. That narrative is, the government was threatened by the success of the environmental movement at building public demand for policies addressing climate change, opposing oil and gas infrastructure, production, transport, and export. In contrast, the federal government focused its national economic policy on rapid expansion of oil and gas exploitation. Faced with losing the public opinion war over its key economic policy, the government opened up a new front in the war. It began using rhetoric to attack the opposing charities through reputation damage, kept them busy preparing for and reacting to rhetoric and stepped-up audits, and instilled an internal climate of caution and self-censorship about their externally directed communications (see Figure 2.). The message to organizations discussing energy projects is a clear, strongly punctuated "Get out of the way!," said one participant (Anonymous, personal communication, March 28, 2014). One charity-law expert noted that the success of the diversion strategy does not rest on whether, or how many, charities are decertified of their status to offer tax receipts. Rather,

a change in focus and resources away from fulfilling their mission and instead to audit preparation and consulting legal advice, along with the impact of fear on communications, can have an immediate diversionary impact while the government’s resource-based economic strategy is successfully rolled out (Anonymous, personal communication, March 15, 2014).



**Oil: “Ethical” or “big.”** Participants also generally agreed that the government is pursuing this strategy on behalf of the energy industry, which they believe has become very powerful in Canada and has its “water” carried by the current federal government. The charities’ perspective is seemingly corroborated by government documents showing the pipeline industry, in meetings with government officials, formally requested specific changes weakening

environmental legislation that were subsequently implemented in 2012 (Scofield, 2013). Most participants see historically close industry-government ties involving a prime minister who was raised in an oil-industry family and worked briefly for Imperial Oil, and a cabinet with strong representation from Alberta (Aulakh, 2014; Graham, 2013). Said one participant:

The priority of this government is to push through a fairly aggressive resource extraction agenda. Um, you know, boost the oil and gas industry and the resource-extracting sector in order to maximize the profits in those sectors. And create jobs in those sectors, supposedly. And . . . where it finds opponents, where it finds points of opposition, points where it does not fancy what it's hearing, then it will remove them. And it's very undemocratic. . . . And it's troubling that this party continues to enjoy fairly high standings in the polls, given what they have done. (Anonymous, personal communication, April 15, 2014)

This would not be the first close working relationship between a corporate sector and a Canadian government. What is different in this project's data is most participants' direct reference to a perceived four-way or five-way close relationship between the current federal government, the governing majority Conservative political party, an aggressive non-profit private organization named Ethical Oil Institute (and its [ethicaloil.org](http://ethicaloil.org) website), the petroleum industry, and, according to some participants and media commentators (Pullman, 2012), Sun Media. Several participants see an unprecedented level of collaboration in these relationships—and view them as anti-democratic. If this close and interactive relationship exists, some participants assert, this would have the effect of “fixing” democratic processes so that important public-policy conversations were short-circuited in order to inevitably bias the outcome toward friends of the government and muffle other voices. It would be a corruption of democratic

process for a government or the political party associated with that government, to collaborate in founding, and responding to the demands of, an activist organization that also functions to advance the interests of a particular corporate sector; and for the government to use the levers of the state to reduce the influence of civil society organizations that have a different view from the government on certain policies, all in order to aid a particular corporate sector that donates to the party of the government in power.

Ethical Oil was founded by Alykhan Velshi, who in 2011 left a job as communications director for then-federal Immigration Minister Jason Kenney to set up an organization to promote Canada's oil sands as an alternative to oil from Middle Eastern dictatorships with their low labor, human-rights, and environmental standards (Deep Climate, 2011). Velshi worked with Ezra Levant, a Fraser Institute graduate, to launch an updated blog site and the Ethical Oil Institute in early 2011 after Levant wrote the successful book, *Ethical Oil* (Deep Climate, 2011). As well as stepping aside for Stephen Harper to run as a candidate in Calgary Southwest in 2002 (Price, 2011), Levant is known and celebrated by many for his aggressive interview style on his Sun News TV talk show (Blatchford, 2014). Velshi returned to Ottawa and a promotion to director of issues management in Prime Minister Stephen Harper's office (Aulakh, 2014). Ethical Oil went on to run a series of expensive TV ads (Price, 2011) and continues to be run by people close to the Conservative party and current government (Deep Climate, 2012; Price, 2012). Several participants' organizations have received copies of complaint letters sent to CRA by Ethical Oil, and some participants are aware of organizations that have received more than one complaint letter. Most participants believe the Ethical Oil complaints—which the data suggests target organizations working directly or indirectly on energy issues—help CRA decide which charitable organizations to audit. Levant has also used his TV show to encourage viewers to file

complaints with CRA. An environmental blogger argues that the federal government, EthicalOil.org and Sun Media have created an “echo chamber that turns industry talking points into national news” (Pullman, 2012).

Ethical Oil has consistently refused media requests to release details of its contributors and alleged relationship to energy pipeline company Enbridge Inc., other than to point to the contribution button on their website (Aulakh, 2014; Price, 2012). Environmental groups, including Greenpeace Canada, have wondered if “Big Oil” is working through the ostensibly independent Ethical Oil (Dembicki, 2011). Greenpeace Canada filed an April 2014 complaint with Elections Canada asking it to investigate whether the Conservative government has colluded with Ethical Oil in contravention of election laws (Ball, 2014; McCarthy, 2014).

**Analyzing the “open letter” framing.** A framing analysis of the rhetoric of two cabinet ministers supports the participants’ views of the reasons for the government’s actions. To analyze the rhetoric of government documents, I used a form of frame theory developed by social movement theorists (Benford & Snow, 2000; Snow, Rochford Jr., Worden, & Benford, 1986) to understand the character and course of social movements (Benford & Snow, 2000, p. 611). Benford and Snow’s framing process can also be applied to decoding the signification processes involved in communications originating with government as they seek to produce and maintain negotiated meaning for their various audiences (p. 613). Benford and Snow (2000) break down the various framing tasks involved in stimulating a shared and negotiated meaning between framer and audiences as the former seeks agreement and/or action related to the communication. Effective collective action frames help people understand the meaning of events in the “world out there,” organize people’s experiences, and guide action (p. 614). Their ultimate intent is to mobilize allies and demobilize adversaries (Snow & Benford, 1988, p. 198 as cited in

Benford & Snow, 2000, p. 614). They do this through a combination of at least some of the following characteristic and variable features: problem diagnosis, delineating boundaries between “good” and “bad,” proposed solutions, a motivating call to arms and construction of appropriate vocabulary, ability to cover a large range of problems, flexibility and inclusivity of ideas, breadth of scope, resonance, and credibility (pp. 616-620).

I applied the concept of Benford and Snow’s “collective action frames” to Natural Resources Minister Joe Oliver’s (2012) open letter, and an “unofficial” CBC transcript of former Finance Minister Jim Flaherty’s 2014 pre-budget press conference (for a news report containing Flaherty’s relevant comments, see Curry & McCarthy, 2014). Applying the theory, I conclude that Oliver’s letter is an activist document, an attention-getting communication that I believe inaugurated an embryonic new rightist ideological campaign centered on robust development of the nation’s petroleum resources, and one utilizing rhetoric paralleling that of Ethical Oil. Oliver constructed powerful collective action frames that incorporated, sometimes repeatedly, all three “characteristic features” and at least three (and I would suggest four) out of four “variable features” of effective collective action frames identified by Benford and Snow (2000).<sup>7</sup> In 560 everyday, often emotion-laden words, Oliver created a highly salient world view purporting to be a logical, reasonable, fair and just job-creating counter to the increasingly popular main environmental frame about getting off society’s carbon addiction to stop climate change.

Flaherty’s 85 words at a press conference conflated charities, criminal organizations, and terrorist organizations in under 45 seconds and warned that the government was going to take action (Curry & McCarthy, 2014). He built upon a theme established by Oliver, former Environment Minister Peter Kent (CBC News, 2012c; Paris, 2012), and former Public Safety Minister Vic Toews (McCarthy, 2012a, 2012c) and his own previous budget announcements



since 2012 (Dunn, 2013). Applying Benford and Snow's (2000) approach suggests that in addition to being highly salient to the party base, Flaherty's statement manages to quickly skate across the main three "characteristic features" and one or two "variable features"—twice. Interestingly, some participants thought it had been a step too far for all but the "red-meat" Conservatives and probably backfired in terms of influencing public opinion. Both communications show government ministers, who have accused charities of being partisan, themselves working as movement activists and partisans in relation to civil society rather than in relation to opposition parties.

**Playing for "likes."** There was almost universal agreement among participant leaders that Oliver's letter and the subsequent rhetoric and actions are foremost about keeping energy-based charities busy and distracted while the government pushes through its energy-industry expansion strategy. Distracted people do not communicate often, and people afraid of communicating in a way that could draw the attention of CRA may not communicate effectively.

This battle for public opinion reflects the thinking of Gramsci (1950, trans.1996- 2007; Gramsci as cited in Durham & Kellner, 2012, pp. 34-36). Gramsci wrote that the future of political progress belongs to those able to convince the middle class and mobilize a movement out of constructed public opinion (Gramsci, 1950 trans. 1996-2007; Buttigieg, 1995). Today, civil society organizations, particularly environmental organizations, are astute at segmenting populations and building communication channels to reach them. The hegemonic consensus that we are a nation inevitably built on mining and exporting our natural resources has eroded in tandem with the growth of environmentalism and economic diversification (Blackwell, 2014; Galloway, 2012). Losing the public relations battle for expanding oil and gas infrastructure itself, the government opened a second front by targeting reputations of adversaries in a direct appeal

to public opinion: the public opinion “trench warfare” predicted by Gramsci (SPN, 243 as cited in Fontana, 2006, p. 58). The government’s rhetoric and \$16.5-million pro-petroleum development TV ads are paralleled by oil and pipeline industry multi-million dollar campaigns carrying a dominant message of the “inevitability” and “Canadian-ness” of resource development (Cryderman, 2013).

Several participants believed it has backfired and resulted in increased donations and a membership bump for at least some organizations. A telephone survey conducted by one of Canada’s leading charity-sector umbrella organizations The Muttart Foundation (2013a) found the government’s rhetoric and actions had not appreciably hurt the reputation of charities, though environment, international development, and religious charities have had a slight decline, perhaps suggesting minor government success at damaging the sector’s reputation. Almost 80 percent of the nearly 4,000 Canadian adults surveyed “trust” charities (a number that has remained nearly constant for 13 years), compared to 33 percent for federal politicians and 44 percent for major corporations. Environmental charities fell to 67 percent of respondents trusting them “a lot” or “some” from 72 percent in 2008 (Muttart, 2013a, 2013b). Some 93 percent of Canadians consider charities important, and 88 percent believe charities generally improve our quality of life.

As Gramsci’s writings predict, charities that advocate on behalf of public-policy issues are now turning to umbrella organizations such as Imagine Canada to build further public support for both the organizations and their missions (*Quaderni del carcere* (QC), 2, pp. 914-915 as cited in Fontana 2006, p. 72; Fontana, 2006, pp. 72-73). Some charities are also slowly working through their own sub-sectoral organizations to share information and are considering smaller public-relations campaigns. Most participant leaders and experts recognized that

charities are not without their own collective power and influence. There was a strong consensus among participants that they need to communicate upbeat stories about the benefits that charities and civil society organizations have brought Canada (e.g., smoking regulations, saving lakes from acid rain, reducing drunk driving) and their future potential if they are allowed to continue advocating for public policy changes. Several emphasized that becoming defensive or framing themselves as victims of government abuse would be counter-productive. Now largely blocked from their traditional approach of influencing public policy through consultations at the federal level, participants from environmental charities spoke of impending campaigns aimed at solidifying support for environmental issues so that the federal government will have to change its course—an organizing and campaign response of building public opinion support to pull the government toward new policies. Some participants were planning for pro-active legal cases, including one that would argue that the prime minister had abused authority in deploying state resources against charities.

Interestingly, almost none of the participants favored an emphasis on the overtly public contentious actions that Tilly (2005) would seem to predict. For example, in 2012, environmental charities led the very public Black Out, Speak Out campaign to oppose Bill C-38's reductions in environmental protection and accompanying stepped-up charity audits, joined by more than 500 civil-society organizations and tens of thousands of average citizens. Several interview participants specifically noted that they oppose duplicating that overtly contentious approach, while a couple specifically called for more along that line. But almost all participant leaders favored a public advertising campaign, run by Imagine Canada and uniting the charity sector, that would feature an upbeat message of popular public policies that were first advocated by

charities; most agreed that any public campaign should avoid directly criticizing the current government.

I argue, based on my data, that though the above preferred actions include elements of resistance and collective responses as predicted by social movement and contention theories, charity leaders appear generally reluctant to prioritize open contention over the government's anti-charity rhetoric and actions for three reasons. First, at this particular policy moment for environmental and international development organizations (e.g., impending showdowns over pipeline transportation, international food security and controversy over the international behavior of Canadian mining companies), those groups are concentrating on their mission goals rather than opening up a new time-and-money-consuming front directly challenging the federal government's actions targeting charities, despite their strong sense of vulnerability if the government is not pushed back. In doing so, charities are concentrating for strategic and mission-related reasons on their social change aims by solidifying public support for public policy issues such as stopping expansion of the oil sands and pipelines. Second, openly fighting back against the anti-charity rhetoric and actions may increase their vulnerability to CRA censure for violating "political activities" regulations. Third, the charity structure itself works against directly confronting the government to protect charitable status, and creates incentives for temperate and carefully calibrated positioning to maintain a positive reputation with individual and foundation donors who want the group to focus on the mission and not draw negative attention. A better fit for most charity leaders interviewed is the behind-the-scenes building of collaborative alliances within and between charity sectors with an accompanying focus on encouraging a "positive" and "upbeat" advertising campaign by Imagine Canada.

I argue, based on participant input and consistent with both social movement theory and resource mobilization theory, that with limited resources and time, these charitable organizations are first prioritizing their mission-related social change activities rather than directly and publicly fighting the current federal government's rhetoric and actions targeting charities. Thus the direct contention predicted by Tilly's (2004, 2005) theories that deal with long-term arcs of social movement alliance building and contention, is translated in this situation into charities continuing to focus and advocate on mission issues rather than countering the rhetoric and actions targeting them. It is even more firmly in line with the short term emphasis on careful stewarding of resources in McCarthy and Zald's (1977) resource mobilization theory. Organizations that are small in comparison to many other charities (e.g., health charities are generally better resourced) do not have the resources required to fight on two fronts; participant organizations all had less than 100 staff, some well-known organizations were under 40 staff, and some were under five. The monetary and reputational advantages of maintaining a charity structure make it too risky, when other options are available, for most charities to prioritize an openly contentious front to get the government to cease its targeting actions.

### **Government is Corrupting Democratic Relationships**

**“Muffling” and “vilifying” dissent.** The current government has implemented a well-documented series of actions since 2006 to defund government departments, scientific projects, individual scientists, civil-society groups and projects that do not fit its ideology or priorities, and to shut down or reduce assessments and public input processes that could delay or threaten government priorities (“Hit list,” n.d.; “Stephen Harper’s firing range,” 2011; Turner, 2013b). Most participants said that after cutting direct funding and some project funding for their and other organizations, the government is now moving to the next step: making it difficult for

organizations that advocate on public policy issues to benefit from tax benefits available to other organizations that avoid addressing policy and that instead limit themselves to a traditional service-delivery approach to charity. Most participants interpreted government actions as an attempt to silence or at least “muffle” environmental voices and perhaps international development voices at the very time that oil and gas infrastructure, production, transport, and export is being evaluated and built at home, and Canadian mining companies are coming under scrutiny abroad. Several participants referred, sometimes repeatedly in the interview, to the package of government actions as “vilifying” or “demonizing” dissent. Tilly (2004, p. 3) and Laforest (2013a, p. 235) remind us that government has unique power in being able to, at least temporarily, stifle healthy social movements.

Tilly’s “democratic pentagon hypothesis” supports the suggestion that the government intends to muffle or silence opposition during this critical period of approving energy projects. Tilly (2004) theorizes that the success of a social movement can be largely predicted based on its ability to utilize a repertoire of communications composed of displaying worthiness, unity, numbers and commitments (“WUNC” displays), along with a campaign of “sustained, organized public effort making collective claims on target authorities” and a variety of media and communication channels including rallies and statements in public media (pp. 3-4). By getting organizations to decrease and alter these communications, or so the democratic pentagon hypothesis predicts, governments can effectively resist their demands without substantial political penalty (Tilly, 2005, p. 435). But the hypothesis also predicts that mobilized groups that have been shut out of important consultations by government will disrupt the processes and will more likely reinforce their identities as claim-makers (2005, p. 436).

Applying Falk's (2008) writing on dissent is instructive on this point. "Where dissent is stifled, democracy suffers and its legitimacy is thereby diminished," Falk warns. "We can survive the assaults of those who are against 'our way of life'—but only if we ourselves safeguard our own peaceful efforts at constant improvement via contentious and difficult argument, held in the public sphere, and therefore able to be broadcast and debated widely" (pp. 249, 253). Most participant leaders repeatedly referred to the government's objective as "muffling," "silencing," or "shutting down" dissent to their resource-based economic strategy. Tilly's democratic hypothesis believes the government could avoid paying an electoral penalty if it succeeds. But if groups respond to attempts to silence them by ramping up perhaps risky public contention, it could affect the government's popularity. In any case, data shows the leaders perceive that democracy itself has been damaged by the accumulated government rhetoric and actions targeting charities whose mission includes contributing to public conversations.

**Seeing "enemies" instead of policy disagreement.** Laforest (2012) writes of three federal discursive shifts that together largely dismantled the post-war system of representative input regarding governance and policy from civil-society organizations (p. 188). These shifts were a "neutral" neoliberal managerialism that strengthened during the economic stagnation of the 1980s and 1990s and reflected a reduced appetite for an activist government; a discrediting of political representation and a view that government funding of civil society organizations was excessive marketplace intervention (i.e., that organizations should survive or die based on their ability to attract non-government funding that demonstrates public support for their missions); and a push toward direct citizen engagement using polls, telephone access, public meetings, and eventually web consultations (Laforest, 2012, pp. 188-190; but also Laforest & Phillips, 2013, pp. 5-7).

I see in the data a fourth discursive shift in which the current government reframes civil society organizations as adversaries, and even as political or national enemies, when they oppose key government policies, and not as experts who happen to disagree on public-policy approaches. Instead of bringing those organizations in for discussions, as Tilly's democratic pentagon hypothesis would suggest is most productive, the current federal government treats those with opposing views as "hostiles" to be defeated. Participants perceive that their government is telling them to "get out of the way" and "shut up, we won." I argue that the government has assumed an aggressive posture and adopted partisan rhetoric that paints ideological opponents as national security threats and connected to criminality. The government also adopted aggressive harassment actions using bureaucratic institutions and the nation's budget in order to force its agenda. By framing those with policy alternatives as threats to economic security, national security, and as criminal organizations, the government plays to their core base's attraction to their tough-on-crime agenda. By invoking demonization through public rejection of advocates of alternative public policies, the government's frame creates a highly salient good versus evil narrative that they perhaps hope will attract support beyond their core and that some leaders worry will pave the way for future actions that might not otherwise be acceptable to average Canadians.

Interviews with the participants are loaded with emotional language or terms that speak directly or indirectly of unequal power relationships, confusion and vulnerability, and perceptions of unfairness. The tone of voice sometimes does not match the measured choice of words. One participant spoke of feeling just "annoyed" at the actions taken by the government, maintaining a calm and measured tone at first but eventually raising his/her voice. But in speaking of some other organizations, this participant represents them as "feeling anger,"

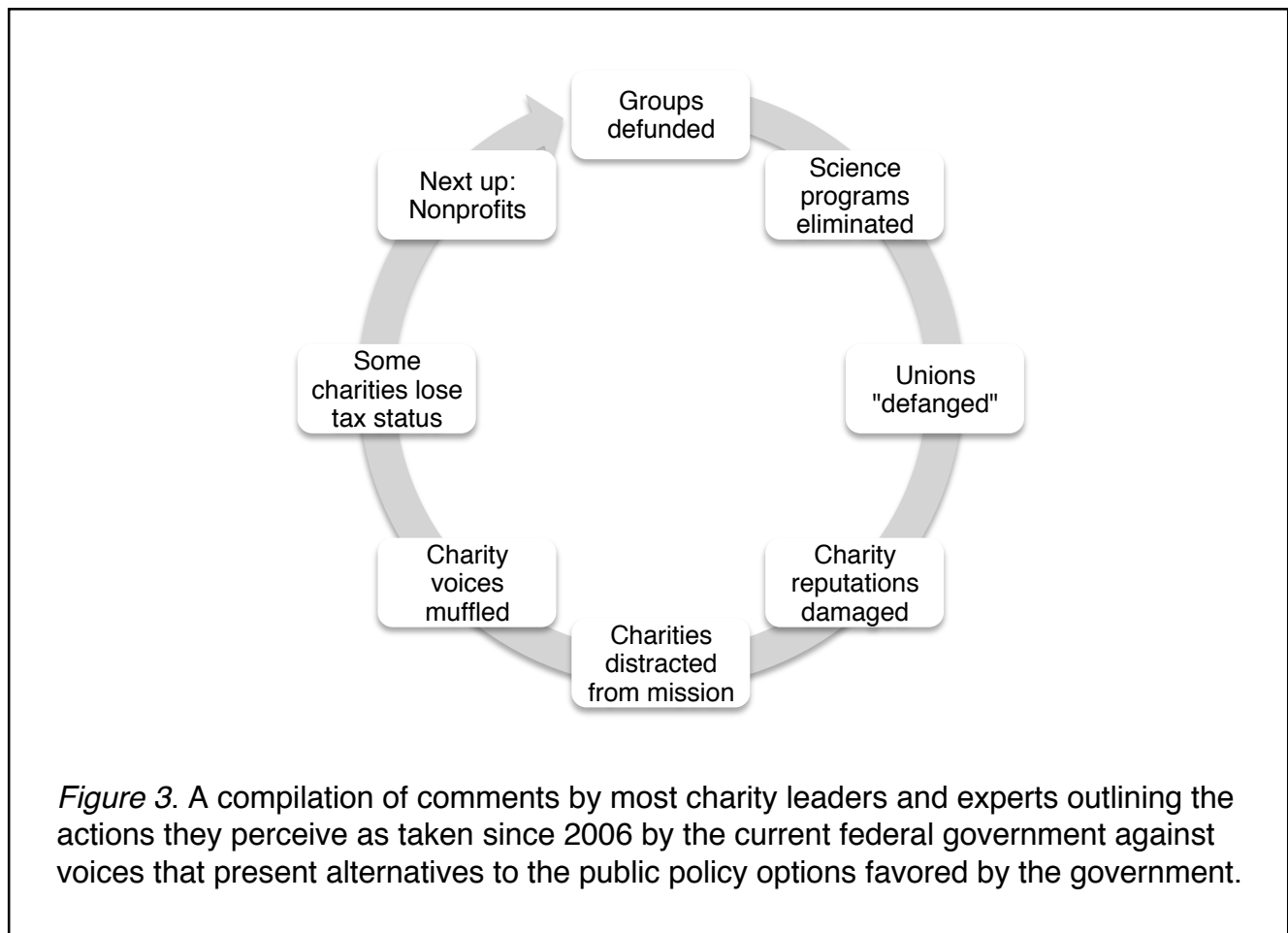


“feeling fear,” a “palpable” fear, because they are becoming desperate in the current political climate and loss of funding (Anonymous, personal communication, March 10, 2014). Other participants raised a long list of ways that the organizations, their staff and mission are made vulnerable, including: government changing regulations on a whim; interpretations of longstanding regulations allegedly changing within CRA; reputation damage from the rhetoric of government ministers; funding loss due to reputation damage or funding changes; loss of charitable status and associated loss of funding; loss of government funding, having to turn increasingly to the corporate sector for funding; loss of access to government policymaking and representative legitimacy (see Laforest & Phillips, 2013); and staff layoffs. Interview data reveal a strong, though not universal, emotional commonality in the charities’ responses to the rhetoric, distractions, and auditing frustrations, their declining direct access to public-policy influence, and short-term difficulty in responding directly to power.

A power imbalance between civil-society organizations and elected government is nothing new; what is new are the unexpected actions that have the tone of partisanship. Some participants expressed shock at what they saw as the government’s willingness to repeatedly damage the entire charitable sector because of its antipathy toward environmentalists. Some participants used emotion-laden words in describing what they perceived as the government using the nation’s tax department to “harass” one or several sectors while framing it to the public as fighting crime. Participants spoke of frustration with having to absorb such punishment as the government exercises its power to potentially damage their donations, upset their staff and supporters, divert them from the mission that their members and board expect fulfilled, and force them to spend money on lawyers and appeals of CRA audits.

Expressed emotions reflect participants' experience of varying amounts of distraction from their mission work, threats to their survival, and staff job insecurity—all heightened by most participants' belief that the government has made that calculation and that there is little that the groups can do in response in the short-term. Even the defiant stances of some of the participants highlight their vulnerability. Versions of the terms “bully,” “harass,” and “demonize” are used by many of the participants to sum up the combination of actions taken by the government. Almost all see it as an abuse of power, out of line with the democratic traditions of the country and the previous incremental progress toward a constructive relationship between charities and elected government noted by civil society researchers (Laforest, 2009, 2011, 2013b; Laforest & Phillips, 2013). Tilly (2004, p. 128) notes that de-democratization consists of a government's moves away from breadth and equality of citizenship, binding consultation of citizens, and protection of citizens from arbitrary action by agents of the government. Looking at the history of social movements promoting democracy, Tilly (2004, p. 142) writes that democratization has suffered to the extent that governments destroyed, deflected, dispersed, ignored, or co-opted social movement coalitions and their trust networks. In outlining a multi-dimensional continuum of relations between governments and civil society, Tilly (2005, p. 432) notes that governments with frequent use of raw power demonstrate aspects of “totalitarianism” or “populist authoritarianism” in form as they tend to avoid binding consultations and exhibit arbitrary actions by its agents. This is not to suggest that the current federal government is on the verge of totalitarianism, but rather to highlight that the shift in how it wields power, as experienced by civil society organizations since 2006, is moving in the direction of reduced democratic vigor.

Participants broke into camps on the questions of whether and why the current government had a deliberate strategy to undermine civil society (including, but far from focusing exclusively on, charities) through defunding, followed by anti-union legislation (as two participants spoke of), and now working toward removing charitable benefits for organizations that work on public-policy issues (see Figure 3).



Some participants saw no strategy, but rather perceived an accumulated series of actions taken for various temporally limited tactical reasons that nonetheless caused unintended damage (“though not unwelcome” for the government, as one participant put it) to civil society, public discourse, and collective claim-making (Anonymous, personal communication, March 11, 2014).

Several leaders strongly rejected the first perspective, arguing that though it was attractive at first blush, it had the feel of a conspiracy theory; one leader noted in good humor that Canada does not have such “grand narratives” (Anonymous, personal communication, March 10, 2014).

In the end, the existence, or not, of a strategy to deliberately corrupt democratic process and plurality of voices is not the core issue. Rather, what matters is the effect: all participants see a resulting politicization (Phillips, 2013, 2009) and corruption of the democratic process (whether tactical or strategic) and some question the recent neutrality, independence, and professionalism of the bureaucracy. Most also hold that there is an accumulated corrosion of opportunities for claim-makers to contribute to the formation of public policy. It matters that questions have also been publicly raised, whether provable or not, about the government’s role in creating a non-profit organization (i.e., Ethical Oil) that filed complaints with CRA against environmental and other organizations that by CRA admission (“Charities program update—2014”) were later used to help choose which charities to audit; and that a wide swath of charitable organizations have had their reputations put at risk by what one participant referred to as “ludicrous” rhetoric.

A clause in the 2014 federal budget suggests that the government plans to widen their targeting of civil-society organizations, and hence perhaps prevent charities from structurally adapting to advocacy chill. Adding non-profit, non-charitable arms, as is being considered by some interviewed charity leaders to continue an advocacy role, may not help charities stay on the right side of the CRA regulations about “political activities.” A well-known charity leader, while announcing his organization’s audit through his regular blog (Campbell, 2014), also noted the 2014 budget reference to a “public consultation on the income-tax framework for non-profit organizations” to ensure the tax exemption they enjoy is properly targeted “and not subject to

abuse” (Flaherty, 2014, p. 267). These words, though as a blog posting they qualify as a matter of the public record and are captured outside of my participant sample, will seem familiar to charity leaders.

### **Conclusion**

Analysis of my interview data using Charmaz’s constructed grounded theory leads me to several theoretical conclusions. I find that an “advocacy chill” is affecting charitable organizations that advocate on public policy issues, though it varies in intensity and extent from organization to organization and some organizations report no chill. I find that there is evidence in the data that the government is attempting, with some success, to narrow society’s important policy conversations. Finally, I find that the data suggests that the current federal government is corrupting Canada’s democratic processes by treating as political enemies those civil-society organizations whose contributions to public policy conversations differ from government priorities. I find that the charities are responding mainly by focusing on their mission-related work, working through umbrella organizations to strategize and develop public communications citing the achievements of charities to society, and ensuring that their organizations meet CRA requirements, rather than directly and publicly confronting the government over its actions targeting the charities. They are also looking at more contentious collective legal and policy responses to the current political environment.

This paper has identified concerns about a variety of actions and use of administrative resources by the government that, taken together, amount to what I argue is a corruption of governmental process; an abuse of power that sets an unfortunate precedent; and, if continued, forebodes accumulated damage to civil society, open debate, and effective democratic decision-making. I have argued that the current federal government has taken actions toward civil society

organizations, and particularly charities that advocate on behalf of public policy change, that differ quantitatively and qualitatively from past Canadian governments. Past federal and provincial governments have utilized rhetoric to challenge ideas advanced by civil-sector organizations. What is unprecedented is the current government's deeply confrontational framing of "demonizing" rhetoric and its coupling of that rhetoric with action. This action entails specifically politicized use of the associated governmental regulatory body (the Charities Directorate at CRA) to pursue harassing actions seemingly designed to "muffle" and "distract" certain charitable organizations from public debate about important, timely issues while also affecting bystander charities (Laforest, 2012, 2013b; Phillips 2010; 2013).

Most participants believe that, through one of several proffered processes, environmental groups are being singled out for auditing of "political activities," and data suggests that international development organizations and union-funded organizations are secondary targets. Most participants also express concern with what they see as unprecedented influence of the petroleum and energy industry over a Canadian government.

Participants have, to varying degrees, made changes to their internal education processes regarding CRA regulations, have altered internal processes to match CRA expectations, and have changed or are considering changes to their organizational structure. They are not uniform in their acknowledged extent of changes to their externally bound communications; most report some degree of changes to content, tone, channel, or frequency of communication, with several acknowledging major changes and others little or no substantial adjustments. Scholars suggest a well-functioning democracy creates conditions that encourage discursive and active citizen involvement in finding creative solutions to difficult problems and contentions (Falk, 2008; Eikenberry, 2009; Laforest 2012, 2013a, Tilly, 2004). The current federal government's actions

are instead causing at least some charities that advocate on behalf of public policy issues to reduce their communications activity and pull back from fully contributing to important national conversations.

The government's various rhetorical and regulatory actions lead me to conclude that Canada is experiencing a new, fourth discursive shift regarding civil-society organizations, (Laforest, 2012, p. 188), one in which the government views as hostile, and treats as enemies, those organizations that advocate for policies that differ from government strategic plans, and responds at a level of rhetoric and action that, combined, is beyond traditional Canadian norms of governance.

My data affirms early observations by Laforest and Phillips (2013) that organizations affected by this government's defunding are working with umbrella organizations to expand public perception of their importance (p. 10). Rather than accepting the government power unchallenged, most participant leaders are involved in formal and informal discussions intended to find an effective collective response to the current political climate, while also succeeding, to various degrees, in keeping organizational resources focused on mission activities.

This study has found that, in responding to the current political climate and audit threat, charities that advocate on public policy issues are responding most strongly in line with a prediction offered by resource mobilization theory (McCarthy & Zald, 1997). That theory predicts that attacks by the state and threats to funding and even continued existence cause organizations to divert costly internal resources to address the threats and act with caution. In responding externally, the organization would tend to seek low-risk, low-resource alternatives, in this case partnering with other organizations to utilize the resources and credibility of umbrella

organizations in creating upbeat strategies that present the charity sector's past accomplishments and future potential.

The above approach also contains some elements of resistance and collective responses as predicted by social movement and contention theories (Tilly, 2004, 2005). But the resistance generally stops short of the more contention-centered pushback against government excesses suggested by Tilly's democratic pentagon hypothesis (Tilly, 2005). The requirement for government sanction to access the financial and legitimacy benefits of charitable status (Lavasseur, 2008 cited in Lavasseur, 2012) makes these organizations less able to respond through open contention; speaking to a master's student required guarantees of confidentiality from most charity leaders and three of five experts. Still, the charities are blending in some contention. Most are resisting government attempts to distract them by making a point of trying to focus key resources on continuing their mission activities such as opposing energy projects (even as most participants report that communications have been toned down in one or more ways); building previously underexplored cross-sector charity links; adding non-profit non-charitable arms allowing a wider range of activities; preparing for a proactive court case; helping run the provocative *Voices/Voix* website tracking actions of the current government affecting civil society; working to get political parties to include in their 2015 election platforms commitments to make changes to charity law and policy that will de-politicize regulatory and consultation processes; and (in the case of non-profit non-charitable organizations) targeting vulnerable federal ridings with information campaigns.



**Notes**

<sup>1</sup> Charles Tilly, (2004, p. 7) defines social movements as a distinctive way of pursuing public politics, a political complex of campaigns, claim-making performances, and public representations of the cause's worthiness, unity, numbers, and commitment (WUNC). John Medearis views social movements as "collective challenges mounted by relatively marginal groups against powerful elites and dominant ideologies" (2005, p. 54). Because societies have unequal power relationships, social movements face systematic barriers to their being and their ideas that challenge institutions and practices (p. 54). There are various schools of social movement theory. Alain Touraine (2002) traces their history from class struggles and struggles for freedom and equality; to those incorporating national liberation struggles; to the new 20th century movements concerning identity and culture, peace and environment; and to the new integration of civil-society organizations challenging economic globalization and capitalism.

<sup>2</sup> Antonio Gramsci wrote about "civil society" while sitting in a jail cell in Fascist Italy. Gramsci separated society for purposes of categorization into political society (government officials and politicians) and civil society (average citizens and their organizations) and believed that civil society, rather than the state, is the major driver for progressive change (Buttigieg, 1995, pp. 19, 28; Gramsci, 1950 trans. 1996-2007). There has been ongoing debate about which category includes business, which holds strong collective power and influence in capitalist societies (Barber, 1998, p. 4; Buttigieg, 1995; Fontana, 2006, p. 55). In practice, though, Gramsci saw the categories as intertwined, connected by the concept of hegemony: that is, the struggle by those with governing power to convince the larger public, mainly through persuasion but with force as needed, to consent to the governors' beliefs, values, and actions (Fontana, pp. 54-55; Gramsci 1950, notebook 4, §38; Gramsci as cited in Durham & Kellner, 2012, pp. 34-36). Building

consent is achieved through the “trench warfare” of public opinion battles between the governors and those who oppose the governors, using such institutions as media, schools, and the church (Fontana, pp. 72-74; Gramsci, 1950, notebook 3, §119). Domination, coercion or armed force is directed against organizations the government deems as antagonistic (Fontana, 2006, p. 55).

Interestingly, the World Bank definition of civil society excludes the corporate sector, but includes “the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations” (The World Bank, n.d., “Defining civil society”).

<sup>3</sup> This paper uses the term “oil sands” to describe the massive Canadian deposits of tar-like heavy crude bitumen mixed with silica sand, clay minerals, and water. Though the term “tar sands” dominated both common and government usage for decades, it seems that in recent years the oil industry’s rebranding of the deposits as “oil sands” or “oilsands” has come to dominate industry, scientific, governmental, and common usage. In the interests of promoting open conversation, this paper adopts the contemporary label (“Alberta's Oil Sands 2006,” 2006).

<sup>4</sup> In an “update” bulletin, the Charities Directorate noted that as of January 31, 2014, 31 audits for political activities compliance were in various stages of completion (of a planned 60 over four years). All four charitable purpose categories were included. Two charities registered to relieve poverty were in process, three to advance religion, four to advance education, and 22 established for other purposes beneficial to the community in a way the law regards as charitable.

“Charities we are auditing under the latter category include those established to promote health, uphold human rights, promote animal welfare, protect the environment, as well as community organizations” (“Charities program update—2014”). One year after the Natural Resource Minister’s open letter to Canadians and an increase in funds for auditing, the media reported only one charity had its status revoked by CRA: Physicians for Global Survival, a group of physicians promoting nuclear disarmament (Webb, 2013). A 2012 analysis by Canadian Press found that only one of the top 10 foreign-funded charities could be considered in any way an environmental organization—the pro-hunting group Ducks Unlimited Canada. Most of the 1,950 charities receiving international funds are aid organizations, religious institutions and schools (Canadian Press, 2012c).

<sup>5</sup> It has been erroneously reported that the \$8 million was dedicated to auditing. In fact, it has been applied additionally to increasing education and information activities and improving transparency with new reporting requirements for charities (“Charities program update — 2014”; Waldie, 2012).

<sup>6</sup> The U.K. Charities Act of 2006 separated the Charity Commission from the tax authority. Among other things it now lists 13 charitable purposes; Canada allows four (Lavasseur, 2012, p. 189).

<sup>7</sup> Collective action frames have three characteristic features and four variable features. The former are: 1a) diagnostic framing which identifies the blamable sources of the problem and 1b) boundary and adversarial framing which delineates the boundary between “good” and “evil” and identify protagonists and antagonists; 2) prognostic framing, which suggests a proposed solution or plan of attack and proposed strategy for doing so, and 3) motivational framing, which is the “call to arms” and relevant vocabulary, all designed to create a sense of saliency appropriate to

the situation. The variable features are: 1) problem identification and direction of attribution, which seeks to create a frame that covers multiple problems and so can increase buy-in and thus mobilization capacity; 2) flexibility and inclusivity, which seeks to allow for growth and broadening of support and action; 3) interpretive scope and influence, in which ideally a powerful “master frame” has emerged that is larger than any one social movement and of which Benford and Snow identified eight in the year 2000 and which I suggest should also include “terrorism frames” today; 4) resonance, which is tied to credibility and relative salience (Benford & Snow, 2000).

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