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Constituting the third sector: processes of decontestation and contention under the UK Labour governments in England

Professor Pete Alcock and Dr Jeremy Kendall

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Abstract

Discussion about, and analysis of, the question of definition and the third sector and civil society more generally has developed to a significant degree in recent years. This paper can be located in a new phase of conceptual research, which seeks to attend to the historical, cultural and politically contingent nature of this domain's boundaries. The process of constructing, adapting and shifting the positioning of boundaries, and movement across those evolving boundaries comes especially into focus. It takes England as a case study, drawing on evidence and argument assembled by the authors in recent and ongoing research efforts, variously conducted with the support of the Third Sector Research Centre (TSRC) and the European Commission. The paper proceeds by discussing relevant literature; describing recent patterns of policy institutionalisation; and then tries to draw out more analytically how this process has indeed not been associated with a stable and consistent set of definitions and constructs, but rather with unstable and changing formulations, which reflect the playing out of a dual process of decontestation and contention.

Keywords

Third Sector, Labour government, definition, ideology, policy, England

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1. Introduction: the definitional debate

Discussion about, and analysis of, the question of definition and the third sector and civil society more generally has developed to a significant degree in recent years. A series of studies 'in search' of ways to recognise and demarcate this phenomenon have suggested ways of conceptualising its boundaries and limits (Salamon and Anheier, 1997; Dekker and Van Den Broek, 1998; Deakin, 2001; Evers and Laville, 2004). While these analysts often disagreed on where the boundaries might lie – and indeed, discussion of contested 'hard cases' was one of the critically constructive features of these efforts – each put forward credible, empirically and intellectually defensible evidence and arguments in support of their formulations.

Now, however, definitional debate has moved on to a new phase. What differentiates a good deal of well informed research currently conducted from its predecessors is the recognition that there can be no 'one size fits all' definition, applying in all contexts, moments, topics and situations regardless of the purpose of the intellectual endeavour. Rather, writers now try to proceed with what we might refer to as a definitional sensibility, reflexively aware that definitions and attendant concepts which might helpfully frame scholarship in one context do not necessarily 'translate' to other situations.

With this in mind, some prominent analysts now proceed having settled a priori on a particular definition, but are usually willing to acknowledge that the definition is not a 'magic bullet', but a pragmatic way of rendering explicit what is in and out of scope, given the particular purpose in hand. For example, in the case of research which majors on cartography, researchers are now very explicit about how the nature of available data constrains them in their mapping exercises. For instance in the UK the National Council for Voluntary Organisation's annual Almanac relies on administrative data sources (Clark et al., 2010), as does at international level the 'structural operational definition' used by the Johns Hopkins study and subsequently picked up by several international institutions (Salamon et al., 1999). And as critics point out these data sources inevitably omit those organisations which for a range of reasons have not registered with regulators or public agencies – sometimes referred to as 'below the radar' organisations (see McCabe et al., 2010).

A second, also fruitful and persuasive, approach has been to avoid compressing all possible approaches into a single master frame, but rather to explore relationships between key terms using more than one lens. One way of seeking order in these relationships is looking for 'family resemblances' and emphasising the common ground between such formulations (Muukkonen, 2009). This approach need not be too remote from the reality of policy and practice, because more than one term can simultaneously be put to work analytically and empirically (Edwards, 2004; Carnegie Trust, 2010). The recent Third Sector European Policy Network study tried to learn from both these approaches for policy analytic purposes. It did so by taking the 'structural operational definition' as an initial, working definition, but then seeking to recognise and analyse how actual existing policies of a cross-cutting, 'horizontal' nature across the EU could be anchored in definitions either aligned (implicitly or explicitly) directly with this, or differentiated from it but recognisably related to it (see Kendall, 2009).

A third approach goes further still in attending to aspects of the historical, cultural and politically contingent nature of boundaries in this domain not just as a workable research ingredient, but actually in terms of the primary purpose of the research in question. As we shall see below, recent studies of hybridisation and boundary crossing have avoided a priori definition and sought to relate alternative, stable formulations to one another to provide complementary lenses on this phenomenon. Indeed they devote the bulk of their intellectual energy to looking at the restless fluidity and elasticity of the boundaries as shifting or emergent phenomenon. The 'borderlands' of the sector on this account are not understood simply as features to be momentarily stabilised so that the scholar can proceed with examining their applications and implications. Instead, it is the very process of constructing, adapting and shifting the positioning of boundaries, and movement across those evolving boundaries, which comes especially into focus (Brandsen et al., 2005; Bode et al., 2006; Lewis, D., 2008; Billis, 2010)

This paper seeks to complement these new approaches and pursue further the question of definitional contingency as a means to help understand a particular aspect of research: the nature of 'the third sector' as a policy *subject* and policy *actor* in a contemporary European context. It takes England as a case study, drawing on evidence and argument assembled by the authors in recent and ongoing research efforts, variously conducted with the support of the Third Sector Research Centre (TSRC) and the European Commission. This work has sought to map out the nature of the evolving policy architecture in this country, and to explore and make sense of the problematic nature of this architecture, and the sometimes apparently conflicting nature of the priorities which feature on the agendas of those involved in seeking to build, perpetuate or reform it. There is debate and disagreement because there are different perspectives being brought to bear, including the perspectives of policy makers, practitioners and academics; and more broadly in international debate there are distinct cultural and political legacies arising in different national settings. Differing perspectives are based to a large extent on the beliefs, agendas and constraints which drive protagonists; and these different agendas mean that the notion of a third sector is inevitably a chronically contested one, in many respects, and at multiple levels (Grotz, 2009).

The following section puts down some descriptive markers on how our understanding of this 'problem' has evolved in the English context, pointing to some of the relevant academic literature of a theoretical as well as an applied empirical character. We then provide some background on the patterns of policy institutionalisation that have been in evidence in recent years. The final main section then tries to draw out more analytically how this process has indeed not been associated with a stable and consistent set of definitions and constructs, but rather with unstable and changing formulations, which reflect the playing out of a dual process:

- The search by actors for decontested territory – the finding of a shared agenda or common ground in terms of the underpinnings and frameworks of third sector policy definitions (Freeden, 2003).
- Contention over how to move from such overarching shared goals towards substantive achievements.

In particular we explore two key tensions in English third sector discourse which expose the struggle between decontestation and contention:

- Fracture in policy and practice because of the potential or actual collision between the embedded discourses reproduced by specialist State bureaucracies (Government Departments and associated bodies) with a stake in this domain, and those interwoven with the concrete practices of third sector organisations themselves.
- Chronic contestation within ideological debate, since a permissive definition of the sector necessarily accommodates a wide range of possible options for development, which must compete for attention and resources.

2. The academic debate in England

Some of the English academic literature on concepts and definitions predates current concerns with the notion of a third sector. In the UK, earlier academic debate was frequently focused rather on 'the voluntary sector' (Kendall and Knapp, 1995) or the voluntary and community sector, and, as we shall explain shortly, these concepts too have been the subject of contested discourses. But the principles informing the search for a distinct sector remain common and have clearly informed current debates. In a review of research on 'the voluntary sector' in the UK in 2002, Halfpenny and Reid posed the question *'what organisations comprise the sector?'* (Halfpenny and Reid, 2002: 535) and briefly reviewed a number of different definitions and perspectives, concluding that the sector was very diverse and that the temptation to impose homogeneity may be questionable and lead to the exclusion of some potentially important dimensions. In practice, however, they argued definition was to some extent a pragmatic question based on the available data being researched and the questions being explored. No principled definitional consensus could be found; and this has remained an underlying feature of practice debate and policy development.

This lack of definitional consensus is not just a practical matter, however. Leading commentators on the sector have challenged the very notion that a 'sector' could be found. In the UK the Wolfenden Committee on *The Future of Voluntary Organisations*, opened with the claim that, *'it is not helpful to imply that there is anything like a unified voluntary movement with a common philosophy guiding its work.'* (Wolfenden,1978: 15). In his report of the *Commission on the Future of the Voluntary Sector*, Deakin wrote that, *'There is no single 'authentic' voluntary sector for which a simple master plan can be drawn up'* (Deakin, 1996: 16).

The negative approach taken here has in practice been a more general feature of the way in which the sector is described, and even defined. To distinguish third sector organisations from the public sector they are sometimes referred to as *non-government* or *non-statutory* organisations; and to distinguish them from commercial market activity they are referred to as *non-profit* organisations. These negative definitions have wide currency, and to some extent are linked to the broader political and cultural contexts within which the sector is being discussed. For instance, non-government organisations (NGOs) is the concept often used to refer to international agencies engaging in overseas development work, where it is important they are separate from the national government

agencies within countries. The non-profit sector is the concept often used within US literature on the sector, where the primary concern is to distinguish organisations from the profit orientation of the market. And this can be contrasted with the European literature where relations with the public sector are more developed and the notion of a non-statutory sector is more common (see Evers and Laville, 2004, ch.1).

The problem with negative definitions of course is that whilst they might tell us what a sector is not, they are not much help in trying to understand what it is; and this is also true of some of the more formal legal definitions such as those based on the non-distribution of profits to shareholders. These essentially negative categorisations all adopt an *exogenous* approach to definition of the sector, describing it in relation to other sectors or other social or legal forms. These can be distinguished from an *endogenous* approach to definition, which seeks to identify what might be the core elements of 'voluntary action'. In practice both 'exogenous' and 'endogenous' approaches have been adopted in debate about the identification of a third sector, and, as we will argue, it may be that a combination of the two is necessary to develop a rounded theoretical understanding too.

It is also important to bear in mind the political and cultural context within which debate (and definition) take place. The description of the non-profit sector in the US is not just a product of conceptual narrowness; policy and practice in the US are closely concerned with the role of profit in determining legal and organisational status. In England and the UK more generally too the concept of a third sector is the product of a particular constellation of political and cultural forces, in particular the changes relations between the sector and government at the turn of the century – and, of course, these contexts change again over time.

The reviews of literature by Kendall and Knapp (1995) and Halfpenny and Reid (2002) had revealed not only that different terminology is associated with the different contexts of the sector, but also that this can lead to differences in what is or is not therefore included within it. The 'exogenous' approach also leads to attempts to define the sector in terms of its relationship with other sectors of social organisation, in particular the state and the market, although these too are of course subject to definitional debate and challenge (see Alcock, 2010a).

More 'endogenous' approaches have also been found in the academic literature; one such attempt to identify a sector can be found in the largest and most widely used international study of third sector organisation developed at the John Hopkins University in the US (Salamon and Anheier, 1997). This study identified organisations by four linked themes: formality, independence, non-profit distribution and voluntarism; and then used these to develop an International Classification of Non-Profit Organisations (ICNPO). This ICNPO in fact constituted a list of twelve different fields of non-profit activity (itself a negative notion) including areas such as culture and recreation, health, social services, and religion; and it was primarily used to compare the size and structure of these activities across a number of developed countries, using locally gathered data (see also Salamon et at, 1999). It has also been adopted in earlier work by Kendall (Kendall and Knapp, 1996; Kendall, 2003) and in more recent UK conceptions of a third sector (Clark et al., 2010; Carnegie Trust, 2010).

We must also not overlook the historical dimension of definition, which Paton (2009) takes up in what he calls a 'sedimentary theory' of the sector. Over time, the values and activities of the sector have changed and developed; but within this different forms have accumulated, like layers of sediment, to become something 'solid and durable'. Not all have endured, but collectively those organisations and activities that have now constitute an identifiable whole. Like all social phenomena, therefore, the third sector is in part a product of history. Tying in with these more conceptual accounts, the historical record exhibits the extent to which boundaries are constantly evolving; an understanding made clear by reference to 'shifting frontiers' in relation to the state-third sector border. And reshaping of the sector is still taking place – with new layers added and old ones shifting. In her contribution to the Evers and Laville collection, Taylor (2004) discussed how the nature of the sector in England has been defined in large part especially by its relationship with the development of welfare state provision, and the reforms to this. Certainly, the recent development of British social policy has been critical in shaping recent theory and practice on the sector in this country.

3. The evolving English policy environment

3.1 Discursive focal points and assumptions

The changing relations between the sectors discussed by the authors cited above focus upon the changing policy formulations which have been developed to describe these. Lewis (1999: 259-60) talks about the terms used to describe these changes in the early twentieth century by Sidney and Beatrice Webb in 1912: the 'parallel bars' and 'extension ladder' models. More recently, as discussed elsewhere (Kendall, 2003 and 2009b), the definitional focus of the English policy debate has moved through three stages. First there was a move from incremental 'charity-centric' institution building with no clear broader sector scope, to 'voluntary sector' oriented incremental consolidation, influenced critically by the Wolfenden Report of 1978. Then since 1997, influenced by the Deakin Commission (1996) and Alun Michael's Labour Party paper on partnership (Labour Party, 1997), there has been a second shift to the discourse of partnership and a more directive policy regime - hyperactive mainstreaming and, latterly the official acceptance of the notion of a third sector, inclusively defined.

If the key intent of this new engagement could be captured in one slogan, then that word was *partnership* (Lewis, 2005). Partnership has been the term frequently used by government to describe the new form of engagement driving the investment and support discussed below. It was meant to be epitomised by the 'Compact' as a sort of policy bridgehead adopted in 1998, soon after Labour came into office (Kendall, 2003). In a speech to the NCVO Annual Conference in 1999 the then Prime Minister, Tony Blair said:

> *'History shows that the most successful societies are those that harness the energies of voluntary action, giving due recognition to the third sector of voluntary and community organisations.'* (Blair, 1999)

And two years later, Stuart Etherington, Chief Executive of NCVO opened a speech in 2002 with the words:

> *'This is an exciting and challenging time for people working in the voluntary sector. Over the past five years we have seen a growing understanding of,and emphasis on working*

with, the voluntary sector across government. Partnership working has become the norm…' (Etherington, 2002).

Implementing partnership working requires more than just words. But over the course of the next decade or so the UK Labour government was proactive in developing both new institutional structures and programmes of funding support to facilitate this.

3.2 Allied institution building efforts

Central to the new era of partnership between the state and the third sector was the building of specialist new institutions to act as sites for policy development and delivery. In the 1980s and 1990s the location for policy interface with the voluntary and community sector had been the Voluntary Services Unit within the Home Office. The Labour government's first strategy was to rebrand and expand this. In 2001 it became the Active Community Unit (ACU) and received an additional £300 million three year budget to underpin a programme of engagement and support for the sector aimed at promoting voluntary activity. This was followed by the creation of the Civil Renewal Unit with a wider remit to promote citizenship and community action, but with a focus too on the role of voluntary action in this. These were then merged with a separate Charities Unit to create a larger entity within the Home Office, the Active Communities Directorate, expanding further the policy reach and the budgetary commitment.

Not only were new institutions being built up within the Home Office, however – as we emphasise throughout this paper, it is crucial to recognise the involvement of a range of actors inside the state and the third sector. Crucially, in the Treasury a new Charity and Third Sector Finance Unit was created in 2006 to co-ordinate fiscal policy for the sector. And it was the Treasury in 2002 that initiated the cross-cutting review of the role of the sector in service delivery, which led to some of the major investment programmes outlined below. The review was revisited in 2004 and 2005 (HM Treasury, 2004, 2005), with further investment and a continuing concern to ensure that support for the sector was included in mainstream financial planning within the Comprehensive Spending Reviews.

There was yet more. In 2001 the government also created a Social Enterprise Unit (SEU) within the then Department of Trade and Industry (DTI) to provide co-ordination and support for social enterprises. Social enterprise was a new term developed to apply to third sector organisations which traded as businesses, but had explicit social and/or environmental purposes, and used their surpluses to reinvest in the business rather than paying out dividends to shareholders. In practice this form of activity has been around for a long time, and could include for instance the co-operatives created in the nineteenth century. However, they became a new focus for political and policy concern within the UK at the turn of the new century, in part because of the expectation (or hope) that they could play a critical role in economic regeneration by promoting business and social development (see Peattie and Morley, 2008).

By the mid 2000s a plurality of new institutions had thus been created to provide a new structures for the sector, and to mediate its relationship with the state. Indeed the very proliferation of specialist entities to promote the sector within the state was itself actually confounding existing problems of policy co-ordination and practical engagement which had been a feature of state-third sector relations for so long. So in 2006 the process of institution building was 'rationalised', and given even higher

political profile, by the creation of a new Office of the Third Sector (OTS), based at the political centre of the government in the Cabinet Office. The OTS was constituted by merger of the Active Communities Directorate from the Home Office and the SEU from the DTI, although some of the civil renewal activities of the former Directorate were at the same time transferred to the new Department of Communities and Local Government - and the Charity and Third Sector Finance Unit remained in the Treasury.

The OTS also rapidly sought to establish formal mechanisms for engagement with the sector, founding an Advisory Body of senior sector representatives and a group of Strategic Partners with whom they would work in delivering funding and other support to third sector organisations. They also worked to establish links across government in an attempt to ensure that third sector engagement reached into major service Departments, recruiting senior civil servants as 'third sector champions' in each Department. What is more their remit was broader than that of the former ACU, as explained on their website, *'The [third sector] encompasses voluntary and community organisations, charities, social enterprises, cooperatives and mutuals both large and small'*. And, although under the new coalition government the office has been retitled the *Office for Civil Society*, this broad policy remit remains[1].

4. Decontestation and contradiction in policy definition

4.1 Towards an identification of analytically relevant processes and pressures

The consequence of these developments has been a process of constitution of the third sector in England. This is not without its precedents, however. In an analysis of the structures set up to review research and seeking to set the agenda for policy from Wolfenden (1978) to Deakin (1995), 6 and Leat (1997) argued that these 'committees' had essentially operated to politically construct 'the voluntary sector' as an entity. Conventional policy makers did, of course, have an active interest in securing the sector as a distinct entity. But it was not just policy makers who contributed to this new consensus. In 6 and Leat's study of the 'invention' of the voluntary sector, practitioners also played a leading role; and many (but not all) of the leading protagonists in the more recent debates promoting and supporting the notion of the sector as a meaningful entity which could and should be collectively supported cut their teeth during this period (Kendall, 2009b and 2010).

The creation of the OTS in the early twenty-first century described in section three in effect did much the same thing, but now for 'the third sector'. Carmel and Harlock (2008) explored the process arguing in similar vein that the third sector was a product of a new discourse of governance through which agencies previously outside of formal policy planning could be constituted as a 'governable terrain' and therefore a site for policy intervention and, potentially, control in line with a narrow 'public service' agenda focussed relentlessly on the creation and perpetuation of quasi-markets.

The subject matter of six and Leat's work is rather dated now; and Carmel and Harlock's somewhat reductionist in approach. It adopts an overarching governmentality imperative, and ignores the important role that third sector policy actors, either within the state or the sector, played in actively articulating and openly promoting the third sector policy discourse. Indeed, one of the reasons for the

support from sector practitioners for the new discourses of third sector partnership were the considerable benefits that were flowing to third sector agencies and organisations as a result of the programmes of investment set up to provide practical support, and back up the rhetoric of greater third sector involvement in service delivery and civil renewal. In other words, significant numbers of actors did *not* dismiss these claims as either merely empty rhetoric, or invidious manipulation; indeed, as in Etherington's quote above, they have embraced them. There is evidence of significant expansion of horizontal support for the sector from government in the early years of the new century.

The critical starting point here is the national *Compact*, not least because, as we noted earlier, this was meant to encapsulate the partnership agenda. Established in England to provide a framework for relations between central government and the sector, it sought to implement the principles, if not the terminology, of Deakin (Home Office, 1998), and was followed by similar Compacts within the devolved administrations in Scotland, Wales and Northern Ireland. The national Compact was given clearer institutional backing with the establishment of a new body designed specifically to promote it, the Compact Commission, in 2007. It was also promoted as a model for local compacts to be developed at local level between authorities, National Health Service agencies and other public bodies, and the representatives of the local third sector. However, it was to take many years for universal coverage to be achieved (Craig et al., 2002; Zimmeck, 2010). And despite the Compact's clear symbolic importance, in the years ahead critics pointed to a raft of implementation failures and limitations – not just problems of speed of adoption and coverage, but also for its lack of 'teeth', and the paucity of resources committed, especially in the early years, given the magnitude of the task in hand (Zimmeck, 2010).

If resourcing for implementation of the Compact is now widely thought of as inadequate, other horizontal initiatives were from the onset better placed. The Treasury-led cross-cutting review of 2002 saw significant new initiatives to support third sector organisational development in England; and, because this was linked to the Comprehensive Spending Review, it led to new streams of investment for this. The first example of this was the *Futurebuilders* fund, initially £125 million over three years from 2005 to 2008, to provide loans and grants to third sector organisations to help equip them to bid for public funding. The investment in Futurebuilders was expanded to £215 million and continued for 2008 to 2011, focusing more on loan provision; and delivery of the programme was transferred to a new independent agency, the Adventure Capital Fund, which later established the Social Investment Business (SIB). The SIB went on to become a major source of investment support for third sector organisations. It also administered the £70 million *Communitybuilders* fund, established by the Department for Communities and Local Government and the OTS in 2008 to provide support for small local and community based organisations.

In addition to the horizontal funding provided through SIB, the government introduced another programme in 2004 called *ChangeUp* to provide support for infrastructure agencies delivering capacity building services to third sector organisations. The ChangeUp programme provided significant additional resources of £150 million for such infrastructure support, directed at particular organisational needs such as workforce development and information technology. After 2006 ChangeUp was delivered by a separate government agency established by OTS called

Capacitybuilders. This led some commentators to refer to these horizontal investment initiatives as the 'builders' programmes; and certainly the theme of investing in building up the capacity of organisations runs through them all.

The public investment in capacity building for the third sector in the UK led to a step change in this horizontal support for voluntary action in the UK therefore. Never before had so much public investment been available to the sector per se. Why this policy emphasis? After 1997 the government's commitment to a third way for policy development and the promotion of a mixed economy of welfare providers placed third sector delivery of public services at the centre of policy planning. The concern to ensure that users of services were given a choice in service access and to focus on the outcomes of policy provision (what works) rather than the input (who provides) provided an opportunity for third sector organisations to bid for and secure contracts to deliver public services, particularly in areas such as health and social care and community empowerment, where they already had a strong record. It also offered the potential for reduced costs and added value through the use of independent providers. The expansion of contract funding for service delivery was also warmly welcomed by some in the sector, especially groups representing third sector organisations already involved in, or close to, public service delivery, and frustrated with the status quo in terms of the commissioning practices of local and sub-national public purchasers. Most conspicuously, for instance, the Association of Chief Executives of Voluntary Organisations (ACEVO) and their chief executive, Stephen Bubb, who championed an ever greater role for third sector service delivery as an alternative to a bureaucratic state and a profit oriented market (ACEVO, 2004).

Yet, as emphasised above service delivery was *not* the *only* driver, and ACEVO was not the only actor. In his introduction to the Compact in 1998, the then Prime Minister, Tony Blair, talked about the government's mission to support voluntary and community organisations and said this was because, *'They enable individuals to contribute to the* development of their communities*. By so doing they promote* citizenship*, help to re-establish a sense of community and make a crucial contribution to our aim of a* just and inclusive *society'* (Home Office, 1998: 1; emphasis added).

The role that third sector organisations can play in promoting citizenship and civic engagement has long been recognised as key dimension of voluntary action (Kendall, 2003), and the fact that this strand of thinking was represented in the covering material for the Compact signals that this aspect was also on the agenda for New Labour. As the administration developed its policy options, these considerations were factored into the mix. By 2006 they were primarily being expressed in the context of local governance oriented policy efforts led by the relevant central government Department- in and around CLG, latterly in tandem with OTS, as identified in section 3. For example, in 2003 the Home Office had published a strategy document on *Building Civil Renewal* and established the separate Civil Renewal Unit to provide support for third sector partnership in community based regeneration activity (Home Office, 2004), though this later transferred to the OTS.

So, a service delivery agenda and local governance agenda were co-existing, and co-evolving. If we reflect on the identity of the relevant State agencies, this already begins to suggest the possibility of a latent or actual division between the latter dimension of policy engagement and partnership and the Treasury led support for public service delivery. Both were aimed at horizontal support for

partnership action through building the capacity of third sector organisations, and both were instrumental in expanding voluntary action and raising the profile of the third sector However, they had significantly different aims - service provision, and community engagement. Capacity therefore meant different things in each case – business development, and community support. And in practice support was often targeted on different parts of the third sector - larger service focused charities and social enterprises, and smaller community groups respectively. Service delivery also tended to be supported through contracts for provision, whilst support for civic renewal was more likely to take the form of grants.

4.2 Decontestation imperatives

One effect of this policy tension could be to threaten a bifurcation within the sector - between the larger well-funded delivery organisations, and the smaller less well-established community groups. That the former were more likely to be relatively comfortable with the styles and aims of their public funders and the latter were relatively likely not to be differentiated in these respects made this division potentially more politically problematic too - for both government and third sector partners. The divide was sometime presented as creating a distinction between the *insiders* (compliant and welcome 'professional' partners) and the *outsiders* (challenging and potentially threatening opponents).

But, as Craig et al. (2004) explained, in practice the distinctions between engagement and challenge in relations between third sector organisations and public agencies were more complex and nuanced that this simple bi-modal model might suggest. Moreover there are other reasons not to read these relationships as a straightforward clash between powerful public sector agencies and relatively large, well established groups in the third sector on one hand, and smaller, less well developed and more vulnerable groups (albeit with some public sector allies) on the other. First, consider the position of the third sector itself. The historical and contemporary raison d'etre of at least some of the relevant third sector umbrella groups has been, and continues to be, the enhancement of the voluntary or third sector as a diverse whole. These groups gain their political influence and reputations, at least in part, from being able to claim with at least some credibility that they 'represent' the 'voice' of the sector more broadly than simply its wealthier and better resourced segments. Several (including NCVO) consider amongst their constituents, and have as members, smaller, community based groups who have at least some control over the content and thrust of their umbrella groups' policy orientation. 'Common cause' in the face of diversity has been a significant aspiration, and most groups have for decades honed narratives and routines which at least attempt to factor in consideration of such groups into the way they define and defend their domains.

Second, it is important to note that recognition that there is a balance to be struck in policy between large and small, and service provision and other roles, is not confined to third sector umbrella or 'intermediary' bodies with members who fit neatly or predominantly or into these categories as providers or funders. The 'community' of organisations seeking to articulate and shape the third sector agendas is not limited purely to member-based groups, or even to the wider infrastructure community which does not include umbrella groups. As Craig and Taylor's work began to suggest, individual organisations are typically active across functional divides and categorical roles: to echo Evers (1995), it is *within* many individual *organisations*, as well as umbrella groups, that these difficult

issues unfold, and is thus a concern to be recognised in policy. Some of these individual (non-umbrella, non-infrastructure) organisations are actively involved in seeking to influence policy, including progressive grant-making trusts and large charities which see themselves as leaders with wider responsibility to their 'community'.

Third, the state has itself also had an interest in ensuring a degree of balance in terms of functional inclusivity and diversity of organisations. For one thing, it is empirically a well established fact in England (and elsewhere) that certain resources which public policy seeks to promote - not least voluntarism/volunteering and social capital – are primarily found outside the (financially) largest, including public service providing, third sector groups. Indeed, if anything, productivity in these respects is actually concentrated right at the other end of the size and institutionalisation spectrum - in the myriad groups which have no significant budgets or paid staff at all, or perhaps one or two part time workers. Relying purely on large service providing organisations to develop policy would be self defeating, depriving the state of engagement with this aspect of third sector organisational life. For another, to suggest the agenda is reducible to one of engagement with larger established organisations is to disregard the political and institutional context which pushes all self-conscious third sector stakeholders, including those operating outside the state, in a more inclusive direction. Some frames of reference are held in common: for example, historically the legal definition, treatment and regulation of charities applies to the many organisations which take this legal form: they have been, and are, collectively affected significantly by its development. Moreover, in recent years, politically these groups have shared a stake in the 'decontestation' of a three sector agenda – that is, in wanting to see the idea that a two sector model of market and state is sufficient to organise policy comprehensively superseded by a three sector model (see Kendall, 2010a and 2010b).

Having experienced the unwillingness to fully embrace a sector-friendly model by the governments of the 1980s and early 1990s, third sector groups both large and small have worried about whether there might be reversion to a 'pre mainstreaming' world where the focus of politics and policy was on the two sector model of state versus market. Political or economic circumstances change, including now a new government in the UK, and continued embracement of the third sector discourse is not guaranteed. Sector activists have therefore collectively wanted to keep a shared agenda alive which could pre-empt any reversion to two sector politics. Indeed, this is a key reason why the Compact has continued to be seen as an important symbol by some - despite its many well evidenced and widely lamented implementation failures.

These considerations are relevant in helping to support and define an overarching, even 'unifying' agenda to which significant actors have and continue to sign up. These actors are contributing to the creation of the decontested space for policy and practice, as all have an interest in defending the unifying ideology of a third sector, from which political profile, policy support and financial backing for this broader sector can be extracted. All have an interest in promoting a discourse of unity as all may potentially benefit from its higher profile and greater social penetration. In this sense therefore the notion of a third sector in England is the product of a particular constellation of interests and alliances within the context of a developing broader policy regime, focused on a particular vision of a mixed economy of welfare[2].

4.3 Contestation in horizontal third sector policy

We have suggested that the construction of a 'sector' in the UK for policy purposes has been very much a historically embedded, politically steered process involving strategic alliances within and across the political, policy and practice divides. There is a 'strategic unity' (Alcock, 2010a) in defending a particular narrative and representation of a single sector which these discourses help to delineate and spell out. This agenda is, however, fragile for at least three reasons.

First, not surprisingly practitioners are likely to identify more closely with the core activities of the organisations within which they work and associate any broader allegiances with this mission and other intrinsic features such as service values, professional identity, or organisational sustainability. What is more, these allegiances are frequently reinforced by the role and activity of vertically defined, policy field or issue specific umbrella and interest agencies which have been developed to promote and support them, often supported by politically powerful professional interest groups. While England does seem to have a relatively dense network and community of 'infrastructure' bodies who do define themselves horizontally and overlay these more primordial allegiances (Kendall, 2009), it is important to note that even here the amount of time and energy that affiliates, members and supporters have to devote to 'generic' work, as compared to intra-field policy priorities, is always going to be relatively modest.

Second, as recent experiences with implementation seem to bear out, because the issues which are of shared concern by 'the sector' are inherently cross-cutting, they involve attempts to influence the policy environment and shape behaviour across Departmental specialisms, and the 'silos' of policy field interests which characterise the contemporary architecture of the state and the myriad policy sub-communities upon which it depends. These efforts therefore come up against territorial defensiveness, organisational political jealousies, and the resistance to change so familiar to policy analysts who have tried to understand why any 'cross-cutting' or 'wicked' issues are so hard to deal with (Wilson, 1975; Sullivan and Skelcher, 2002).

Third, the 'shared territory' relating to the sector is in any case modest, precisely because it contains such a diverse and varied set of organisations. Indeed as the definition adopted in policy got wider during the course of the New Labour administration – moving from 'the voluntary sector' close to the formulation of Wolfenden and Deakin, to embrace the 'third sector' and drawing in explicitly co-operatives, mutuals and social enterprise - it was becoming even more diluted. An increasingly 'big tent' definition could be, and was designed to be, more and more inclusive, but such a stretch inevitably involved a sacrifice of definitional clarity.

Therefore, ongoing efforts at decontestation have had to contend with formidable obstacles, and have been disadvantaged compared to other initiatives when competing for policy time and attention for very practical reasons – in spite of the 'hyperactive' character of efforts, they have encountered an uphill struggle. More generally, it can be argued that the big tent, decontested policy territory is problematic not only because of tendency for horizontal identities to be relatively weak for many actors, and because of the vertical structuration which dominates the modern state that the third sector encounters, but also at a more fundamental ideational level. One of us has argued elsewhere (Kendall, 2010) that there has also been an important ideological process in play too, whereby rather

different notions of what the third sector is and what it should be doing within the broader social and economic order are all at stake. These are potentially competing and clashing with one another, and further complicate the fraught process we have been describing.

These tensions can be seen in the difficulty policy makers have had in assembling convincing overarching and consistent narratives which seek to reconcile and 'nest' within them particular policy documents emanating from particular Departments, or defined in rather specific functional terms. Contrast, for instance the service delivery focus of the HM Treasury cross-cutting reviews (HM Treasury, 2002 and 2005) with the Home Office (2003) report on *Building Civil Renewal* - but most tellingly, the rather strained attempt to bring together these two strands coherently in the joint HM Treasury and Cabinet Office (2007) report on the future role of the sector in social and economic regeneration. However, this statement, while a somewhat awkward composite, was itself partial, because the possible representations and ways of thinking about the sector at this ideological level do not readily seem to collapse into a binary model of 'service provision' versus 'renewal'. This is because fundamentally different visions for structuring the latter and the nature of the 'community' to be enlivened need to be distinguished, involving very different assumptions about the nature of voluntary or third sector actions and activities, and the appropriate way to relate them to the state, community and society at large.

Ideationally, loose alliances seem to be discernable uniting elements of the state and some of the aforementioned third sector specialists. Using the basic distinctions of cultural theory as a point of departure for identifying the alternatives for actively organising policy, three camps with contrasting orientations can be differentiated[3]:

- a consumerist orientation, embracing quasi-market solutions;
- a civil renewal stance, with a premium on hierarchical order;
- a democratic life revival tendency, most closely connected with support for more fluid and open policy interactions.

The consumerist approach, promoted with increasing stridency over time by ACEVO from within the third sector policy community and Alan Milburn when in the Government, tended to picture the sector primarily as a source of 'superior performance' comfortable with the challenges of commercialisation, strengthened by lessons drawn from business in quasi-market contexts, and as a primary route for the enhancement of user choice. Accordingly, this position has tended to favour consumer choice over citizenship-related activities, implicitly bracketing the intrinsic or existential significance of voluntarism as a quantitatively different way of forming social relations. The local level collective relationships that matter so much to those of a more communitarian disposition are given incidental rather than sustained attention, as are the sector's broad political and educative roles. In political and electoral terms, this fitted with New Labour's drive to improve public services for voters understood essentially as increasingly demanding consumers - and only in passing acknowledges features of the sector which do not allow it to be portrayed as part of a 'consumer society'. Rather, the idea has been to use the sector to extend the reality of such a society to socially excluded constituencies.

A consumerist leaning was also implicit in the Treasury's decision, under Brown, to interpret 'capacity building' as first and foremost relating to fostering choice in public service delivery, rather than interpreting it more generally as strengthening the sector in other respects. Yet, the Brownite Treasury's position *also* exhibited a strongly *dirigiste* flavour, and most of the actors who have traditionally constituted the third sector policy community would also want to attend more than incidentally to contributions other than the enhancement of consumerism – or indeed would actively reject it. They have wanted to put greater stress on social roles other than consumption, have worried about commercialisation, and have sought to take positions in relation to the state which see it more than merely an obstacle or irritant to the opening up of quasi-markets for third sector participation.

The civil renewal orientation – or more evocatively, civil *order* renewal - has sought to support the sector especially as a vehicle for elaborating traditional citizenship rather than consumerism, and has been at ease with the extension of the scope and scale of rules from above to this end. Such an approach pictured the State and the third sector as allies coordinating in a relatively regimented style at national and local levels, and involves a preference for organisation, which enhances policy boundedness, predictability and stability. Pursuant policy commitments included the adoption of national third sector targets and the detailed elaboration of national rules for public service purchasing policed from the centre. More abstractly Brownite interest in a policy of youth community service, and the perceived advantages of orderly associations, such as cadet forces and uniformed brigades, are suggestive. So we can summarise that we seem to have witnessed a mixture of consumerist and civil order renewal 'biases' in place at the Treasury, at least under Brown's decade long leadership up to 2007, supported by other Ministers such as David Blunkett, and some third sector organisations, such as Community Service Volunteers.

Finally, democratic life renewal is a different position which seemed to be taking shape in the last years of the New Labour administration, exhibiting a more open-ended and reflexive style. This emphasises group action as predominantly bound up with local empowerment, where this is understood as built around collective communication and deliberative processes. There is a strong resonance with locally led 'community development' traditions of organising (Knight, 1993; Community Organising Foundation, no date; Mayo, 1994). Voluntary action here in principle is espoused as precisely avoiding compulsion; and limiting the imposition of well defined a priori rules or centralising fiat. Its promoters, including David and Ed Miliband from within the government (and now challenging for leadership of the opposition), appeared more comfortable with delegation and reflexive agenda-shaping debate, a position, which seems to resonate especially with the priorities of some actors in the 'community sector' policy sub-community. Yet on balance, and despite recent new injections of funds, this appears to have been a relatively weakly institutionalised in terms of policy attention, policy effort compared to the consumerist and civil order revival approaches, especially in terms of national-level resource commitments.

Table 1: Differentiated strands of New Labour thinking

Ideological Orientation	*Quasi market consumerist*	*Civic order renewal*	*Democratic life revival*
Third sector role: policy expectations and ideational emphasis	Principled emphasis on third sector as 'delivering' service providers, helping to develop services primarily through demonstration and innovation effects	Recognition of multiple roles steered decisively through authoritative structures	Fluid on roles, more room for argumentation and contestation within service delivery contexts, and outside them
Envisioned relationship to people in society	Third sector as essentially a quasi-market, or market, participant widening choice to consumers	Grateful 'partner'– third sector strengthens deferential citizen-consumer?	Ally with appropriately democratic State – third sector strengthens challenging citizen?
Prioritised political and economic functioning	Responsive to pre-determined needs, preferences emerging in 'consumer society'	High status consultee in shaping of insulated political-technocratic decisions	Co-designer of societal needs and preferences, in necessarily slow and involved process
Approach to trust and relationship with the state	Contracting and trust hand in hand, parcelled and professionally packaged. Contracts should *replace* grants	Advice from sector makes bureaucratic system run better, more trustworthy and better implementer; or faith in state-funded third sector as co-regulator implicit: space for grants to support these roles	Trust mainly through open ended deliberative processes, suspicious of isomorphic 'contract culture'; space for grants explicit?
Associated interpretation of social capital	Social capital – *a la* Coleman: contractarian rational choice instrumentality, with third sector supplying 'appropriable organisations'	Social capital – Etzioni, Himmelfarb	Social capital – new institutional Putnam (mark 1, Italy), with shades of Habermas

Table one makes an attempt to round off this discussion and connect it more explicitly to the academic discourse. In a stylised but hopefully didactically useful way, it seeks to compare and contrast some of the elements that seem to be encapsulated in each of the three New Labour approaches reviewed. It is developed further in Working Paper 13 (Kendall, 2010a).

5. Future prospects and future research

In tracing the constitution of the third sector under New Labour in England, we have identified a fractured, fragile and potentially fragmentary, unity, constructed in large part by practitioners and policy makers who know that there is much that divides as well unites them; and who are aware that in different circumstances those divisions may rapidly come to the fore in discourses of deconstruction. Indeed there are some who may argue that this has already happened, albeit that their voices are not those with most power and influence (Craig et al., 2004).

However, it is powerful and influential discourses that dominate debate and create hegemony. In early twenty-first century England these powerful discourses established hegemony around the notion of a coherent third sector. The third sector was constructed as site for policy intervention and policy support and as a space for actors to share experiences and strengthen practice - third sector actors can learn from and support each other, and together can influence others, even whilst acknowledging internal diversity. Most significantly perhaps internal diversity was incorporated into the presentation of a sector constructed with a breadth and profile to stand alongside, and even to challenge, the public and private sectors. For instance, the annual NCVO *Almanac* has over recent years catalogued the inexorable growth of the sector in terms of all measures of income, expenditure, employment and more - and has recently been extended to report on a broader civil society sector, including universities, trade unions, sports clubs and political parties (Clark et al., 2010). Never before perhaps has the sector felt so strong and been so respected; and these are powerful drivers for strategic unity, which even political change and reduction in financial support may find it difficult to displace.

This begs the new question, of course, of to what extent this new strategic unity is exclusively a product of New Labour politics in England – in particular at a time when a general election has resulted in a shift in political control in the country. This paper does not speculate about future political development in the UK; but in practice it is likely that many of the positive features of closer government and third sector relations will be shared by the new Coalition government – indeed their emerging 'Big Society' policy agenda appears to put the third sector at the centre of policy planning, albeit that it is now sometimes referred to as 'civil society'.

However, much of the positive engagement in partnership by both government and the third sector has been driven by the high levels of financial support available through the OTS and the 'builders' programmes. The ability of government to sustain such support in the aftermath of the severe economic recession of 2008 to 2009 is now open to question. Whilst political support for partnership may be broad and deep therefore, economic support for an expanding process of engagement and support may be hard to deliver – and without this the unified discourses of partnership may fragment into competition within the sector, and challenge to government agencies no longer able to meet the demands of all.

This uncertain future for third sector policy and practice in England also provides for interesting comparison with other similar policy environments in other comparable national settings, also seeking too to respond to the pressures of economic and political change. Previous work has compared the changing policy environments in a number of cognate European countries and explored the impact of

European Commission third sector policy making on this (Kendall, 2009a). The recent outspoken commitments to partnership and support in the UK are not exclusive to this country, and the lessons from comparative developments which might underpin policy exchange have been explored by commentators (see also Casey et al., 2010, on comparative development of Compacts).

Future research questions must focus upon what can be learnt from comparative analysis and policy transfer. TSRC research teams are developing comparative analysis addressing:

- the continuing and changing role of government in promoting and supporting third sector organisations;
- the role of umbrella organisations and infrastructure support within this, and the opportunities that this provides for third sector actors to influence the policy process;
- quantitative and qualitative analysis of the trends in third sector structure and practice in England, and the UK more broadly.

We will continue our critical engagement with key conceptual and ideological debates, including the identification of a distinct third sector and the meaning attached to civil society within policy discourse.

End notes

[1] It is important to note at this point though that the OTS was in fact a new department for England only. This is because following the devolution of political control to the independent administrations in Scotland, Wales and Northern Ireland since 2000, third sector policy is one of the policy arenas which have been devolved. Now there are separate offices for third sector policy within the different administrations, with separate policy initiatives are being pursued in each of these three countries; although in practice rather similar policy directions have been followed in all three of the devolved administrations (see Alcock, 2010b). Devolution has fragmented UK policy, and the focus of this paper is primarily upon the policy environment that has developed in England.

[2] As Evers and Laville (2004) have argued, the different policy regimes of different countries have led to the construction of different models of a third sector elsewhere. For instance they contrast the non-profit sector of the US with the social economy model of Western Europe – although both are of course conglomerate models of a unified sector. Policy discourses are a product of the policy regimes within which they are located. They are also a product of the changing balances of political power and policy debate within regimes, against the backdrop of historical factors which help constrain what is seen as possible and appropriate

[3] The framework being deployed is an adapted version of the cultural theory approach of Mary Douglas, drawing on how it has been applied to the worlds of policy ideas by Thompson et al. and Hood. Under this approach it is possible to move beyond the usual binary distinction between market and non-market alternatives, but without proliferating categories to the extent that desirable analytic parsimony is sacrificed. The analysis of both de-contestation and contestation is presented using this 'grid group' framework guided by the three 'active' categories of cultural theory (that is, setting aside her fourth option, 'fatalism' as inappropriate in a climate of policy hyperactivity) in more detail in Kendall (2010b).

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About the Centre

The third sector provides support and services to millions of people. Whether providing front-line services, making policy or campaigning for change, good quality research is vital for organisations to achieve the best possible impact. The third sector research centre exists to develop the evidence base on, for and with the third sector in the UK. Working closely with practitioners, policy-makers and other academics, TSRC is undertaking and reviewing research, and making this research widely available. The Centre works in collaboration with the third sector, ensuring its research reflects the realities of those working within it, and helping to build the sector's capacity to use and conduct research.

Third Sector Research Centre, Park House, 40 Edgbaston Park Road,
University of Birmingham, Birmingham, B15 2RT

Tel: 0121 414 3086
Email: info@tsrc.ac.uk

www.tsrc.ac.uk

Theory and Policy

It is essential that the Centre's research is informed by a strong theoretical and conceptual analysis of the sector and the policy environment within which it is situated. Theoretical analysis of the sector is not well developed in the UK, in part because of the applied focus of much existing research. TSRC will contribute to ensuring that difficult theoretical issues are articulated and explored. Critical understanding of the policy environment is also essential, for it determines much of what happens within the sector. TSRC is co-funded by the Office for Civil Society which is responsible for developing and delivering policy in England. The Centre's research will help inform this policy development, but will also make that policy process itself the subject of critical review. We need to know 'what works', but we also need to understand who decides 'what matters'.

Contact the Authors

Professor Pete Alcock
p.alcock@tsrc.ac.uk
0121 414 3086

Jeremy Kendall
j.kendall@tsrc.ac.uk
01227 827157

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