DOUBLE PANEL PROPOSITION

Between democracy and governance:
participation, partnership and paradox

Panel I: Policy and Politics

Panel II: Representation and Contestation

Deena White, Rachel Laforest, Håkan Johansson, John Casey, Ann-Christine Hartzén

1 Université de Montréal- Département de Sociologie, Montréal, Canada,
2 Queens University- School of Policy Studies, Kingston, Canada,
3 Växjö University- School of Health Sciences and Social Work, Växjö, Sweden,
4 Baruch College- CUNY, Center for Nonprofit Strategy and Management, New York, United States,
5 European University Institute- Department of Law, Florence, Italy

The operating environment of third sector organisations has been profoundly transformed since the turn of the century, but the literature shows little consensus regarding the direction of, and the issues associated with these changes. This lack of consensus may simply reflect different perspectives. But it may also reflect the paradoxical nature of civil society participation in the governance of society. The aim of this workshop/panel is to bring to the forefront these paradoxes of partnership and participation.

On the one hand, participation and partnership have become hallmarks of the new forms of network governance promoted by authorities the world over. The once invisible third sector (voluntary and community-based organizations) has become a sexy “new” actor in the policy cycle. Considerable theoretical and empirical work has been dedicated to these concepts, actors and transformations. Network governance, local partnership, deliberative and participative democracy occupy an increasing proportion of the recent literature in policy, public administration and political science journals. They are reputed to enhance the validity of policy-relevant knowledge, the legitimacy of policy decisions and design, the efficacy of policy implementation, and the capacity of civil society to take its destiny in hand. But outcomes are often shown to be less lofty than the stated goals.

On the other hand, participation and partnership are also hallmarks of the so-called neoliberal turn. In this light, they are characteristic of the hollowing out of the state, the downloading of responsibilities to local authorities and non-state actors, the reinforcement of regulation at a distance, and the incorporation and neutralization of organized civil society through increasing dependence on contractual relations with the state. These ideas do not simply represent a knee-jerk critical perspective, since many empirical studies have clearly demonstrated the perverse effects of what is almost inevitably asymmetrical participation and unequal partnership.

A starting point for the papers in this panel is the assumption that both these analyses are correct, and that instances of participation and partnership typically represent a balancing act between the two. Depending upon the organizational capacity and mutual agency of both civil society and government actors - as well as various other factors that remain to be revealed – the character of relations between organized civil society and the state may lean more towards the ideal of “progressive” governance, or towards that of “neo-liberal” governance. Both civil society and government actors may be more or less aware of this tension, and act more or less reflexively in light of it. The outcome may result from a para-political struggle, or simply from path-dependent and uncontested institutional arrangements and relations, under a new, superficial guise.
The analyses in these papers make an attempt to show how both these tendencies of participation or partnership are present in the context of a given case study. They address the relation between them, and the paradoxes that this relation can potentially generate. They are also particularly concerned with the agency and interaction that ultimately “resolve” the relation in one direction or another. In short, the papers seek to assess the specific relation between structure and agency in each case.

The interest of this panel lies in taking us beyond current debates about participation and partnership, to examine how tendencies towards governance and democracy oppose each other, and interact to produce different results in different political, cultural, economic and institutional contexts. This is not only of theoretical interest, but also, of strategic interest to civil society organizations trying to combine pragmatism and activism within contemporary operating environments.

Bibliography


Howard, Joanna, Marilyn Taylor, Antaoneta Mateeva, Christopher Miller, Rumen Petrov, Mojgan Rahbari, Luis Serra (2006), Non-governmental actors and the political dimension: navigating the tensions in new governance spaces, paper presented at the meeting of the International Society for Third Sector Research (ISTR), Bangkok, Thailand, July 9-12.


Between democracy and governance:
participation, partnership and paradox

Panel I: Policy and Politics

The papers in this panel raise issues related mainly to governance, or the relations between non-governmental organizations and authorities in contexts of policy or programme development and implementation. To what extent is authorities’ power reinforced or challenged through these relations? Does inclusion in policy networks come at the cost of independence? How much are these relations characterized by discipline as opposed to civil dialogue? Can lessons be learned from new methods of governance being developed within the institutions of the European Union?

Papers will focus on contrasting experiences in Canada and the U.K. (Laforest), in 10 different U.S. states (Casey), in the Nordic countries (H. Johansson and Hvinden), and at the level of the European Union.

1. “Social Investment Perspective” and Divestment: Implications for the voluntary sector

2. Civil Dialogue Models – Participation and Power

3. The U.S.: Compact Free, but Increasingly Deliberate

4. Participation, partnership and paradox: the example of the European social dialogue

1. The “Social Investment Perspective” and Divestment: Implications for the voluntary sector

The objectives of this paper are to examine the politics of social investment through a comparative study. The study will unearth the most critical factors underlying why different patterns of investment and divestment towards the voluntary sector have been adopted in the UK and in Canada.

In both Canada and the UK, the last decade has been marked by significant changes in the goals, funding and governance of social policy. Indeed, many commentators have observed that a new paradigm centered around ‘social investment’ began to take shape in the late 1990s (Lister 2003, Jenson and Saint-Martin 2006, Banting 2006). At the heart of this new social policy paradigm is a shift in the relationship and responsibility mix between the state, the market and the voluntary sector in
providing welfare services (Jenson 2009). While clearly macro forces are at play, shaping dominant thinking and discourses across a variety of contexts, they only tell one part of the story.

This new frame for social policy thinking involves a complex shift in the political terrain and in the parameters of policy debates. It also has been accompanied by a reconfiguration of institutional arrangements and alliances which are still misunderstood. Indeed, observers are beginning to point to some of the very profound transformations that have affected the nature of politics. In both Canada and the UK, this shift toward the 'social investment perspective' has resulted in a 'writing out' of women from political debate and a closing off of representational space (Jenson 2009, McKeen 2007, Dobrovolsky and Lister 2008). The evidence-based nature of policy debates under the social investment perspective has not only shaped and channeled how issues, ideas and interests are framed; it has also made research based strategies within the voluntary sector more feasible (Saint-Martin 2007, Laforest and Orsini 2005). This shift has been particularly acute in Canada where it has been accompanied by the divestment of the federal government from funding core operations and representational activities within the voluntary sector. The overall effect has been a general depolitization of the sector. This trend, which began under neo-liberalism, has been maintained in the social investment era. In the UK, voluntary organizations have been more successful at mitigating the effects of this shift. Whereas Thatcher made same efforts to strip voluntary sector of the power in the 1990s, the move toward a social investment paradigm has been accompanied by a trend towards reinvestment in the sector. The emphasis on 'investment' has translated into proactive capacity building initiatives and a commitment toward supporting infrastructure within the voluntary sector (Macmillan 2006).

Recent history has shown the extent to which the voluntary sector has been acknowledged as a valuable partner in governance varies across these social formations (Phillips 2009). This paper will explore the significance of these patterns for policy making. Of central concern to the project are the ways in which voluntary organizations have gained access to decision making processes and other ways of participating in the political arena.

References


Macmillan, Rob. 2007. "Understanding the idea of ‘grant dependency’ in the voluntary and community sector”, People, Place & Policy Online, 1/1, pp. 30-38.


2. Civil Dialogue Models – Participation and Power

Today we see an increasing interest from political actors at European and national levels to involve citizens in debate, consultation and even co-determination related to policy-making. The new Lisbon Treaty includes new initiatives to facilitate participatory democracy, e.g. the Citizens’ initiative and dialogue with civil society organizations. The European Commission has opened up for formal consultation procedures with civil society organizations under the heading Civil Dialogue process. The European Parliament recently installed a Citizen’s Agora, bringing together citizens, civil society representatives and elected politicians debating key challenges for the Union.

Across Europe, national governments establish new forums and channels for political participation, not only with the ‘usual suspects’ (e.g. social partner organizations), but also with self-help groups, user-organizations, community based organizations and other civil society organizations representing ‘marginal groups’. Following the British Compact from 1998, several countries have initiated Compacts, Agreements or Charters (between the authorities and the voluntary sector), e.g. Estonia (2002), Hungary (2003), Denmark (2001), France (2001), Norway (2008) and Sweden (2008).

These forums allow new voices and views in the governance process and may provide civil society actors with an enlarged scope of participation, consultation and co-determination. However, in line with current discussions on governance and governmentality, it is debatable whether the state has given up its ambition to exert control or rather seeks to achieve such control in new ways.

This paper aims to critically examine how state power and control are remade but potentially also challenged in civil dialogue models: These processes are promoted under the banners of partnership, joint deliberation and consensus-building but do they really recognize civil society actors as equal partners? Is there an underlying agenda of enlisting the civil society organizations as supporters of the policies that the government would pursue anyway? What evidence do we find of new forms of disciplining and incorporation? To what extent are the civil society organizations able to resist and counteract government attempts to control and constrain the wider impact of these emerging models of ‘co-governance’?

Hence, the paper takes a critical stance on the burgeoning literature on ‘participatory governance’, ‘collaborative governance’, and ‘partnership governance’. We outline the key elements in this academic debate, yet argue that researchers tend to overlook how power is dispersed in participatory governance arrangements. Elaborating on classic accounts on power as authority (Weber), exchange (Coleman), cooptation (Selznick) and post-Foucauldian discussions on governmentality and governance at a distance (Foucault and others), we try to answer if participatory governance contributes to greater parity of participation and power.

A comparative study of two newly established civil dialogue models in Norway and Sweden serves as the empirical reference for the discussion. In 2007 the Norwegian government established a twin-model of a ‘Contact Committee between the Government and Organizations of Poor and Disadvantaged Citizens’ and a publically supported ‘Collaborative Forum’ of such organizations. In Sweden, a ‘User Committee for Social and Welfare Issues’ was initiated a few years earlier. Based on interviews with stakeholders, participation and observation at meetings and analytical reading of key documents, we investigate the processes leading up to the establishment of these arrangements and participants’ experiences with them so far.

Associate Professor Håkan Johansson, School of Health Sciences and Social Work, Växjö University, 351 95 Växjö, Sweden, + 46 470 70 80 25, Hakan.Johansson@vxu.se

Professor Bjørn Hvinden, Head of Research, Norwegian Social Research (NOVA), Norwegian Social Research, P.O. Box 3223 Elisenberg, N-0208 Oslo, Norway, Bjorn.Hvinden@nova.no
References (selection)


3. The U.S.: Compact Free, but Increasingly Deliberate

This paper presents the findings of a survey of 10 states and the federal level that analyses emerging initiatives in strengthening government-nonprofit relations in the U.S. in the context of the broader international debates about deliberate relations.

Since the mid-1990s governments around the world have sought to strengthen their relationship with nonprofit organizations by signing general framework agreements that regulate a range of policy making and service delivery interactions (Osborne and McLaughlin 2002, Bullain and Toftisova 2005, Casey and Dalton 2006). These agreements, most commonly known as “compacts”, give explicit recognition to the unique role of the nonprofit sector and seek to remedy concerns about collaborations and partnerships at a sector-to-sector level. Compacts have been a key feature of the evolution of a range of “deliberate relations” between governments and nonprofits, which include new government offices that focus on nonprofits, and new nonprofit coordinating structures that focus on government relations (Carter and Speevak 2008).

The implications for nonprofits of these deliberate relations continue to be debated. While some argue that, because of emerging co-governance regimes, it is “the best of times” and nonprofits have never been so central to service delivery and policy making, others argue that it is “the worst of times” and the new relations have led only to a loss of independence and a concentration of power in government hands (Casey and Dalton 2006).

In the U.S., there are no compacts. All attempts to locate framework agreements at the national or state level that could be seen as analogous to the compacts developed in other countries have proved fruitless (Casey et al. 2009). Many of the pre-conditions that have lead to compact development in other countries are evident in the U.S., and there have been calls to create a new paradigm of government-nonprofit interaction to address what is seen as the poor state of current relations between governments and nonprofit organizations (Gronbjerg and Salamon 2004), but these have not resulted in sector-wide framework agreements. There are a number of intersecting dynamics that have precluded the development of such agreements, which include the nature of the historic relationships between governments and nonprofits, the complexities of federalism, and the central role of private philanthropy (Gronbjerg and Salamon 2004, Boris and Steuerle 2006).

The U.S. may be “compact free”, but there have been a number of attempts to create more deliberate relations between governments and nonprofits (Casey et al. 2009). More than 30 years ago, the Filer Commission (1975) recommended that Congress create a permanent commission on nonprofits. While the recommendation was never implemented, the issue has never quite left the policy agenda and in the 2008 election season there were calls for a new administration to create a cabinet-level office for nonprofits. On the campaign trail, then Senator Barack Obama proposed creating a Social Entrepreneurship Agency, which he envisaged as residing in the Corporation for National and Community Service rather than in the Cabinet. Other initiatives that have sought to develop sector-wide principles have included the national Declaration for America’s Nonprofits and the Nonprofit Constitution promoted by the Nonprofit Congress and the allied V3 (Voice, Value and Votes) campaign (Nonprofit Congress 2008), as well as numerous state-level initiatives such as the Arizona Nonprofit Agenda (Alliance of Arizona Nonprofits 2009), and the appointment in California of a Secretary for Service and Volunteering (reputed to be the first cabinet-level position for nonprofits in the U.S.).

Now with the election of President Obama there are new attempts to develop broader framework agreements. In March 2009, a “call to action” signed by dozens of nonprofit CEOs and academics was published as the Forward Together Declaration (JHUCCS 2009). The Declaration states that it is time to “renew the compact” with the nonprofit sector (note that compact is used here in the conceptual sense and does not refer to a specific past document) and calls for the establishment of a Commission on Cross-Sector Partnerships and the development of a set of Partnership Principles.
In an attempt to better understand this trend toward more deliberate relations between government and nonprofits in the U.S. and current discourses on the tensions between inclusion and control, the author has surveyed 10 states and the federal level to document structures and processes that promote such relations.

References:


4. Participation, partnership and paradox: the example of the European social dialogue

The European Union (EU) has for some time promoted ideas of new methods of governance based on participation and partnership, especially in policy areas where there are difficulties to reach agreements on traditional hard-law measures. The European social dialogue is one of the most prominent examples of new governance methods at the EU-level and in contrast to civil dialogue models at the EU-level it has a legal basis in the Treaties. When analysing the development of the European social dialogue it is possible to see different functions of this process within the policy-shaping procedures of the EU. These differing functions highlight the paradox under scrutiny, i.e. the paradox between so called new modes of governance and democracy, not least considering results achieved and the impact of these results.

Even though systems of industrial relations hardly can be considered as a new phenomenon in governance of society, it is important to understand that the European social dialogue cannot be considered a traditional system of industrial relations. Instead the European social dialogue has developed under different conditions and in respect of different needs than national systems of industrial relations. In spite of some similarities the European social dialogue above all shows different characteristics from those of national systems of industrial relations. For example, the conclusion of collective agreements, which can be considered as one of the main objectives within national systems of industrial relations, is hardly to be considered as the most important function of the European social dialogue. Instead the main work and results of the European social dialogue can be found in a process of concertation. This process is best described as a tripartite dialogue between the social partners and the Community institutions, through which the social partners seek to lobby their respective interests or find common positions that are communicated to the institutions. Such processes of concertation can be found in some national systems of industrial relations, but hardly in all Member States of the EU. In addition it is highly questionable whether the fundamental labour rights, especially the right to industrial action, play the same role of balancing of power between management and labour at Community level as at the national level.

The European social dialogue can to some extent be considered a more defined and established process of participation and partnership than that of the civil society dialogue within the EU. First of all, the legal basis for these two models of governance dialogue differs; the European social dialogue being recognised in Articles 138-139 ECT whereas the legal basis for civil society dialogue is more unclear. Secondly, the civil society dialogue mainly has competence for participation within soft-law procedures such as for example the OMC whereas the European social dialogue also has the competence of participating in the hard-law legislative processes. Thirdly the organisations participating in these two forms of dialogue also differ to a great extent in terms of organisational structure, representativeness, legitimacy and resources. The social dialogue therefore serves well as an example when trying to explain the paradoxes of participation and partnership in governance. From a legal contextual approach this paper will make use of experiences and results from the European social dialogue, at both cross-industry and sectoral level in order to explain this paradox.

In fact the European social dialogue encompasses both the function of legitimising Community action and the function of legitimising Community non-action. The legitimising of Community action has been achieved through allowing the social dialogue actors, the social partners, to negotiate contents of legislative measures within the field of labour law, thus assuring that the actors having the best knowledge of the situation to be regulated are also those shaping the legal rules for this situation. The legitimising of Community non-action on the other hand has been achieved simply by leaving the responsibility of policy intervention to the social partners. However, this responsibility is by no means unlimited or independent of the EU institutions, thus placing the social partners in a situation of restricted scope of action.
By explaining the development of the European social dialogue, highlighting important results, failures and changes of the course of development as well as the complexity of this system this paper aims to highlight issues of importance in the hope of providing some lessons for civil society dialogue. As regards the need of longer term strategies for development of systems based on participation and partnership, the social dialogue poses a useful example as it in fact has a longer history than that of civil society dialogue. This somewhat longer history of the European social dialogue and the achievements and results that can be found so far also provide basis for discussing the formal versus the real possibilities of influence for the social partners. It also provides ground for analysing the role that the Community institutions, especially the Commission, plays in terms of agenda-setting, recognition of social partner organisations and means for promoting and/or steering participation of the social partners. Finally, the importance of cooperation rather than competition between social partner organisations is also an aspect that might provide useful lessons for NGOs in their strive for increased participation and influence.

The paper will argue that the European social dialogue has been both a success in terms of participation and partnership as well as a failure. This will be done by using topical and sectoral examples of results and achievements from the European social dialogue, placed in the context of the governance structures of the EU. This analysis will seek to explain how the European social dialogue can be considered developing in both directions of the paradox of participation and partnership. Finally an assessment will be provided as regards the future for the European social dialogue and what lessons that can be drawn for NGOs.

REFERENCES

(N.B. suggested literature, not including cases or public printings)


Vigneau, Christophe, Ahlberg, Kerstin, Bercusson, Brian and Bruun, Niklas (eds.). *Fixed-term work in the EU - A European agreement against discrimination and abuse*
