

**EUROPEANISATION AND ORGANISED CIVIL SOCIETY:
SOME LESSONS FROM THE
THIRD SECTOR EUROPEAN POLICY (TSEP) NETWORK**

**Jeremy Kendall
School of Social Policy, Sociology and Social Research (SSPSSR)
University of Kent**

Paper for the NCVO-VSSN Research Conference
University of Warwick 7-8 September 2009

Acknowledgements

The paper draws heavily on TSEP research conducted between 2002 and 2005 with a team drawn from nine European countries, with the following people leading the national research efforts: Jeremy Kendall (UK), Taco Brandsen (NL), Annette Zimmer (DE), Laurent Fraisse (FR), Pavol Fric (CZ), Teresa Montagut (ES), Lars-Erik Olsson and Marie Nordfeldt (SE), Costanzo Ranci (IT), and from outside the EU, Simone Baglioni (CH). Research assistance with TSEP at a whole was provided by Isabel Crowhurst and Catherine Will. This paper is based on our joint work, although any errors are the responsibility of its author. Full results and analysis are forthcoming in the *Handbook of Third Sector Policy*, Edward Elgar, summer 2009. I would also like to acknowledge the financial support of the EU: TSEP was funded under the fifth research framework (Key Action: Improving the Socio-Economic Knowledge Base), as SETN-2002-00055; and the European Science Foundation's European Collaborative Research Project in the Social Sciences (ECRP), to which the UK's Economic & Social Research Council was a signatory, ESRC Award R00223735. Further support from the Charities Aid Foundation and Third Sector Research Centre (funded through ESRC, OTS and the Barrow Cadbury Trust) allowed for the completion of the *Handbook*, and this paper. This paper was originally prepared for the EUI conference "Bringing Civil Society In: The EU and the rise of representative democracy", but was not delivered there for reasons beyond the author's control.

ABSTRACT

The idea that we should move beyond a two sector model when designing and implementing European policy is in vogue amongst politicians, academics and other commentators - and would indeed become a significant part of the EU's "hard law" infrastructure if the Lisbon Reform Treaty were to be fully endorsed.¹ Using evidence and argument assembled through the TSEP network, this paper looks at how a three sector model, in a pre-Reform Treaty world of "soft" policy at the EU level, could be connected with "Europeanisation", drawing on the work of the TSEP network (Kendall, 2009). It will accept Bache and George's contention that "the main value of Europeanisation is in highlighting the changing nature of relations between the EU and Member States" (2006, p. 58), if institution building beyond the State is considered in scope. This allows us to achieve relevance by take seriously developments which do not presuppose European integration, convergence, or even necessarily demonstrable shifts in governance in this sphere.

Framed in this permissive way, the paper seeks to identify some of the sub-components of "Europeanisation" via a "stipulative approach", wherein no claim to comprehensiveness or exhaustiveness is implied (Rhodes, 1997, pp., 52 - 53). Instead, we may pragmatically stipulate three particular meanings where evidence and argument assembled for TSEP seem to offer useful pointers and clues to how the two concepts may be connected. In particular, we posit that Europeanisation in relation to third sector policy may be understood as:

- a process where domestic third sector 'horizontal' ('cross cutting' or 'generic') policy environments interact with the EU level; and where
- general 'horizontal', trans-policy field infrastructure institution building in and around the Brussels-based EU institutions becomes to some demonstrable extent oriented to such a policy space; and as
- a multi-level policy process potentially involving deliberately engineered third sector co-ordination efforts within relevant European 'policy modes' (cf. Wallace, 2000)

It is hoped that the value of the paper may be to begin to expose the range of links that can and do exist empirically and conceptually between collective third sector policy and Europeanisation processes. In the case of the TSEP network EU countries, it is clear that we cannot speak of 'Europeanisation' in relation to horizontal third sector if this is taken to refer to a process demonstrably involving convergence and integration. Indeed, we are also unable to refer to 'Europeanisation' in a more limited sense, whereby clusters of countries seem to respond with a certain degree of consistency to specific policies (Nedergaard, 2006; Börzel and Risse, 2006, p. 496). Nation-specific policies and practices overall tended to be reproduced, in large part as a reflection of what we have referred to as the deep diversity of national third sector policy arrangements.

However, this does not mean that linkages, relationships and efforts at institution building relating to third sector European policy have not emerged, at least with reference to the three meanings of 'Europeanisation' stipulated for review here. The paper tries to show that modest episodes of policy activity, albeit often anticipatory, time-limited, limited in scope, and exploratory in character, can be found, and referred to some of the contexts, motivations and agendas that seem to lie behind these actions.. It will be concluded that even if there has been no consistent build up of policy momentum in the EU (based on the analysis of the TSEP sample of countries), the pockets of activity witnessed to date suggest that this topic will continue to be worthy of empirical exploration and conceptual analysis. This will be true even if the Lisbon Reform Treaty fails to overcome its final hurdle.

Abstract References

- Bache, I. and George, S. (2006) *Politics in the European Union*, Oxford University Press, Oxford.
- Börzel, T.A. and Risse, T. (2006) Europeanization: The domestic impact of European Union Politics in K.E. Jorgensen, M.A. Pollack and B. Rosamond (eds) *Handbook of European Union Politics*, Sage publications, London.
- Kendall, J (ed) (2009) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Kendall, J. and Taylor. M. (2009) Beyond independent streams: on the ongoing interdependence of politics and policy in the shaping of English horizontal voluntary and community sector initiative in B. Gidron and M. Bar (eds) *Policy Initiatives Towards the Third Sector in International Perspective*, Springer, forthcoming.
- Nedergaard, P. (2006) Which Countries Learn From Which? A Comparative Analysis of the Direction of Mutual Learning Processes within the Open Method of Co-ordination Committees of the European Union and among the Nordic Countries *Cooperation and Conflict*, 41, 4, 427 – 447.
- Rhodes, R.A.W. (1997) *Understanding Governance: Policy Networks, Reflexivity and Accountability*, Open University Press, Buckingham
- Wallace, H. (2000) Institutional setting: five variations on a theme in H. Wallace and W. Wallace (eds) *Policy Making in the European Union*, Oxford University Press, Oxford.

1 Introduction: definitions and concepts

The idea that we should move beyond a two sector model when designing and implementing European policy is in vogue amongst politicians, academics and other commentators - and would indeed become a significant part of the EU's "hard law" infrastructure if the Lisbon Reform Treaty were to be fully endorsed.² This paper looks at how a three sector model, in a pre-Reform Treaty world of "soft" policy at the EU level, could be connected with "Europeanisation", drawing on the work of the TSEP network (Kendall, 2009). Immediately, we need to recognise that the notion of a "third sector" is polysemic and contested – as are other labels as used within the EU to refer collectively to organisations beyond the state - and usually more specifically between the market and the state (especially in social policy discourse) - including "NGOs" and "organised civil society".³ In attending to the latter, following the approach of the TSEP network, an *initial* working definition can be drawn from the Johns Hopkins study - a definition jointly developed as part of an international collaborative study involving several major European countries, originally including France, Germany, Italy, Sweden and the United Kingdom (Salamon and Anheier, 1997 and 1998): this was close to but not synonymous with the approach taken in the 1997 *Communication the Role of Associations and Foundations in Europe*. Actual existing formulations reasonably proximate to these constructs as utilised in policy discourses and practices can then be treated as the focus of analysis.⁴

A further challenge to note is that there are also many possible ways of putting the concept of "Europeanisation" to work, in part reflecting its multiple meanings and potentially diverse applications (for example, see Featherstone and Radaelli, 2003; Olsson, 2002; Börzel and Risse, 2006). As to the former, this paper will not attempt to explore the relevance and application of the multifarious meanings of this concept evidenced in the literature. Instead it will proceed on two premises. First, it will accept Bache and George's contention that "the main value of Europeanisation is in highlighting the changing nature of relations between the EU and Member States" (2006, p. 58), if institution building beyond the State is considered in scope. This allows us to achieve relevance by take seriously developments which do not presuppose European integration, convergence, or even necessarily demonstrable shifts in governance in this sphere.

Framed in this permissive way, the paper will, secondly, then be seeking to identify some of the sub-components of “Europeanisation” via a “stipulative approach”, wherein no claim to comprehensiveness or exhaustiveness is implied (Rhodes, 1997, pp., 52 - 53). Instead, we may pragmatically stipulate three particular meanings where evidence and argument assembled for TSEP seem to offer useful pointers and clues to how the two concepts may be connected. In particular, we posit that Europeanisation in relation to third sector policy may be understood as:

- a process where domestic third sector ‘horizontal’ (see below) policy environments interact with the EU level; and where
- general ‘horizontal’, trans-policy field infrastructure institution building in and around the Brussels-based EU institutions becomes to some demonstrable extent oriented to such a policy space; and as
- a multi-level policy process potentially involving deliberately engineered third sector co-ordination efforts within relevant European ‘policy modes’ (cf. Wallace, 2000)

Two further clarificatory remarks are immediately in order. First, in trying to conceptualise ‘third sector policy’ at both national and EU levels, we have been interested in actors and processes which, to a greater or lesser extent, cut across the traditional vertical silos that constitute component policy fields or ‘industries’. So, rather than looking at policy geared towards health organisations, social care groups or culture & recreation associations, for example, we wanted to examine the constitution of policy as intentionally cross cutting and applying to organisations collectively by virtue of being neither owned nor controlled by the state or by market oriented actors. We considered relevant policy actors to be ‘representative’ and ‘expert’ third sector groups, as well as stakeholders from the State and society who had specialisms in putative horizontal policy design and implementation. Empirically, especially in Western Europe, we found that cross cutting collective policy tended to relate heavily to social policy and the welfare domain (focusing primarily on the collective agenda for third sector organisations active in health, social care, social housing, community development and education). But we were interested in policy

processes geared more broadly too. For example, at the EU level, we considered the Platform of European Social NGOs to be a ‘horizontal’ actor, and at the same time the activities of wider-still Civil Society Contact Group and the Liaison Group for European Civil Society Organisations and Networks were also considered relevant; or at the country level, in the English case, the National Council for Voluntary Organisations, with its historically welfare-centric membership was included, but so too were the Charity Commission and the Office for the Third Sector with more widely framed agendas.⁵

Second, in relation to the third meaning of Europeanisation, there was a clear rationale for focusing on the Open Method of Co-ordination as an approach were for a decade or more it is widely known that the third sector *qua* ‘civil society’, ‘NGOs’ and ‘social economy’ have variously been collectively singled out as relevant actors in the discourse and policy instrumentation. But we also sought to attend to the processing of policy via the community method and other routines, since we wanted to begin to capture the diverse range of institutional openings where collective third sector engagement might be expected. We also wanted to look at ‘Europeanisation’ understood in relation not just to the EU, but as a process played out more generally in Europe under trans-national impetus. Indeed, as section 4 below will discuss, one of the most interesting empirical instances of cross-Nation State policy interaction turns out to be the International Year of Volunteering, whose origins lay with Japanese and European (especially Dutch) initiative via the United Nations, rather than with the EU policy institutions.

The remainder of this paper considers each of these aspects of third sector policy Europeanisation in turn . It is necessarily telegraphic in character, and merely hints at the diversity and richness of material assembled in the *Handbook*. It is hoped that the value of the paper may be to begin to expose the range of links that can and do exist empirically and conceptually between collective third sector policy and Europeanisation processes. But it may also prompt interest in the third sector policy process more generally, a relatively underdeveloped area of study where the TSEP network has sought to encourage greater European research effort.

2 Diverse national policy situations connect in contrasting ways with ‘Europe’

A first way in which third sector policy as defined here can be linked to Europe, and the EU in particular is the extent to which the EU has been seen by national horizontal third sector policy communities as relevant – as a threat or opportunity – to ongoing domestic efforts to shape policy towards this group of organisations. What we learn from TSEP is that the way in which ‘downloading’ or ‘uploading’ takes place is strongly conditioned by the institutional architecture and evolving contexts of national (domestic) policy environments. These architectures and contexts vary in highly significant ways, and we need to first recognise this, before being able to begin to understand how relationships specifically in relation to the EU have unfolded

2.1 National third sector policy situations: politically embedded and path dependent

It is important to begin by underlining that third sector policy communities cannot really be understood as a set of institutions functioning distinctly from their political circumstances and milieu. That is, they are routinely politically embedded within, rather than differentiated technocratically from, national and sub-national political systems. This point might seem obvious. However, it is important to make because it emphasises the extent to which relations between the third sector and the State involve more than episodic linkages to politics engineered by opportunity-taking ‘policy entrepreneurs’.⁶ Contrariwise, the development of national third sector agendas, relevant hard and soft laws, and pursuant policies and practices have been strongly shaped by country-specific national political environments – as well as ‘interrupted’ when events dictate and political circumstances change. ‘Bricolage’ might be a better metaphor than ‘entrepreneurship’ to communicate the messy, drawn out and complex collective socio-political relational processes at stake (cf. Clemens, 1996).

Third sector policies have, then, been demonstrably constrained from the ‘systems’ level with relatively stable political institutions shape thing way policy here is routinely designed and expressed, and also in more dynamic, ongoing ways, because contemporary political change and events have inter-penetrated and interacted with the sector’s specialist knowledge-based policy institutions. Indeed, we can say that the

form that this political embeddedness takes varies dramatically from country to country: at one extreme this can be stabilising, strengthening, and may generate tendencies to inertia; at the other, can be destabilising, leading to and turbulence as sector-specific institutions fail to bed down, and unsettling events unfold. Moreover, the variety of forms of institutionalisation we uncovered seemed to be so deep and context-specific that we felt unable to claim that countries could be grouped together as jointly constituting distinctive ‘regimes’ or sharing policy trajectories (see Box 1).

For example, under the German *integrated* approach in relation to welfare (which dominates empirically as a domain of action in North Western Europe) the sector’s evolution has long been so bound up with the constitution of the State - at federal and sub-national levels - that references to a distinctive ‘sector’ with its implications of separateness are often avoided. At the same time, a three dimensionally-powerful⁷ group of institutions, the *Freie Wohlfahrtspflege* or Free Welfare Associations - is considered in scope by many commentators, not least because collectively, legally and constitutionally it cannot be simply reduced to the State. These are distinctive nodal actors acting across the welfare domain, supported by an elaborate and highly complex institutional web of interlocking multi-level support structures, which actively shape the State from inside, as well as acting visibly from without (Zimmer et al, 2009). They have taken an important role in shaping a more general third agenda around civic engagement, collaborating with interested actors from outside welfare, but in many other senses are often thought of as relatively conservative institutions.

On first inspection this seems to share much in common with the Dutch case, sometimes considered similarly ‘corporatist’, where the third sector was also designed into the welfare system for political reasons. But a closer look shows that this parallel cannot be pushed far. In the Netherlands symbiotic relationships have evolved essentially at policy sub-field level, with no active institutional equivalent to the FWAs multi-dimensional welfare contributions, or the sustenance of a shared identity or sense of policy purpose. Instead, national policy is processed *de facto* technocratically in relation to organisations which happen to have the nonprofit form separately in the different component parts of welfare and beyond, and there is no actively expressed common policy agenda which transcends vertical boundaries to ‘join up’ a ‘sector’ (Brandsen and van der Donk, 2009).

Box 1 Third sector policy processes and path dependency

Why do countries seem to be so difficult to group together in relation to their policy institutions, and following from this, in the way in which Europe is ‘inserted’ into their domestic agendas? After all, the idea of institutionally shaped path dependency has been most influentially deployed not just to differentiate individual countries, but to group them together under ‘regimes’ (Esping-Andersen, 1990; Salamon and Anheier, 1998). I have suggested in the UK context (Kendall, 2003) that there exist several reasons why path dependency may be exceptionally pronounced in third sector policy. The rich variety of policy arrangements unearthed through TSEP suggests that this could be generalised to help us understand why national pathways of policy organising are quite so differentiated and hard to collectively categorise, as well as why efforts at policy reform cutting across national borders may be especially difficult. First, relatively high set up costs, the elaborateness of inherited institutional set-ups and the publicness of the activities in question can make it both appear more efficient and politically easier to reproduce existing arrangements than to challenge them. Second and relatedly, in the face of what Pierson (2000) calls the ‘complexity and murkiness’ of policy, actors tend to apply simplifying mental maps, and these will tend to reflect self-perpetuating country-specific categories, assumptions and representations. But why should these problems be so ubiquitous here, compared to other sectors? First, while the problems of policy complexity, information asymmetry and publicness abound across all three sectors active in social policy and human services, they may be *disproportionately* pronounced in the third sector case, a situation which can be linked to the particular types of services provided and the often relatively vulnerable clientele to be found here (Hansmann, 1987; Ben-Ner, 2006). Second, the mix between geographical levels of activity may differ as between sectors, with a greater balance towards sub-nationally organised action in this sector compared to for-profit and public sector forms. This will increase the relative costs of trying to implement any appropriate new policies via co-ordination and control at national/federal levels, let alone at the European one. Much more effort will be required to construct shared higher level policy agendas, and deliver on implementation to a meaningful degree when level-spanning infrastructure is relatively underdeveloped at lower levels. Third, this problem may be compounded because the means for generating higher level policies are restricted by the nature of the policy subject. To the extent policy actors rely on and want to respect voluntarism – which for some existentially helps differentiate the sector from for-profits and the state – there are limits to the extent to which financial or coercive-legal tools can be appropriately used to shape policy. (Put slightly differently, intelligent policy actors will be sensitised to possible adverse affects in terms of social or civic capital.) The informed potential reformer has a normatively restricted range of policy tools or instruments at his or her disposal compared to other sectors, because financial incentives and legal fiat may be seen as potentially problematic in this sphere.

In contrast to Germany and the Netherlands, the British and French have in common a pattern of purposive policy community *differentiation*, sharing the existence of self-consciously distinctive specialist communities of experts explicitly focusing on a distinctive ‘sector’ or ‘approach’. Efforts have been directed at engaging with relatively strongly centralised States in an attempt to promote and protect what those

actors claim to be shared values and interests, relating to autonomy, voluntarism, and the protection and promotion of alternative organisational forms beyond the market-state dichotomy. However, on closer inspection, the respective historical legacies and recent policy trajectories turn out to be fundamentally different.

In the British case, the basic legitimacy of independent voluntary action was never in serious doubt even at the high point of welfare state building. This was reflected, for example, personally in Beveridge's decision to write the celebratory *Voluntary Action* very soon after his infinitely more famous 'welfare state' blueprint; and institutionally in the durable track record of, inter alia, the National Council for Voluntary Organisations (independent of the State) and the Charity Commission (the largest sector regulator, sponsored by the State). In contrast, the pro-State 'Republican' orientation of the French policy elite – and concomitant suspicion of the particularisms and partialities of other formats – had always made for an uphill struggle for bodies specialising in the promotion of the non-market, non-state sphere (as *l'économie sociale* and, nested therein, *la via associative* as part of a 'family' alongside co-operatives and mutuals; see Fraisse, 2009)

Efforts to build policy in recent years have developed very differently in each case, in part at least as a reflection of these different institutional and ideational foundations. In Britain, when political arguments and electoral incentives pointed towards a turn away from a two sector model for policy towards an explicitly three sector one (Kendall, 1999), the resourcefulness and long established credibility of NCVO and other policy specialist pointing to this country's rich heritage of voluntarism provided the institutional platform upon which to try to build initiatives. In France, by contrast, policy momentum behind the idea of promoting the sector remained under-developed, and policy action fragmented, even though championed by the 'second Left' as an important alternative to market solutions at least from the mid 1980s, and wider coalitions since. Inside the State, the *Department Interministerielle de l'économie sociale* has suffered budgetary turbulence and unpredictability, and key policy supporters, such as the *Conférence Permanente des Coordinations Associatives* and the *Conseil des entreprises, employeur et groupements de l'économie sociale* have failed to obtain the level of institutional commitment to which they aspire.

Elsewhere, the TSEP sample evidence suggested that relevant policy actors often collectively lacked even the modest levels of political and economic strength apparent in the French case. We cannot possibly do justice to these patterns in a short paper, and the interested reader is referred to the TSEP *Handbook* (Kendall, 2009), but some reference to how political embeddedness can often be associated with a destructive *lack* of power and instability may be instructive. For example, domestic political dynamics in Italy and the Czech Republic, when combined with other socio-cultural and economic factors, have tended to render horizontal third sector policy actors deeply insecure and unsettled in the 2000s. This has dashed expectations for enhanced collective recognition and stability which had taken shape in the late 1990s, when efforts to discover or rediscover and generalise nationally⁸ the potential for purposive collective civic organisation had begun to emerge. In these countries, in recent years, the combined effects of persistently fragile traditions of organising in the face of internal political, cultural and historical cleavages within the sector, disabling boundary disputes within and across the sectors responsible for shaping policy, and unwelcome volatility in the political environment when Government has changed hands have been associated with a marked lack of predictable, cumulative and meaningful investment in the horizontal infrastructure favoured by specialists, including the third sector, academics and State sponsors (Ranci et al, 2009; Fric, 2009).

2.2 Deeply diverse European (EU) linkages with domestic third sector policy

The way the *European dimension* connects to national level structures is in turn deeply interwoven with just such contrasts and differentiated situations and circumstances. Trying to connect with the relevant literature, we could say that, just as it is hard to define national groups or regimes of third sector policy in general, this makes it difficult or impossible to identify coherent ‘clusters’ of countries for which responses to Europeanisation might be plausibly shared - in terms of either initiating actor motivation, patterns of learning, or actual consequences (Nedergaard, 2006). We will need to proceed at the country level, therefore. Take France first – the pioneer country when it comes to third sector initiative at the EU level . In this national case, it was frustration with a lack of pro-third sector policy progress domestically that led to an attempted ‘boomerang’ manoeuvre, or opportunistic short term ‘uploading’ in

the hope of longer term ‘downloading’: this happened from the late 1980s onwards, when those involved in promoting *l’conomie sociale* at home sought to work with a sympathetic Jacques Delors to foster especially legal and economic developmental aspects of policy, via a package of proposed statutes and the establishment of a special unit in the Commission. One hope was that these would in turn work hand in hand with future French domestic measures. (Timothy Garton Ash has evocatively refers to a French tendency to think in a ‘categorically fused’ way about the joint ‘destinies’ of France and Europe from around this time onwards).

But such initiatives ultimately failed – perhaps an example of aborted ‘pace setting’ (Börzel, 2002, cited in George and Bache, 2006, p. 62). This was partly because of a lack of resources and commitment to promote them (with Delors’ energies famously heavily focussed on successfully promoting the for-profit market in tandem with the diffuse idea of a parallel ‘social space’, a deliberately vague notion which therefore had little to say on sectoral concerns per se). But it was also because of their deliberate blockage by other nationally oriented third sector actors in relation to the EU institutions. This involved the aforementioned established German and British policy actors, who saw Delorsean integration efforts as a threat: they were thought of as potentially challenging jealously guarded home grown policy and regulatory prerogatives, and were believed to be motivated by, and to project, an inappropriately narrow and economistic understanding of third sector policy.

However, despite their common interest in pr-emptive ‘foot dragging’ (Börzel, 2002, cited in George and Bache, 2006, p. 62.) and a shared willingness to challenge the legal basis for Delors’ unit⁹, otherwise the arenas and tactics of choice adopted in these two countries were very different. Specifically, the FWAs exploited the intimacy of their relations with the German Federal authorities to be closely involved in the IGC process to an extent unparalleled by other third sector national actors, and secure the attachment of Declaration 23 to the Maastricht Treaty.¹⁰ This was (privately!) understood by German sponsors as a symbolic counterblast to the Delorsian social economy agenda, and the countervailing symbol was then kept alive through establishing a permanent presence on the Brussels stage by forming the ‘ET Welfare’ ‘Eurogroup’ there (largely oriented towards FWA domestic concerns, despite its claim to be ‘European’.) For its part, powerful elements of the British third

sector infrastructure - the Charity Commission in collaboration with the Home Office, its Departmental sponsor – reacted by dispatching national actors to work from inside the Commission at the social economy unit. The objective was to ensure that potentially damaging Delorsean policy developments would be closely monitored, controlled and ultimately deflected.

Some of the tension between national approaches have now to an extent become subdued as circumstances have changed. Post the 1997 *Role of Associations and foundations in Europe* Communication - tellingly penned by the British national experts from within the Commission and only released *after* Delors had moved on - the centrality of Nation States as the pre-eminent guardians of third sector policies was embedded in policy discourse. Third sector British and German policy actors could therefore politically afford to be less defensive. And in any case, following the dilution of the large countries' institutional stranglehold post Enlargement, new common ground began to be found in a more positive vein, by thematising civic engagement, volunteering and voluntarism – agreed to be positive facets of socio-economic life with close links to third sector organisations. It therefore no longer made sense to view EU-level third sector developments in *purely* 'nationalistic', unconstructive terms (see section 4).

Moreover, looking beyond the powerful 'big 3', motives less obviously grounded purely in particular 'national interests' alone were beginning to engage. Here, it seems reasonable to claim a certain degree of *intended* 'downloading' has been in evidence: perhaps at a rhetorical level we could talk of a 'lodestar' effect (Fairbrass, 2003). For example, relatively fragile national horizontal groupings evident in Italy and the Czech Republic in the 1990s sought to look to Europe (to the EU, and towards other countries) for lesson drawing purposes, seeking cognitive and semantic guidance, as a source of legitimacy and credibility enhancement - and in the EU case, as providing a source of funding opportunities.¹¹ Yet such efforts to use EU resources supportively were apparently largely undermined by the problematic unfolding of the destructive political and cultural dynamics we have already noted.¹²

It seems to have been only in another country that a more enduring impact ‘lodestar’ effect can be found. This is the case of Spain, where third sector ideas both general and specific, as promoted by the EU, have found fertile ground in recent years, and political change has *not* undermined this process. For example the building of collective representation in this arena is influenced by EU blueprints for organising third sector interests, with its paraphernalia of ‘platforms’ and ‘dialogue’; the EU’s pro-civil society rhetoric is frequently invoked to suggest the progressiveness of trying to adopt more third sector-friendly national policies; and the growth of a Spanish domestic ‘social action’ third sector agenda evidently combines high priority for social exclusion, employment and social economy, bearing the strong imprint of a conscious co-evolution with EU social policy priorities (Montagut, 2009).

3 Third sector Europeanisation as the development of a Brussels infrastructure

The narrative in section 2 suggests the emergence of elements of ‘European’ orientation ‘from below’ in at least some countries. This is of course not to say that national interests have been superseded in recent years either domestically, or that the ‘nationalist’ character of uploading has entirely lapsed. But it *is* to say a more *interactive style* of policy engagement has emerged, to the extent that an embryonic ‘European policy community’ - albeit diverse, inchoate, fragile and very weakly institutionalised compared to numerous other fields, and of course sectors - is now in evidence in Brussels. Two Brussels based organisations, the European Council for Voluntary Organisations (CEDAG) and ET Welfare, which had previously had a difficult relationship because of their rootedness in French and German traditions respectively, now operate on a more collaborative footing, as one example of this development. But more generally, moving down the components of Table 1 we can compare and contrast the situation that has crystallised over the past decade with the earlier period.

Table 1 Amsterdam as the critical juncture for an embryonic European third sector policy community

	Pre Amsterdam	Post Amsterdam
<i>Organisational aspects</i>		
EU level third sector style	Relatively weak Eurogroups* act, and perceived to act, primarily as national flagships at a distance from one another	Stronger and more numerous Eurogroups <i>overlay</i> national agenda concerns with efforts to work towards shared European orientation – reflected relationally, in overlapping governance arrangements, joint memberships and occasional joint policy statements
Public authority-led activity	Weak single Directorate then second directorate <i>begins</i> to engage in delimiting an agenda¶	* Stronger combination of <i>multiple</i> Directorates broaden and deepen range and scope of Commission involvement ...¶. * ... generates ‘soft’ governance instruments (consultation codes of conduct, transparency agenda, financial and political support)
Public authority-led arenas: Political and technical for a	Occasional, ad hoc	Regular, across multiple venues involving Commission, but also facilitated by EESC and Parliament (includes EESC 1999b and 1999c, and see Gillig, 2008)
<i>Discursive/ cognitive aspects</i>		
Shared semantic focal points	None: ‘dialogue of the deaf’	Sustained discourse focused on role of the sector qua OCS, NGOs and associations, punctuated by references to possibilities for ‘civil dialogue’
Agenda orientation	Disjointed adversarial contention of narrow economic framing	<i>Governance</i> , polysemically understood, used as master frame to accommodate wide ranging bundle of issues
<i>National extensity and forms of connectivity</i>	North Western ‘Big 3’ completely dominate: FR as <u>pace-setter</u> via Commission, then defensive national <u>foot-dragging</u> via IGCs and Commission (DE, UK)	- ‘Big 3’ still powerful (policy legacy reflected in key documents plus continued engagement), but other parts of EU also beginning to be engage, most obviously as downloaders (eg ES, CZ) - Some further national agendas also newly institutionally connected via EESC & Social Platform/CSCG membership (eg SE, AT)

*‘Eurogroups’ is used as collective shorthand for EU level horizontal third sector actors claiming a cross cutting role in governance. The main examples considered in-scope for TSEP purposes were:

- the Platform of European Social NGOs;
- the Civil Society Contact Group (facilitated especially by a Platform-EAPN nexus);
- the European Citizens’ Action Service;
- the European Council for Voluntary Organisations (CEDAG);
- ET Welfare; and
- Permanent Forum on Civil Society

(see Kendall et al, chapter 16, for more discussion of the roles and agendas of these actors)

¶ The ‘small business’ component of DG XXIII was the home for the social economy unit from 1989 until its dissolution when the Commission resigned 10 years on. DG V responded to the 1997 Communication as drafted at the former DG only relatively late in the intra-Commission consultative process, and no other DGs directly shaped that Communication’s content; subsequently, aside from these DGs’ replacements (Employment, Social Affairs & Equal Opportunities; and Enterprise) other significantly involved Directorates (through funding or regulatory initiatives) have included the Secretariat-General itself; Culture & Education; Justice & Home Affairs; and Administrative Affairs, Anti-Fraud & Audit.

The table points to a range of ways in which diverse, boundary spanning communicative channels and organised structures have become ongoing, more extensive and regularised. These processes include the beginnings of durable uploading and downloading which is necessarily ‘soft’ in character, but involves real commitment of resources despite a lack of ‘hard’ legal underpinning.¹³ Moreover, the

mediating public institutions channelling and seeking to steer these processes have diversified, from being contained in and around the Commission and (uniquely in the German case) carried into the arena of Inter Governmental Conferences, to embrace the Commission more generally, the European Parliament and the European Economic and Social Committee - as well as the more obvious and widely researched involvements evident in relation to the discussions on the Charter of Fundamental Rights, the constitutional convention and its fallout.

This attempted simplification naturally raises two further questions: why should 1997 be chosen as a 'critical juncture' for third sector European policy? And what evidence or argument can be invoked to support the claim that the *EU public institutions themselves*, operating under imperatives not reducible to national interests, have tended to be more engaged with the third sector over the past decade or more?

The first is an important question, because other moments might more obviously be taken to represent a new level of awareness and institutional effort for third sector policy. At the time, the Treaty of Amsterdam was dismissed as insufficiently vague to amount to much from the Eurogroups who at that time were in place and willing to articulate an overall response (for example, ECAS, 1997). And from the perspective of mainstream political interest in this field, 2001 with its release of the *Governance* White Paper and the convening of the constitutional convention at Laeken would seem a more obvious candidate.

The decision to emphasise the significance of this moment turns heavily on viewing Europeanisation as involving 'soft' communicative processes and low key relationship building as important ingredients in the initial opening up of policy possibilities in this sphere. If we take seriously such developments, then the combination of at least three factors, taken together, seem to have been important. Most obviously, the collective agreement of the 1997 Communication was bringing the issue of third sector policy into the ambit of the Commission as a whole for the first time: before this - hosted by DGXXIII - it had been at the periphery of the institutional infrastructure. The process of policy development that followed was built upon this legacy. The Discussion Paper 'NGOs: Building A Stronger Partnership' (European Commission, 2000), had been drafted by another British official, sent from

the same domestic institutional nexus as his predecessors but now based in the EU at the Secretariat General - the Commission's 'nerve centre'. (Richardson, 2003). Yet well ahead of its actual publication - soon after Amsterdam and well ahead of Nice - this was picking up the thread of the 1997 Communication in broad sectoral subject matter, and acknowledging the existence of broad based 'community' for the first time in Brussels. In effect, the Discussion Paper legitimated the idea that a horizontal third sector policy constituency was something which could indeed be meaningfully discerned, by referring to the collective views of an aggregate - variously labelled (EU level) 'NGOs', 'most NGOs' and 'NGO associations and networks'.

Crucially, the Discussion Paper also suggested that at the EU institutional level specifically (contrasting with the more general orientation of the earlier Communication) there were defensible rationales for greater cross engagement with a 'responsible' sector from both public authority and third sector viewpoints which held *in general*, rather than just in relation to parts of the Commission (see Box 2). This in turn fed into the preparatory work for the *Governance* White Paper (Pavane-Woolfe and Kroger, 2002), alongside the important definitional work that had in the meantime been taken forward by EESC (see below).

Box 2: NGOs: Building A Stronger Partnership

The rationales claimed to hold at the 'horizontal' level to justify treating these organisations collectively were:

- fostering participatory democracy;
- representing citizen's views;
- contributing to policy making;
- project management; and
- contributing to the 'formation of public opinion'.

A second factor was the concurrent institutionalisation of one particular network - the European Platform of Social NGOs - linked to the Social Affairs Directorate's new found enthusiasm for 'civil dialogue' as a complement to the better established, legally mandated 'social dialogue'. This initially began to take shape through a series of events and fora funded by this part of the Commission to generate new ideas for enriching and reviving a 'social agenda', post Delors (Kendall and Anheier, 1999). The notion of a shared 'social space' was then thought by many to be weakening in the face of an excessively pro-market turn in overall EU affairs, and later the Commission's loss of credibility in the face of financial scandal. Bringing in NGOs

was a way, it was reasoned, to try to respond, and a 'soft' version of social dialogue was an obvious way of expressing this relationship because it could fit relatively easily and unobtrusively into the discourse on 'social Europe'. And - *pace* Geyer (2001)'s early, pessimistic prognosis - the Platform was, in the years that followed to help protect and deepen the financial strength of NGO social policy networks, by building further, effective political actions (as pioneered through its 'red card' campaign) and by via more technocratic innovation, through fostering broad understandings of 'social exclusion' and 'citizenship' agendas so as to justify investment in third sector infrastructure. The Platform now has a more stable and extensive structure than other horizontal groups, notably ET Welfare and CEDAG, and it has accommodated these older groupings through overlapping governance arrangements from a position of strength, as well as connecting with the issue of volunteerism by building links with the European Centre for Volunteering.¹⁴

The Platform has proved effective and durable in institutional terms, bridging diverse NGO constituencies through intelligent, reflexive framing of the social policy agenda in ways which could simultaneously appeal very broadly across both reformist and conservative strands of the third sector (Cullen, 2008)¹⁵; and its inventiveness was confirmed when it was to act as one of the major institutional venues for the development of yet broader horizontal alliances stretching beyond the social welfare sphere, when the constitutional debate offered such an opening.¹⁶ Some of the seeds for the broad horizontal initiatives unfolding under Prodi and Barroso, we are noting here, were sown much earlier in the social policy-specific events and relationships of the late 1990s which originally took shape under Santer, and during the traumatic transition to Prodi.

A third reason for emphasising the importance of the Amsterdam Treaty and the EU processes supporting it to be found closer to the Treaty itself, and reflects the extent to which it represents a break from the zero-sum agenda competitiveness of the early 1990s. We have noted that Declaration 23 had been attached to the Maastricht Treaty as an expression of the ideational contest between competing German and French policy traditions. By contrast with Amsterdam, as symbolised by Declaration 38 with its signification of the importance of volunteerism¹⁷, apparent national clashes of interests amongst the 'big 3' could be downplayed, because it seemed to draw

attention to ideational common ground rather than contested territory. Moreover, sponsorship came from two countries with a record of EU enthusiasm in this sphere: Spain, with the Government tabling a very general draft to feed into the pre-Conference deliberations taking place at the high level Reflection Group (Spanish Government, 1996; Svensson, 2000); and Italy, whose Presidency ran with the proposal, linking it more specifically to population demographics – and especially young people. This was to connect with an agenda that was already developing in relation to volunteering as in line with the youth development policy priorities which were emerging within the Council, where the educative potential of exchange, experience sharing and cross cultural participation were already recognised for this age group. In the short term, enthusiasm for volunteerism was to be expressed mainly via the introduction and extension of the European Voluntary Service programme through DG Education & Culture (Seiveking, 2001). But in the longer run, it can be seen as marking the moment at which a significant level of political recognition of volunteerism, and the third sector as its primary institutional conduits, took place at EU level with support from both Northern Europe and Southern Europe.¹⁸

If it is accepted that the late 1990s was indeed pivotal in laying the groundwork for a more genuinely ‘European’ institutional process, more still needs to be said on our second question: why were the European public institutions increasingly seeming to engage with this area of policy, not merely as an aggregation of national concerns, but more generally? After all, the specific countries and Commission as referred to thus far represent just a part of the broader community of interest. Nor have we not really addressed why the EU as a system may have been especially receptive to such issues at this moment. Following this line, first of all, particular institutional patterns can be discerned. Looking beyond the Commission, we can suggest that as its policy ambit and powers have strengthened, the European Parliament own sense of confidence as to its existential embeddedness as the primary European representative institution has grown, to the extent that in some respects it now seems to have become relaxed in recognising the value of actively encouraging other forms of participation. Its track record of engagement in some ways echoes the broadening of an agenda from a ‘nationalistic’ one to a wider European one witnessed elsewhere. For example, it is noteworthy that the movement to promote *la vie associative* was originally supported here via largely French impetus under the leadership of Nichole Fontaine

MEP, before being packaged as part of *l'économie sociale* under the Delors Commission; and a third sector intergroup has functioned, albeit intermittently, primarily under British and French leadership, but also around the turn of the millennium especially with impetus from Italian MEPs.¹⁹ The Parliament is now perhaps seen as the major venue for debating the limits of markets in public services, the development of positions on Social Services of General Interest, and the promotion of volunteering; and its Committees have demonstrably engaged with bundles of third sector concerns (latterly, see European Parliament 2008 and 2009). The horizontal third sector groups discussed earlier have certainly cultivated links with interested Parliamentarians in relation to such concerns.

However, the location beyond the Commission in which third sector oriented institutional change has gained most dramatic momentum has been the European Economic and Social Committee. The Committee itself had famously been the focus of heavy criticism for its general lack of relevance and impact (Warleigh, 2002). Indeed, efforts to build its role and profile by connecting it to, and framing it with, the newly 'hot' topic of 'organised civil society' soon after Amsterdam, and formalised explicitly through the Nice Treaty that followed seem to have managed, rather than solve this difficulty.²⁰ In relation to the third sector, the extravagance of the EESC's claims-making has been diluted over time, from efforts to project itself as the '*house of civil society*' to the more modest suggestion that it is a '*bridge to civil society*' - the metaphor which it currently prefers and which saturates its publicity literature.

The EESC's recent productivity in terms of Opinions responsive to third sector relevant issues has largely been the outcome of a small number of engaged nationals, from those countries where a reasonably clear connection with national third sector communities has emerged as a result of the political appointment process. One can detect a pattern of widening country involvement here too. First of all, the legacy of German and French sector conceptualisations persisted (EESC 1997 and 2004); but at the same time, the third sector activism of the EESC's Group III has been boosted when new members from Austria and Sweden became involved just before Amsterdam.²¹ Since 2004, there has been a new stage in the EESC's efforts to shape Brussels-based third sector contact with the institutions of the Union in the form of the Liaison Group for European Civil Society Organisations and Networks. Though

most third sector groups would clearly resist a situation where a group based at the EESC became too prominent a contact point to the exclusion of other public authorities, there seems to be something of a ‘better inside than shouting from the sidelines’ logic behind their rather anxious and tentative willingness to be involved.²²

We can finish this discussion of the Brussels situation by noting that a good deal of the value of supporting the sector may plausibly be captured via representation at the overall ‘EU as system’ level: considering collective and not just institutionally differentiated needs and interests. It is often remarked that engagement with the third sector should be understood as a either response to the problems of the ‘democratic deficit’, and linked to the need to widen inclusive participation by citizens; or that involvement with these organisations is more supportive of instrumental engagement in the name of effective and intelligent policy in the interest of people as consumers. This is usefully linked to the systemic imperative of responding to input and output legitimacy challenges the EU effectively faces (Scharpf, 2001).

Table 2 Forms of legitimacy and the third sector

Dimension of legitimacy	Basic associated problem	Relevance to third sector
Input legitimacy	Problem of ‘democratic deficit’	EU’s capacity to foster participation and political inclusivity beyond the representative State via appropriate third sector inputs
Output legitimacy	Problem of cost-effectiveness in meeting policy goals within and across policy fields	EU’s capacity to mobilise technical expertise, and therefore enhance efficiency through building complementary relationships with external actors, including third sector
Procedural legitimacy	Problem of opacity and communication	EU’s capacity to develop policy based on depends on transparent and perspicuous processes, and such attributes can potentially be achieved or enhanced by third sector policy involvements
Combinatorial legitimacy	Problem of ‘general interest’ services, including the social welfare domain: the search for legitimacy involves balancing contested social, economic & political dimensions	EU’s capacity to balance economic and other (especially social) objectives depends significantly on relevant evidence & argument from third sector to critique decisions, as well as complementing and co-operating in policy design & implementation

However, the breadth of agenda-setting and implementation roles envisaged in the Discussion Paper (see Box 1) alone already suggests a need to broaden this dichotomy, and resist seeing it in either/or terms. Following writers such as Horeth (1999), Lord and Magnette (2004), and Beach (2005), we need to also refer to issues of procedure and transparency in their own right. And in cognisance of the actual content of the contributions that the third sector horizontal networks claim to champion and seek to represent (see Kendall, 2009, chapter 16), it seems useful to frame systemic legitimacy concerns in with reference to a fourth dimension too, as table 2 above suggests. This seeks to draw attention to the extent to which third sector horizontal actors can be envisaged as working with EU institutions in an ongoing process wherein the balance between the economic component of the policy agenda on the one hand, and its social aspects on the other (Beck et al, 2001), are under constant interrogation, questioning and review.

4 Third sector Europeanisation as part of multi-level policy processing

The previous section tried to suggest that the Brussels institutional architecture for processing third sector policy at the EU level in a cross cutting or horizontal way has certainly evolved in recent years under a range of institutional and political pressures: Undoubtedly, the past decade or so has witnessed more constructive efforts at policy engagement than was in evidence in previous decades. Yet, these observations were rather broad and general. In the TSEP network, we also recognised the need to look at more concrete particularities of policy, in order to get a better handle, descriptively and ultimately analytically, on the extent to which any noteworthy, specific policy consequences has followed from policy elites' claims to be willing to engage more openly and extensively with third sector and organised civil society actors simultaneously at both national and supranational levels.

We therefore chose to collectively examined a small number of 'policy cases', involving the theoretical potential for the development of third sector policy activity and with a multi-level in character in their arrangements for processing. This was a

way in which the sector's roles as a shaper and object of European policy across agenda setting, decision making and implementation roles were explored.

Table 2: Multi level EU policy cases

<i>EU policy case</i>	<i>Policy mode/ year of initiation</i>	<i>Policy Stage</i>	<i>Third sector 'function'</i>	<i>Sense in which policy case is 'horizontal'</i>
European Statute of <u>Association</u>	Traditional Community method, 1984	Agenda setting	Sector advocacy (for customised legal instrument)	Legal mechanism potentially relevant for nonprofit organisations wishing to undertake economic and social activities across Member State borders
European Employment Strategy: Orientation to ' <u>social economy</u> ' and ' <u>civil society</u> '	Policy coordination and benchmarking: Open Method of Coordination, Implicitly 1997 – 1999, explicitly from 2000	Implementation and evaluation	Advocacy through demonstration, Service delivery	Third sector organisations from range of industries can be involved in national employment strategies
Social exclusion policy: ' <u>mobilisation of NGOs</u> '	Policy coordination and benchmarking: Open Method of Coordination, Lisbon process, 2000 onwards	Implementation and evaluation	Advocacy through demonstration, Service delivery, community building	Third sector actions, including social welfare services, culture, recreation and environmental protection, explicitly linked to social inclusion
ESF* local social capital: Piloting and mainstreaming with special access to <u>NGOs</u>	Multi level Governance/Partnership, 1999 (pilot), 2000 (mainstreamed)	Design, Implementation and evaluation	Innovation, Service delivery, community building	Small community organisations often active across fields; some funded initiatives explicitly promoted as fostering 'horizontal' initiative; 'Social capital' concept not tied to particular vertical industry
Convention on the Future of Europe/post-Laeken Constitutional process	Not identified as 'mode' in literature: Unique process (2002 - 2004)	Agenda setting	Advocacy for constitutional recognition of socio-political role	Constitutional design: early draft referred, inter alia to the <i>generic</i> role 'representative associations' in 'the democratic life of the union'; and the EESC's role regarding 'civil society'

* European Social Fund

Table 2 above reports the EU cases we examined, and the rationale for their inclusion. We also examined a non-EU trans-national initiative implemented in Europe as part of a global effort, the design, implementation and legacy of the United Nations International Year of Volunteering, celebrated in 2001. In the *Handbook*, case-specific chapters provide an in-depth analyse of country-level and EU level trajectories. However, building on the understanding of the country level situations outlined above, we can make some more general comments by looking *across* cases.

In most of the policy cases, levels of engagement were found to be relatively limited. We did encounter pockets of enthusiasm for some horizontal initiatives at certain moments, and in certain arenas. But there was certainly no systematic dramatic or rapid ‘mobilisation’ or ‘movement’ to match the general intensification of pro-civil society rhetoric evident in recent years, or the optimistic utterances of some politicians and officials which was part of the policy discourse framing some particular ‘cases’ (as was in evidence in relation to the European Statute and the Local Social Capital scheme).

With some interesting exceptions (see below), the European policies reviewed tend to have been absorbed routinely into pre-existing patterns of national activity. Inter alia, in Germany, the Free Welfare Associations’ traditional pole position in that country’s social policy domain has been reproduced when European initiatives have been ‘inserted’ into domestic structures. With deeply ingrained constitutional, political and social support, these powerful institutions systematically took the lead in shaping responses to all cases. Or in Spain, the EU-enthusiastic leadership of ‘social action NGOs’ interpreted some of the new modes as a significant opportunity to affect change in domestic policy agenda content and implementation – but have been essentially frustrated by the public authorities, who have resisted significant modification to their, traditionally relatively closed and rigid, *modus operandi*

Turning to the Netherlands, a well resourced but exceptionally vertically differentiated set of actors had, in contrast, seen little to justify more than peripheral and occasional attention to these policies. While in the UK, a cautious, semi-detached style was apparent overall. The most powerful policy actors were seemingly overwhelmed by the sheer scale of purely home grown policy change in recent years – although some less powerful, but pro-EU and pro-international actors, oriented towards social exclusion and volunteering, managed to use some of the new opportunities to promote their agendas. In France and Italy, evident ambiguities and contradictions in the national policy scene seems to have hampered Europe-oriented development. Efforts at domestic ‘community building’ have lost momentum in both cases, with knock-on effects for European engagement. Most significantly, French social and solidarity-based economy ‘idealists’ - for whom French national and European policy aspirations had been deliberately categorically fused in the final

quarter of the twentieth century - found themselves unable to consolidate their position in national structures, and accordingly also with respect to our policy cases, their positions in relation to combined national and European dimensions.

This rough and ready, but broadly accurate, summary of the net country level impact associated with the multi-level cases across most of the TSEP countries reviewed gives us a good sense of the rather limited and piecemeal nature of connections between our multi-level cases and national contexts which prevailed across the different policy modalities. However, despite the lack of dramatic, short term, Europe-wide innovation it is important to stress that this does not mean nothing of significance has developed. First, in the country included from East Central Europe – the Czech Republic - the effect of the UN IYV case, when combined with the more general legacy of pre-accession civil society-building UN and EU programmatic resources and linkages, and the promise of structural fund support *was* generating a visible internationalist and European imprint on the domestic third sector policy architecture. On balance, this imprint was seen as a progressive influences in a context where home-grown pressures were making it extremely difficult for a constructive furtherance of a sustained collective development of third sector policy to otherwise be achieved

Second, we did observe certain case-country combinations where innovation – in terms of policy process substance, actor involvement, agenda content or demonstrable learning - visibly did take place. For example, the processing of the National Action Plans for Social Exclusion in Sweden and the UK, as well as the impact of the United Nations International Year of Volunteering in the Czech Republic we already mentioned– have involved such clear and substantive impacts. Third, the relatively limited scope of demonstrable Europe-catalysed policy innovation (beyond the Czech case) should not be taken to indicate the complete absence of meaningful and potentially consequential activities associated with these policy modes in longer established Member States. The more routine, apparently apolitical and incremental change which represented the more general response we observed at national level to these cases was usually seen as worthwhile by those involved, and could become a significant base for more high profile or challenging change in the future.

Indeed, if we look the evidence from our country level and multi-level cases taken together, can lessons be drawn concerning the contexts or conditions under which trans-national, including European, policy building efforts were more likely to develop productively? While we did not construct a 'model', the ordered evidence and argument we assembled seems to provide several important clues: based upon it, we could form informed preliminary judgements about the degree of impact or policy consequentiality which unfolded in each case. In particular, in two multi-level cases - the OMC in relation to social exclusion, and the UN International Year of Volunteering - we can note that on balance and in the round, the initiative can be judged as at least partial successes. This is not only because of the innovative experiences evident in a significant minority of countries. More generally, even where the effects attributable to the Year were quickly absorbed into pre-existing routines, they nevertheless seem to have been recognised as of real significance from the perspective of many national third sector stakeholders in the majority of Member States. In contrast, in three other cases - the European Statute of Association, OMC in relation to the EES, the local social capital grant scheme - the evidence suggests essentially consistently disappointing and failing trajectories, against a framework of initially high expectations - at least based on what we could ascertain retrospectively.²³

There seem to have been four institutional ingredients which were present, and combined effectively in, and only in, the two more productive policy cases (see Box 3). That is, while some of these ingredients were sometimes evident in the three 'failing' policy cases, they were certainly not *all* present to good effect in any of them, and more usually were conspicuous by their absence. First, the two relatively consequential cases tended to have found reasonably stable and predictable domestic institutional structures within which to develop, involving unspectacular but nevertheless workable arrangements for co-ordination, communication and dissemination. The institutional ruptures, spasmodic bouts of activity and discontinuities associated with the other cases (sometimes unavoidably, but sometimes not) tended to be largely absent in the social exclusion and IYV cases. This seems to have allowed for continuous, cumulative learning to unfold over time on a scale and at a pace which was intelligible and acceptable to those involved -

even if not optimal, or dynamic to the extent some third sector rhetoricians might have favoured.

Box 3 Factors conducive to multi-level horizontal third sector policy momentum

- Stable policy structures to support sustained communication and co-ordination
- Inclusively framed definitions and concepts
- Synergetic policy activism jointly engaging the third sector, the public sector and the research community across levels
- Commitment of significant economic and political resources

Second, the two cases involved the consolidation of appropriate symbolic definitional and ideational focal points capable of engaging and even inspiring those charged with putting the relevant policies into practice. Moreover, this was achieved *without* appearing to threaten the roles, functions and ways of representing established and powerful institutions in the third sector, in the state at any level or function (politicians and official functionaries), or indeed elsewhere (for example, the social partners). So, while the specific meanings of ‘social exclusion’ and ‘volunteering’, and their links to the third sector have remained, and continue to be, contested within and between countries, in these instances there were relatively inclusive approaches for settling on appropriately framed understandings for the purpose of policy. That is to say, we witnessed enough shared ground in meaning to motivate a sense of both pragmatic and principled purpose from a critical mass of countries towards action - without having to resolve more general boundary disputes. Indeed, there was real openness on the definitions question, with permissiveness of formulation combined with consistency of application. And these initiatives, France and Sweden in relation to the IYV apart, appear not to have not generated the counterproductive opacities and ambiguities found elsewhere – most spectacularly with the notion ‘social capital’ as erratically and inconsistently interpreted in the implementation context.

Third, committed and sustained collective policy activism was *jointly* pursued by the third sector and others, with significant, sustained and joined-up research input and support. In some contexts, for sure, some elements of the State could be encountered as a hindrance - because of perceived funding shortfalls or excessive bureaucratic inflexibilities, for example. Yet, policy activism on the part of the third sector itself, sympathetic officials from within the public sector and committed researchers was evidently able to sustain policy momentum to a degree that was absent in the other

cases. Despite the massive challenges associated with complex multi-level coordination (Keck and Sikkink, 1996), a combination of perseverance, commitment and specialist (experiential and codified) expertise inside and outside public authorities seem to have been crucial in steering these cases with some success, even if the institutional patterning was very different in each.²⁴

Fourth, in both these cases, policy action was backed by the transparently judicious and clearly guided use of reasonable levels of economic and political resources, even if, as we have acknowledged, the extent of these commitments was not always as extensive as some stakeholders would have liked. In combination with supportive institutional structures, a reasonably clear sense of purpose, and the careful and informed policy activism to which we have referred, even relatively limited funding accompanied by political will expressed in quite a low key fashion seems to have made a real difference in these two cases.²⁵

5 Conclusion

In the case of the TSEP network EU countries, it is clear that we cannot speak of 'Europeanisation' in relation to horizontal third sector if this is taken to refer to a process demonstrably involving convergence and integration. Indeed, we are also unable to refer to 'Europeanisation' in a more limited sense, whereby clusters of countries seem to respond with a certain degree of consistency to specific policies (Nedergaard, 2006; Börzel, 2006, p. 496). Certainly in relation to the cases reviewed in section 4, which capture a good deal of the variety of European multi-level policy processing with actual and potential relevance to the third sector, no clear grouping of countries sharing comparable approaches, experiences or responses seems to emerge. Nation-specific policies and practices overall tended to be reproduced, in large part as a reflection of what we have referred to as the deep diversity of national third sector policy arrangements.

However, this does not mean that linkages, relationships and efforts at institution building relating to third sector European policy have not emerged, at least with reference to the three meanings of 'Europeanisation' stipulated for review here. The paper has tried to show that modest episodes of policy activity, albeit often anticipatory, time-limited, limited in scope, and exploratory in character, can be found, and referred to some of the contexts, motivations and agendas that seem to lie behind these actions. Moreover, a minority of the policy cases reviewed - relating to social exclusion, and to volunteering (with impetus from outside the EU institutions), have involved signs of generating a more sustainable pattern under rather specific conditions (cf. Box 3), even if the basis for such processes still appears partial, fragile, 'soft' and weakly institutionalised. It is therefore fair to conclude that even if there has been no consistent build up of policy momentum in the EU (based on the analysis of the TSEP sample of countries), the pockets of activity witnessed to date suggest that this topic will continue to be worthy of empirical exploration and conceptual analysis. This will be true even if the Lisbon Reform Treaty fails to overcome its final hurdle.

References

- Abraham, F., Kelleher, J., Child, C., Hadivassiliou, K., Sandamas, C., King, S., Braithwaite, M., Fries, R., Wuiame, N and Danau, D. (2007) Final synthesis main report on the evaluation of the EU programme to promote Member State co-operation to combat social exclusion and poverty, report from Tavistock institute and Engender for European Commission employment, social affairs and equal opportunities DG, Brussels.
- Atkinson, A. (2002) Social inclusion and the European Union, *Journal of Common Market Studies*, 40, 4, 625 – 643.
- Bache, I. and George, S. (2006) *Politics in the European Union*, Oxford University Press, Oxford.
- Beach, D. (2005) *The Dynamics of European Integration: Why and When EU Institutions Matter*, Palgrave Macmillan, Basingstoke.
- Beck, W, van der Maesen, L, Thomese, F. and Walker, A. (eds) (2001) *Social Quality: A Vision for Europe*, *Studies in Employment and Social Policy*, Kluwer Law International, London.
- Ben-Ner, A. (2006) For-profit, state and nonprofit: how to cut the pie among the 3 sectors, in J-P Touffut (eds), *Advancing Public Goods*, Elgar, available from <http://webpages.csom.umn.edu/hrir/abenner/web/papers/TOUFFUT%20CHAP%2002.pdf>
- Borzaga, C. and Santuari, A. (2003) New trends in the non-profit sector in Europe: the emergence of social entrepreneurship in OECD (2003) *The Non-Profit Sector in a Changing Economy*, Paris: OECD.
- Börzel, T. and Risse, T. (2003) Conceptualising the domestic impact of Europe, in K. Featherstone, K. and C. Radaelli (eds) (2003) *The Politics of Europeanisation*, Oxford University Press, Oxford.
- Börzel, T.A. and Risse, T. (2006) Europeanization: The domestic impact of European Union Politics in K.E. Jorgensen, M.A. Pollack and B. Rosamond (eds) *Handbook of European Union Politics*, Sage publications, London.
- Brandson, T., L. Fraisse and J. Kendall (2005) The Internal Market, Services of General Interest and the Third Sector, paper presented at the conference of the European Consortium for Political Science Research, 8-10 September, Budapest.

- Brandesen, T. and Van Der Donk, W. (2009) The Netherlands: a study in invisible ink in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Clemens, E. (1996) Organizational form as frame: collective identity and political strategy in the American labor movement, 1880 – 1920 in D. McAdam, J.D. McCarthy and M.N. Zald (eds) *Comparative Perspectives on Social Movements*, Cambridge University Press, Cambridge.
- CIRIEC (2000) *The Enterprises and Organizations of the Third System: A Strategic Challenge for Employment*, CIRIEC, Liege.
- CIRIEC (2008) *The Social Economy in the European Union*, International Centre of Research and Information on the Public and Cooperative Economy, Liege.
- Council of the European Union (1996) Florence European council 21 and 22 June Presidency Conclusions, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0002.htm, last visited 15 March 2008.
- Council of the European Union (2000) Lisbon European council Presidency Conclusions, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/032a0002.htm, last visited 15 March 2008.
- Cullen, P. (1999) Coalitions Working for Social Justice- Transnational Ngos and International Governance, *Contemporary Justice Review Journal* Vol.2(2), Harwood Academic Publishers.
- Cullen, P. (2005) Conflict and cooperation within the Platform of European Social NGOs, in J. Bandy and J. Smith (eds) *Coalitions Across Borders: Transnational Protest and the Neoliberal Order*, Rowman and Littlefield, Maryland.
- Cullen, P. (forthcoming) "Pan European Ngos and Social Rights: Participatory Democracy and Civil Dialogue" in J. Joachim and B. Locher (eds) *Civil Society and Global Governance*, Routledge, in press.
- Delors, J. (2004) The European Union and the third sector, in A. Evers and J-L Laville (eds) *The Third Sector in Europe*, Edward Elgar, Cheltenham.
- Duffy, K. (1998) Combating social exclusion and poverty: Social integration in the European Union in C. Oppenheim (ed) *An Inclusive Society: Strategies for Tackling Poverty*, Institute for Public Policy Research, London.
- European Citizens Action Service (ECAS) (1997) Newsflash special edition 1997: The Treaty of Ambiguity, ECAS. Brussels.
- Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*, Polity Press, Cambridge.
- European Commission (1989) *Businesses in the "Economie Sociale" sector: Europe's frontier-free market*, SEC(89) 2187 final, Brussels.
- European Commission (1997) *Promoting the Role of Voluntary Organisations and Foundations in Europe*, Office of Official Publications of the European Communities, Luxembourg.
- European Commission (2000) *NGOs: Building a Stronger Partnership*, Discussion Paper, European Commission, Brussels, , http://ec.europa.eu/civil_society/ngo/docs/communication_en.pdf
- European Commission (2001) *European Governance: A White Paper*, COM(2001) 428 final, European Commission, Brussels.
- European Commission (2002), *European Governance: Preparatory Work for the White Paper*, Luxembourg: Office for Official Publications of the European Communities.
- European Commission (2004) Report on European Governance (2003 – 2004) Commission staff working paper, SEC (2004) 1153, Brussels.
- European Economic and Social Committee (1997) Opinion on the cooperation of charitable associations as economic and social partners in the field of social welfare (own-initiative), rapporteur Mrs zu Eulenberg.
- European Economic and Social Committee (1999a), Opinion on The role and contribution of civil society organisations in building Europe (own-initiative), CES 851/99, Brussels: Economic and Social Committee of the European Communities.
- European Economic and Social Committee (1999b) The civil society organised at European level: Proceedings of the first convention, Brussels, 15 and 16 October 1999, http://www.eesc.europa.eu/sco/events/actes_sco_en.pdf, site last visited 15 March 2008.
- European Economic and Social Committee (1999c) Valency and chance in welfare organisations in a merging Europe – their contribution to the development of European civil society, documentation for international conference at EESC, 12 December, Brussels, http://www.eesc.europa.eu/sco/events/brochure_ong.pdf, site last visited 15 March 2008.
- European Economic and Social Committee (2004), Final report of the ad hoc group on Structured Cooperation with European civil society organisations and networks presented by M. Bloch Laine. 17 Feb 2004, Brussels: Economic and Social Committee of the European Communities.

- European Parliament (2008) Report on the perspectives for developing civil dialogue under the Treaty of Lisbon (2008/2067(INI)), Committee on Constitutional Affairs, A6-0475/2008.
- European Parliament (2009) Report on Social Economy (20008/2250(INI)), Committee on Employment and Social Affairs, A6-0015/2009.
- Evers, A. and Laville, J-L (2003) *The Third Sector in Europe*, Edward Elgar, Cheltenham.
- Fazi, E. and Smith, J. (2006) *Civil Dialogue: Making it Work Better*, Civil Society Contact Group, Brussels..
- Featherstone, K. and Radaelli, C. (eds) (2003) *The Politics of Europeanisation*, Oxford University Press, Oxford.
- Fairbrass, J. (2006) Organised interests and interest politics in I. Bache and A. Jordan (eds) *The Europeanisation of British Politics?* Palgrave, Basingstoke.
- Fraisse, L. (2009) France: a centralised horizontal policy community faced with the reconfiguration of the state republican model, in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Fric, P. (2009) in the Czech Republic: Self-limiting dynamics, in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Geyer, R. (2001) Can European Union social NGOs co-operate to promote EU social policy?, *Journal of Social Policy*, 477 – 493.
- Gillig, M. (no date) Memorandum from the European Parliament Social Economy Intergroup by Ms Marie-Helene Gillig – Member of the European Parliament, European Parliament, Strasbourg and Brussels, <http://www.ec.europa.eu/enterprise/entrepreneurship/coop/conferences/doc/gillig-memo-en.pdf>, last accessed 15 March 2008.
- Goehring, R. (2001), The civil dialogue: bridging the European Union’s legitimacy gap?, paper presented at conference Persuasion, Advocacy and Influence in the European Union, University of Reading, January.
- Hansmann, H. (1997) Economic theories of the nonprofit organization in W.W. Powell (ed) *The Nonprofit Sector: A Research Handbook*, Yale University Press, New Haven.
- Héritier A. (1999), ‘Elements of democratic legitimation in Europe: an alternative perspective’, *Journal of European Public Policy* 6 (2), 269-82.
- Horeth, M. (1999) No way out for the beast? The unsolved legitimacy problem of European governance, *Journal of European Public Policy*, 6, 2, 249 – 268.
- Keck, M.E. and Sikkink, K. (1996) *Activists Across Borders: Advocacy Networks in International Politics*, Cornell University Press, New York.
- Kendall, J. (2003) *The Voluntary Sector: Comparative Perspectives in the UK*, Routledge, London.
- Kendall, J. (2005) Third sector European policy: Organisations between market and state, the policy process and the EU, TSEP Working Paper 1, <http://www.lse.ac.uk/collections/TSEP/OpenAccessDocuments/1TSEP.pdf>
- Kendall, J (ed) (2009) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Kendall, J. and Anheier, H. (1999) The third sector and the European Policy Process: An initial evaluation, *Journal of European Public Policy*, 6, 2, 283 – 307.
- Kendall, J, Will, C. and Brandsen, T. (2009) The third sector and the Brussels dimension: trans-EU governance work in progress in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Kendall, J. and Taylor, M. (2009) Beyond independent streams: on the ongoing interdependence of politics and policy in the shaping of English horizontal voluntary and community sector initiative in B. Gidron and M. Bar (eds) *Policy Initiatives Towards the Third Sector in International Perspective*, Springer, forthcoming.
- Lord, C. and Magnette, P. (2002) E pluribus Unum? Creative disagreement about legitimacy in the EU, *Journal of Common Market Studies*, 42, 1, 183 – 202.
- Mailand, M. (2006) *Coalitions and Policy Coordination: Revision and impact of the European Employment Strategy*, DJOF publishing, Copenhagen.
- Manow, P, Schafer, A. and Zorn, H. (2004) European social policy and Europe’s Party-Political center of gravity 1957 – 3003, MPIfG Discussion paper 04/6, Max Planck Institute für Gesellschaftsforschung.
- Montagut, T. (2009) Spain: the emergence of the third sector as a new policy player in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.

- Nedergaard, P. (2006) Which Countries Learn From Which? A Comparative Analysis of the Direction of Mutual Learning Processes within the Open Method of Co-ordination Committees of the European Union and among the Nordic Countries *Cooperation and Conflict*, 41, 4, 427 – 447.
- Obradovic, D. (1999) The distinction between the social and the civil dialogue in the European Union, *Current Politics & Economics in Europe*, 9, 1, 39 – 64.
- Olsson, J. (2003) The many faces of Europeanisation, *Journal of Common Market Studies*, 40, 5.
- Olsson, L, Nordfeldt, M. and Kendall, J. (2009) Sweden: When strong third sector historical roots meet EU policy processes in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming
- Pavan-Woolfe, L. and Kröger, M. (2002) Report of Working Group ‘Consultation and participation of civil society’ Working Group 2a in Commission of the European Union *European Governance: Preparatory Work for the White Paper*, Office of Official Publications of the European Union, Luxembourg.
- Pierson, P. (2001) Not just what, but when: timing and sequence in political processes, *Studies in American Political Development*, 14, 72 – 93.
- Ranci, C., Pellegrino, M. and Pavolini, E (2009) Italy: Between mutual accommodation and (blurred) new forms of partnership in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Rhodes, R.A.W. (1997) *Understanding Governance: Policy Networks, Reflexivity and Accountability*, Open University Press, Buckingham
- Salamon, L.M. and Anheier, H.K. (1997) *Defining the Nonprofit Sector: A Cross National Analysis*, Manchester University Press, Manchester.
- Salamon, L.M. and Anheier, H.K. (1998) Social origins of civil society: explaining the nonprofit sector cross nationally, *Voluntas*, 9, 3, 213 – 248.
- Salamon, L.M., and Associates (1999) *Global Civil Society: Dimensions of the Nonprofit Sector*, Johns Hopkins Center for Civil Society Studies, Johns Hopkins University, Baltimore.
- Salamon, L.M. and Toepler, S. (2000) ‘The Influence of the Legal Environment on the Development of the Nonprofit Sector’, Center for Civil Society Studies Working Paper No 17, Baltimore: Johns Hopkins University.
- Scharpf, F.W. (2000) *Governing in Europe: Effective and Democratic?* Oxford University Press, Oxford.
- Seiveking, K. (ed) (2001) *European Voluntary Service for Young People: Questions of Status and Problems of Legal Policy*, Peter Lang, Frankfurt Am Main.
- Spanish Government (1996) Proposals on voluntary service activities, prepared for Conference of the Representatives of the Governments of Member States, 25 September, Conf 3929/96, Brussels.
- Svensson, A-C (2000) *In the Service of the Union: The Role of the Presidency in Negotiating the Amsterdam Treaty 1995 – 1997*, Uppsala University, Uppsala.
- Wallace, H. (2000) Institutional setting: five variations on a theme in H. Wallace and W. Wallace (eds) *Policy Making in the European Union*, Oxford University Press, Oxford.
- Warleigh, A. (2002) The economic and social committee in A. Warleigh (ed) *Understanding European Union Institutions*, Routledge, London.
- Will, C. and Kendall, J. (2009) A new Treaty for Europe? Towards ‘open, transparent and regular dialogue with representative associations and civil society’? in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.
- Zeitlin, J., Pochet, P. with Magnusson, L. (eds) (2005) *The Open Method of Co-ordination in Action: The European Employment and Social Exclusion Strategies*, P.I.E.-Peter Lang, Brussels.
- Zimmer, A., Appel, A., Dittrich, C., Lange, C., Sitterman, B., Stallman, F. and Kendall, J. (2009) Germany: on the structural social policy centrality of the free welfare associations in J. Kendall (ed) *Handbook of Third Sector Policy in Europe: Multi-level Processes and Organised Civil Society*, Edward Elgar, Cheltenham, forthcoming.

APPENDIX: Country selection and Data sources

Table: Combined numbers of interviews, meetings, events and fora.

<i>National policy environments</i>	Number of episodes
Third sector organisations	85
Public (Government or State) officials	46
Other significant policy actors	17
<i>Multi-level cases: national level</i>	
Third sector organisations	94
Public officials	61
Other significant policy actors	19
EU level research: multi level cases and Brussels 'policy community' development	67
Other data points not elsewhere classified	27

Note: these episodes cannot be aggregated because in some cases respondents are counted more than once (providing data across categories)

The table summarises the overall balance of primary data sources used in this study, distinguishing categories of policy actor and focus of enquiry. Individual Countries initially included in the TSEP network were the Czech Republic, France, Germany, the Netherlands, Italy, Spain, Sweden, Switzerland and the UK, with national level research completed in all EU sample countries. The 8 country sample therefore covers:

- Major geographical regions of the EU/larger as well as smaller countries
- Old and new entrants to the EU
- Different types of national constitutional structures and welfare systems
- Seven established Member States (in the EU for more than a decade when the research was completed), and one relatively new Member State, the Czech Republic, which acceded in 2004.

The countries chosen reflect extremely diverse national legal systems relating to the third sector (Salamon and Toepler, 2000); and different third sector - State relational 'regimes' from a historical perspective (Salamon and Anheier, 1998; CIRIEC, 2000; Borzaga and Sanctuari, 2003). Also, they represent a range of welfare systems in terms both of level and balance of public funding, sectoral shares for welfare responsibility, and the extensiveness of quasi-market type reforms in recent years. In addition, there is significant variation in terms of the sector's economic significance as measured by share of national paid employment and scale of expenditures, and balances between paid and unpaid employment (CIRIEC, 2000; Salamon et al, 2003).

¹ The pending European Reform Treaty has retained the references to civil society and associations which emerged as a result of the Constitutional Convention Treaty process that preceded it (Will and Kendall, 2009). Most importantly, it says that ‘institutions shall, by appropriate means, given citizens and *representative associations* the opportunity to make known and exchange publicly their views in all areas of Union action.... The institutions shall maintain an open, transparent and regular dialogue with *representative associations and civil society*.’ This reference builds on a range of ‘soft’ precedents already represented in the EU process via Declarations, a variety of policy mode accommodations, and the European Economic and Social Committee’s attempts to re-interpret its rationale anew under a ‘civil society’ banner since the Nice Treaty, as discussed in the paper.

² The pending European Reform Treaty has retained the references to civil society and associations which emerged as a result of the Constitutional Convention Treaty process that preceded it (Will and Kendall, 2009). Most importantly, it says that ‘institutions shall, by appropriate means, given citizens and *representative associations* the opportunity to make known and exchange publicly their views in all areas of Union action.... The institutions shall maintain an open, transparent and regular dialogue with *representative associations and civil society*.’ This reference builds on a range of ‘soft’ precedents already represented in the EU process via Declarations, a variety of policy mode accommodations, and the European Economic and Social Committee’s attempts to re-interpret its rationale anew under a ‘civil society’ banner since the Nice Treaty, as discussed in the text below.

³ This somewhat convoluted form of language reflects the fact that usage differs as between different component parts of the EU. For example, within the Commission, the social policy oriented DGs tend to use labels and language which implicitly or explicitly suggest the exclusion of for-profit organisations and their trade associations, while economic policy and finance oriented DGs tend to use labels which include them. Outside the Commission in Brussels, and at national and subnational levels, terminological variety proliferates further (see also note 3 below).

⁴ This Johns Hopkins study’s ‘structural operational definition’ (Salamon and Anheier, 1997) suggests that organisations can be considered as part of the sector if they combine the following features: possession of a formal, institutionalised structure; independence and constitutional autonomy from the state; subjection to a non-profit distribution constraint, wherein net surpluses cannot be redistributed for the benefit of shareholders or other controlling stakeholders; and benefiting from a meaningful degree of voluntarism, in the sense of receiving support from donations of time, money, or both. The main difference from the 1997 Communication was that the latter added a ‘public good’ orientation requirement – although it actually uses data framed anyway by the Hopkins definition. In the TSEP *Handbook*, the actual existing collective nouns in active policy use are then compared and contrasted. Some of the semantic focal points therefore included ‘voluntary and community sector’ (UK), ‘social and solidarity-based economy’ understood to include associational life (FR), ‘social action NGOs’ (ES), ‘popular movements’ (SE), ‘non-state non profit institutions’ (CZ), and sometimes ‘third sector’ itself (IT, and increasingly UK). There is clearly not space to review the range of vocabularies at stake in this paper, so it tends to refer to ‘third sector’ unless using another term’s use is being considered as relevant to the issues under consideration.

⁵ The TSEP network developed a glossary to ensure a shared conceptual and empirical focus was achieved (see Kendall, 2009, Appendix). Herein we defined ‘horizontal’ and ‘horizontality’ as follows:

Horizontal refers to concepts/beliefs or policies/practices/actions which are not confined to within *vertical policy fields*, but which are either held to be relevant or applied discretely but according to common principles within two or more vertical policy fields, especially in the *social welfare domain*; or which are held to be relevant/applied as a matter of ‘generic’ policy. Policy development in relation to these processes typically involves *specialist third sector-specific policy actors* within and outside the State, forming relatively loosely coupled policy networks and/or a more formally institutionalised and recognised ‘policy communities’ The result can be the creation and perpetuation of a policy space jointly recognised by these actors as constituting the subject matter of third sector policy (using some collective noun) which is not reducible to the policy contents of a particular vertical field. **Horizontality** refers to the extent to which policies and institutions reflect horizontal or cross-cutting policy initiative.

⁶ The notion that policy and politics may be relatively cleanly distinguished and differentiated has been quite well developed in two policy process models. The first, the ACF of Paul Sabatier, portrays policy communities as technocratic sub-systems, seeing politics as either setting institutional background parameters and then fading off stage from the policy action; or as impacting on policies and problems only occasionally from the outside, when, for example, Political Party control of Governments changes, or ‘shocking’ events unfold. The second, the Multiple Streams (MS) approach associated with John W. Kingdon, sees policy, problems and politics as ‘independent streams’ joined only at ‘window opening’ moments of opportunity when they may be coupled by policy entrepreneurs. (Kingdon, 1995; Sabatier, 1999). The TSEP research network findings imply that ‘subsystems’ in the third sector policy case are more politically exposed and permeated than the ACF framework suggests; and similarly that the ‘streams’ envisaged as independent in the MS model are in fact *inter*-dependent, with apparently ‘technocratic’ policy specialists operating in a reflexively political fashion, and apparently ‘political’ actors involved in a less distant and more hands on way in policy design and implementation than the MS and ACF models assume. For a more detailed account of how this interdependence breaks with the assumed independence of those models, see Kendall and Taylor (2009).

⁷ The conceptualisation of power as involving three dimensions is due to British social theorist Steven Lukes. He pointed to the exercise of power not only in terms of influence over explicit decision making, but also the capacity to manage issues onto and off agendas (the second face of power), and to control language and associated ideologies (the third face of power). In each of these respects, the FWAs are in a powerful position.

⁸ For example, Northern Italy famously has a very rich tradition of associational life, and accordingly uniquely in Italy there has been much policy discussion about how to ‘fertilise’ this Southwards across the country as a whole; or in the Czech Republic, totalitarian hostility towards civil society for much of the twentieth century can be plausibly represented as historically exceptional if the longer historical view of Czech civil society’s development is taken (see Ranci et al, 2009; Fric, 2009).

⁹ This was not a difficult task, as there was no clear and direct legal basis for an EU policy competence in relation to *l’economie sociale* at the time, with only rather tenuous indirect and inchoate justifications in terms of the Single European Act (1986) cited in support of the initiative.

¹⁰ The Declaration was on ‘cooperation with charitable associations’, and stated that ‘the conference stressed the importance... of co-operation between the European Community and charitable associations and foundations as institutions responsible for social welfare establishments and services’ (see <http://www.eurotreaties.com/maastrichtfinalact.pdf>)

¹¹ In Italy, take up of European Structural Fund opportunities by the third sector seems to have been relatively high, most visible in sectoral terms via the ‘social enterprise’ budget line of one of the community initiatives which made special provision for this sector, the EQUAL programme. The Czech Republic’s third sector infrastructure in particular relied quite heavily on EU and other external developmental funds in the period between the fall of communism and accession.

¹² Intriguingly, in the Czech Republic, the main supranational initiative that has had an enduring and obvious impact on domestic policy has not originated in the EU at all, but at the UN. The International Year of Volunteering in 2001 – in general a successful multi-level policy approach (see section 4 below), was in this particular country crucial in helping catalyse a review of the legal treatment of volunteerism, and lead to new laws under the tutelage of Vladamir Spidla (now, perhaps somewhat ironically, a European Commissioner)

¹³ If the Lisbon European Reform Treaty were to be adopted, there would of course be a ‘hard law’ basis for this activity, but at the time of writing it is not known whether this will be adopted or not.

¹⁴ For a longer discussion including other groups with horizontal agendas, including the European Citizens Action Service and the Permanent Forum on Civil Society, see Kendall et al, 2009.

¹⁵ Building a shared agenda in relation to social services of general interest understood in oppositional terms to marketisation is a key example, where pragmatic organisations worried about the operational

dysfunctions of commercialisation in public service, and more ideologically oriented groups from the Left and conservative Right hostile to neo-liberalism, could agree that expansive market penetration of social welfare services was potentially problematic.

¹⁶The Social Platform was clearly motivated to have a leading role for the sector as a whole - it has been the most prominent support of the Civil Society Contact Group – because of its wish to upgrade the status of social policy in the overall constitutional settlement. But it is also interesting to reflect that this network may have been especially skilled at coalescing diverse interests at European level through European networks because it was itself a ‘network of European networks’, mainly constituted by policy field and issue-specific European membership associations drawn from across a highly differentiated institutional landscape. That is, lessons learned in handling intra-social policy diversity may have proved transferable in handling diversity beyond the social policy sphere.

¹⁷The Declaration stated: ‘The conference recognises the importance made by voluntary service activities to developing social solidarity. The Community will encourage the European dimension of voluntary organisations with particular information on the exchange of information and experiences as well as the participation of the young and the elderly in voluntary work’.

¹⁸ This was not the first initiative to support volunteering at the EU level. In 1983, the issue had been discussed in a Parliamentary committee, and a supportive declaration had been put forward in 1984, but at the time this did not lead to any discernable policy initiative.

¹⁹ Indeed exceptionally, for the Italian case, the European Parliament seems to have even provided the *main* arena for EU level ‘venue shopping’ in the 1990s, although, as reflected in our references to ‘the big 3’, such involvements were never of a comparable order to those pursued by French, German and British actors. The most visible effort took the form of the ‘third system’ flagship initiative, promoted by socialist Italian MEP Fiorella Ghilardotti, and capitalising on the supportive climate associated with the publication of the 1997 Discussion Paper. While funded quite generously under a special budget line secured in the Parliament by Ghilardotti and her allies, however, the initiative seems not to have generated sustained policy momentum. This was in part because Ghilardotti’s untimely death deprived the initiative of a crucial political sponsor; in part because the programme proved difficult to evaluate in such a way as to demonstrate its value added in timely fashion; and in part because, as an approach framed predominantly in terms of employment policy (with other third sector roles treated more incidentally), its complexity meant it fell out of favour in the context of the Kok reviews, which stressed the need for relatively minimalist simplification in Europe’s ‘jobs, jobs’ jobs’ agenda. (Mailand, 2006). It may also be the case that political events on the domestic scene post 2001 had indirect adverse consequences (Ranci et al, 2009), undermining the capacities of Italian horizontal third sector policy and political collective actors to support EU level initiative because of the need to prioritise responding to national developments.

²⁰ The EESC’s internal organisation and reliance on national nominations (political appointees) for its members with minimal transparency has led to constant questioning. On one hand, it seems not to connect systematically or transparently with groups which have relevant representative or experiential roles at the national level: even though there are linkages in some cases (see below), the rationale is not well understood. At the same time, contrary to the Commission’s expressed preferences during the Nice Treaty negotiations, there is still no genuinely *European* mediation to the selection process, and Member States have insisted on preserving their selection prerogatives (Goehring, 2001).

²¹ In particular, Jan Olsson was prominent in seeking to articulate the potential lessons for Europe of the Swedish popular movement and co-operative traditions (Olsson et al, 2009); and Austrian Anne-Marie Sigmund made her mark with the widely cited and credibly pan-European definition of ‘civil society’ in 1999 (EESC, 1999), and steered Group III of the Committee at a key moment.

²²The EESC and its Liaison Group has had a troubled relationship with the Platform of European Social NGOs, and more recently the Civil Society Contract Group, and there are significant divisions in the latter groups concerning whether and how to relate to the EESC. At the time of completing our TSEP fieldwork, there was a loose ‘holding pattern’ in terms of the relationship between the EESC’s Liaison Group and the CSCG. While the future role of both is unclear, our interviews suggest that the latter currently providing a more ‘political’ arena that complements rather than reproduces or replaces

the more institutional minutiae that have preoccupied the former. For example, the issues of legal structures, consultative and funding procedures that might be labelled more ‘technical’ have been prominent in the Liaison Group discussions. In contrast, the Platform- has engaged with broader issues of power and what we refer to in the text below as the legitimacy challenge of handling the combinatorial balance in the EU’s structures and processes. It has been willing to engage in the Services of General Interest debate, and highlighted the apparent resource advantages of business organisations over their third sector counterparts (Fazi and Smith, 2006).

²³ Given the uncertain pathway for the Lisbon European Reform Treaty at the time of writing, we will put that case to one side for the purpose of these concluding remarks.

²⁴ In the IYV case, these efforts seem to have been quite dispersed across time and space, with single no organisational centre of gravity; while for social exclusion, a single – albeit loosely configured and heavily decentralised - ‘entrepreneurial’ organisation has been important, the European Anti-Poverty Network. EAPN has been described by OMC scholar Jonathan Zeitlin as a ‘dynamic, two way pump between national and European levels’ (2005, p. 463). That this image is hyperbolic and over-generalised should be acknowledged: our research has suggested that the network is clearly more dynamic in fostering links between some national contexts and the EU level than in others; it has had mixed success in responding to recent social policy ‘streamlining’ efforts which it has seen as counterproductive; and we should also recall that, despite its collaborative efforts with policy allies, the network failed to get the enhanced recognition for social exclusion as a shared European problem it had sought in the constitutional debate (see Will and Kendall, 2009). Nevertheless it is clearly true that this network and its precursors has over a long period provided a crucially durable arena within and around which third sector practitioners, academics and other researchers have been able to collaborate for policy purposes (Duffy, 1995; Atkinson, 2002), a productive pattern apparently without parallel in the other EU policy cases we examined. Most visibly recently, its contributions have surely been important in underpinning the more general growth of EU-level social exclusion oriented third sector network structures, funded quite generously by the European Commission which have taken shape over the past couple of years (Abraham et al, 2007).

²⁵ That the availability of finance was a necessary - but not a *sufficient* condition - for impact was demonstrated by the failures we catalogued in relation to the implementation of the global grants for local social capital programme – which carved out of the structural funds, the second largest source of EU funds, theoretically had a relatively secure and abundant source of funds. Likewise, that an apparent commitment of political resources was not, in itself sufficient, was demonstrated by the lack of progress encountered with the European association statute case, and the EES in relation to the social economy, where the political decisions to put in place institutional arrangements were made in the mid 1980s and mid 1990s respectively, but implementation evidently efforts failed to bring these aspirations to fruition.