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From the non-profit  
sector to the social and  
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*Theoretical debate and  
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**Wp no. 11/01**

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## INTRODUCTION

Since the 1980s, there has been a renewal of interest for organisations which are neither public nor private for-profit initiatives. These organisations are most often referred to as the "third sector". The North-American approach - that adopted by the Johns Hopkins Project (Salamon and Anheier 1997) –, which is dominant at the international level, defines this third sector as the sector grouping together all non-profit organisations. But the empirical evidence in Europe has given birth to another theoretical approach, defining the third sector as a social and solidarity economy. This contribution aims to present and explain this European conception and to compare it with the North-American one in order to stimulate the international debate.

### 1. CRITICISMS OF THE NON-PROFIT APPROACH

The third-sector-based analysis of non-profit organisations is based on the neo-classical economy perspective and apprehends them through market failures in the provision of individual services and through state failures in the provision of collective services.

In these economic theories, often referred to as "theories of institutional choice", the aim is to explain the reasons why the market, the state or the non-profit sectors are resorted to. This approach supposes a separation between these three "sectors" and a hierarchisation among them, the non-profit sector being adopted as a second-rank or third-rank option, when the solutions provided by the market and the state prove inadequate.

But the non-profit approach has been criticised from several points of view:

- *A first criticism is linked to the status of the non-profit criterion.* The theory of institutional choice makes the non-distribution constraint autonomous and considers this constraint as the privileged channel of the trust of users in the services provided by non-profit organisations. But this criterion is not the only one able to generate trust; standards adopted by for-profit organisations can compete with it. Other means can be used by all types of organisations (ethical codes, certifications, labels...), as was confirmed by various studies (Karpik 1989). It is consequently difficult to perceive when and why the non-distribution constraint proves decisive in the decision of concerned individuals. Adverse selection and moral risk exist in many activities and signal market difficulties. These characteristics did not prevent the development of markets in many of these activities, such as consultancy services for enterprises or professional services; but the market, in such cases, is a "network-market", characteristic of an economy of quality, and a market of organisations, in which customers do not choose this or that product or service but the providing organisation (consultancy firm, hospital centre, ...) because it is the latter which is well-known and well-positioned. The limits of the orthodox model of the market can thus be overcome by markets with rules of quality and institutions guaranteeing deontological criteria.
- *A second criticism relates to a weakness in the explanation given for the setting up of non-profit organisations.* Indeed, what this explanation details are the reasons why users or donators resort to non-profit organisations, but the implicit statement is that of their pre-existence, making it possible for non-profit organisations to be chosen. The disinterestedness of the promoters of non-profit organisations, which clearly manifests in the non-distribution constraint, is supposed to generate trust and to explain the individual economic interest of consumers who then resort to these organisations to optimise their satisfaction.

This theoretical dead-end is brought to its extreme by the economic theory of altruism, which shows how disinterestedness itself is economically rational and constitutes, in sum, a form of realisation of the individual interest, the satisfaction found in helping others being introduced in the utility function of the consumer.

- *The third criticism which can be expressed about third sector analyses is their focalisation on the register of self-interest concerning service provision.* They reduce all human decisions to rational choices resulting from instrumental behaviours, i.e. behaviours oriented towards the result of action; this leads, as Etzioni (1988) put it, to deny the existence of society. Society, in this perspective, is only the result of interest-oriented individual choices and individuals are considered only as consumers. Their decisions tend to maximise their advantages. The role of organisations is thus only perceived through their function of production of services; other dimensions are not taken into account. Social integration and democratic participation are overlooked issues. Some of these utilitarian theories can even go as far as to interpret rich and complex cultural legacies as hindrance to logical decisions or as data of less importance than efficiency in the provision.
- *The fourth criticism relates to the sectoral conceptualisation,* which authorises a functional and pacified version of the relations between the market, the state and non-profit organisations. The approach based on market and state failures can obviously be used with an ideological view when the non-profit sector is summoned to justify the withdrawal of the state. The shift towards a valorisation of civil society as an alternative to the intervention of the state can thus follow in the heels of a theory of rational choice in which the agents choose among the market, the state and non-profit solutions.
- *The fifth criticism relates to the implicit hierarchisation* which is contained in the theory of institutional choice. The latter does not content itself with considering, by construction, the market, the state and non-profit organisations as distinct entities and with placing them in separate compartments (Lewis 1997: 166); it goes further by putting forward an analytical grid in which the market and the state are apprehended as the pillars of society and non-profit organisations, as a complement. As underlined by Godbout (2000: 98), according to this approach, "the market and the state represent the normal way to circulate goods and services", and if the state can be replaced by non-profit organisations, it is because the latter succeeds to the former because the state has failed in its task of protection by falling into bureaucracy. But such a conception is invalidated by history, associationism having pre-existed public intervention – hence the necessary shift towards conceptions based on other prerequisites, which do not overlook a more than two century-long history.

In this regard, a more historical than hypothetico-deductive approach, based on the European reality, allowed to draw two complementary conceptions: the social economy and the solidarity economy.

## **2. AN APPROACH CENTRED ON ORGANISATIONS: THE SOCIAL ECONOMY**

The notion of social economy such as it is understood in Europe defines a set of organisations which is broader than the non-profit sector such as it is defined in the North-American approach. Indeed, Anglo-Saxon analyses exclude co-operatives and mutual societies on the ground that they can distribute part of their profits to their members; this exclusion cannot be justified in the European context. First, some co-operatives, such as building co-operatives in Sweden, have never distributed any profit. Secondly, the distribution of profits is in all cases limited, since co-operatives and mutual societies are rooted in the same ground as associations: they are not created with a view to obtaining a return on the

capital invested but with the goal to satisfy the general interest or a mutual interest (Gui 1992), to contribute to public welfare or to meet social demands expressed by some categories of the population (Laville and Sainsaulieu 1997).

**2.1. A definition by the criterion of the limitation of profit-making**

In Europe, the struggles of the 19th century led to compromises legalising the existence of organisations in which a category of agents other than investors have rights of property. The legal forms so recognised (co-operatives, mutual societies, associations) define a set of social economy organisations in which it is not the ban on the distribution on profits which constitutes the decisive criterion, but rather the fact that the material interest of investors is subject to limits. Consequently, the border is not drawn between for-profit organisations and non-profit ones but rather between capitalist organisations and social economy ones, the latter giving priority to the setting up of a collective patrimony over the return on individual investment. In other words, what is stressed in Europe is, at the organisational level, all the legal forms which limit the private appropriation of benefits.

Table1 - Definition criteria

<b>Social economy</b>	<b>Non-profit sector</b>
Criterion of limitation on the private appropriation of profits and on the power of investors: inclusion of co-operatives and mutual societies	Non-distribution constraint: exclusion of co-operatives and mutual societies

Consequently, the definition adopted by the Comparative Non-profit Sector Project, carried out by the Johns Hopkins University, has an American bias (Borzaga 1998), because it is based on the non-distribution constraint, which structures the North-American configuration of the sector, with an important role of foundations. This criterion does not allow to correctly apprehend the legal specificities of the European countries, in which the decisive criterion is the existence of limitations on the distribution of profits. It is this characteristic which gives social economy organisations their specificity, compared to other productive organisations. Beyond their differences, European initiatives share a common tradition - different from the North-American tradition – which is specific to them and insists less on the non-distribution constraint, philanthropy and volunteering than on collective actions based on mutual help and participation of the citizens concerned by social problems.

**2.2. A legal and normative definition**

The social economy approach differs from the non-profit sector approach in that it draws the lessons from history, taking into account the fact that the associative experiences conducted in a first period led to the creation, in a second period, of legal forms which differed from one another. The social economy approach thus imposed itself as a legal approach; it has the advantage of facilitating the statistical identification of the organisations concerned, since it admits three components: co-operatives, mutual societies and non-profit organisations (associations). However, as experts acknowledge, although the adoption of one of these legal forms is "a significant step towards joining the social economy – this in itself does not guarantee that it will become part of [it]." (Defourny *et al.* 2000: 30) In certain countries, enterprises are frequently co-operative in name only... Similarly, an associative or mutualist legal form sometimes provides a legal cover for para-public agencies and for-profit economic activities.

A normative approach to be combined with the legal approach has thus been put forward. The resulting definition states that "[the] social economy includes all economic activities conducted by enterprises, primarily co-operatives, associations and mutual benefit societies, whose ethics convey the following principles: placing service to its members or to the

community ahead of profit; autonomous management; a democratic decision-making process; the primacy of people and work over capital in the distribution of revenues" (*ibid.*: 30). Adding these principles gives a more accurate description of the functioning of organisations but it also challenges the simplicity of classification offered by the legal approach - hence an ambiguity in the texts on the social economy, which oscillate between the inclusion of all the organisations with the cited legal forms (when the aim is to evidence their importance in the economy) and the exclusion of some organisations because of the gap between the observable reality and the affirmed principles.

### **2.3. A definition by a system of rules**

In order not to limit itself to a juxtaposition of an approach based on the legal forms of organisations and another based on general ethical principles, an integrated approach of the social economy, based on its system of rules, has been put forward. It aims to go beyond the debates on the values to be considered as specific to the social economy, with a view to carrying out a more thorough analysis of the specific characteristics of the organisations belonging to it. Social economy organisations can be apprehended through their specificities, which lie in the voluntary combination of a group of persons and an enterprise (Vienney 1994), reciprocally linked by a relation of association and activity. The resulting system of rules can be linked to the two poles of the combination and to their relations: the members have equal rights in the social bodies with a general competency; the distribution of the operating surpluses among the associated persons, when it exists, is proportional to their activities with the enterprise.

In France, with Fauquet (1965), followed by Vienney, the *co-operative model* became the *reference* for the whole of the social economy, which led to including in the latter only those associations which are enterprises (Vienney 1980-1981; 1994). In other words, in the field of the social economy, the associative phenomenon is recognised only under the form of entrepreneurial associations. In this conception, the social economy is composed of non-capitalist enterprises, active on the market, and the indicator of success is that of the increase in the volume of market activities; questions on the internal functioning and the non-market spheres of the economy are occulted. Thus, associations whose resources largely come from redistribution and volunteering are at the borderline of a social economy whose charter, in France, states that its components "live in the market economy" and develop "institutions that the traditional market economy does not generate".

This definition evaluates co-operatives, mutual societies and associations in terms of the evolution of the relations between their members and in terms of their economic results, examined from the point of view of their degree of integration in the market economy.

### **3. A PLURAL APPROACH TO ECONOMY AND DEMOCRACY: THE SOLIDARITY ECONOMY**

The social economy, through defining itself as a set of organisations, leaves open the broader question of its inscription in the contemporary economy and democracy. Questioning on these two aspects gave birth to the "civil and solidarity economy" perspective; this theoretical perspective was elaborated to account for the emergence and existence of numerous European initiatives in the last three decades.

#### **3.1. The economic dimension**

From an economic point of view, the solidarity economy approach is based on the works insisting on the plurality of economic principles, which can be deduced from the converging contributions of authors such as Boulding (1973), Mauss (1923), Perroux (1960), Polanyi (2001) or Razeto Migliaro (1988). These authors propose an extensive definition of the economy, distinguishing among three principles.

- The market principle allows supply of and demand for goods and services to meet; exchange happens on the basis of the setting of prices. The relation between the supplier and the demander is established on a contractual basis, founded upon a calculation of interest. The market principle does not suppose an immersion in social relations "considered today by western cultures as being distinct from institutions thought of as economic" (Maucourant *et al.* 1998). The market principle is not necessarily produced by the social system, unlike the other economic principles described below.
- Redistribution is the principle according to which production is delegated to a central authority responsible for allocating it, which supposes the existence of a procedure defining the rules of levy and of their use. A relation establishes itself over time between the central authority that imposes an obligation and the agents who are submitted hereto.
- Reciprocity corresponds to the relation established among groups or persons thanks to actions which only make sense insofar as they express a will to demonstrate a social link among the stakeholders. The cycle of reciprocity contrasts with the market exchange in that the former is inseparable from human relations involving a desire for recognition and power; reciprocity also differs from redistribution insofar as it is not imposed by a central authority.

Today as in the past, the reflection on the relations between economy and democracy is enriched by using a more realistic and less ideological perspective than the sole market economy perspective: namely, the perspective of an economy with a market or, in other words, of a "plural economy" (Hart *et al.*, 2010), in which the market is but one of the components, which cannot occult the existence of redistribution and reciprocity.

It is true that the repartition among the three economic principles – market, redistribution and reciprocity – greatly varied throughout history, and that each of these principles was profoundly affected by the rise of modern democracy; however, the latter did not mean the diffusion of the only market principle. In fact, the market was made largely autonomous and "disembedded" from social relations, but a real democratic and solidarity-based invention also took form: public redistribution saw its rules enacted through representative democracy, and reciprocity could unfold on the basis of the voluntary commitments, in the public space, of free and equal citizens. The recognition of individual rights made possible the development of a solidarity which was the expression of a social esteem to which the egalitarian reciprocity bears witness. This egalitarian reciprocity, in turn, fed a demand for an abstract solidarity, which also contributed to the widening of the scope of social rights on which modalities of public redistribution are indexed, allowing to escape the traditional and philanthropic dependencies. In a market context, democratic solidarity thus defined itself

through the combination of an egalitarian reciprocity and a public redistribution. The three economic principles thus endure, even though their respective weight and form vary.

The solidarity economy approach stresses the mix of these three principles. In this perspective, it is through combining the resources from these three principles according to project logics that social economy organisations are able to protect themselves against the phenomena of institutional isomorphism or marginalisation. But what remains to be explained then are the possible motivations of an initiative aiming at hybridisation, which implies to link the economic dimension to the political dimension.

### **3.2. The political dimension**

Another contribution of the solidarity economy approach is indeed linked to the political dimension. In the 19th century, the extension of market generated reactions on the part of society, among which the setting up of associations, followed by the construction of a protecting welfare state. Associations were indeed "the first line of defence" (Lewis 1997: 166) elaborated by society before being relayed by the state.

One of the originalities of the European point of view consists in integrating these initiatives of the civil society in the public space of modern democratic societies. The relations between these initiatives and public authorities are then determinant because they are linked to both problematics of politics: that which stresses the potential for action of the members of the political community as a whole, and that which is more centred on the exercise of power (Maheu 1991). Associations are linked to these two dimensions of politics: on the one hand, the non-institutional politics, centred on the potential for action of citizens and which supposes that the latter make use in practice of the positive freedom to which they are formally entitled, and, on the other hand, the institutional politics, centred on the exercise of power.

All the interactions between public authorities and civil society initiatives translate into mutual effects whose intensity and modalities greatly vary over time. On the one hand, the initiatives of various social actors, through their very existence, contribute to the evolution of forms of public regulation. On the other hand, rules enacted by public authorities influence the trajectories of initiatives. Isolating organisations without grasping their relations with the public sphere amounts to forgetting their institutional dimension.

## **4. THEORETICAL CHOICES**

The European approach replaces the reference to a sector by a focus on the structuring power of the principle of solidarity and by the study of the close relations between associative action and public authorities.

### **4.1. From the notion of sector to that of solidarity**

Contrasting with the hypothetico-deductive approaches which are characteristic of the neo-classical economy, a significant number of research works adopt more comprehensive methodologies. The main finding of these researches relates to a relativisation of the notion of sector and to a mobilisation of the concept of solidarity to explain various social practices which can be grouped under the generic term of civic associationism. Although they are not exclusively European, since quite similar orientations permeate the production of other continents, as evidenced by South-American literature (Larrachea and Nyssens 2007; Razetto Migliaro 1998; Ortiz and Munoz 1998; La Serna 2000; Cattani 2003), it is nevertheless worth noticing that European contributions to the analysis of associations are largely represented in this trend of research. In Europe, as a matter of fact, the recognition of

human and civic rights destabilised the former social order without eliminating the differences of conditions inherited from traditional societies. With the apparition of the social question, as soon as the 19<sup>th</sup> century, the compatibility between citizenship and economic development consequently generated heated debates in the context of which associationist emergences happened.

#### **4.2. From the notion of sector to that of public action**

The second European originality consists in linking associationism and public action, since they both have their roots in the resistance to the utopia of a market society and are deeply intertwined, whereas the diverse variants of theories of institutional choice considered associations as organisations intervening in case of market or state failures. A more historical analysis leads to highlight the fact that associative organisations "are not only producers of goods and services but important factors of political and social coordination" (Seibel 1990: 46). This is what the promoters of the international Johns Hopkins research project recognised when they passed from the notion of "non-profit sector" to that of "civil society sector" (Salamon and Anheier 1997; Salamon and Anheier 2007). This opening, which bears testimony to a rapprochement with the European view, is interesting to account for the embedding of associations into society, but has as its corollary to assimilate too quickly the associative sector with the whole civil society and not to analyse sufficiently the interactions with the state and the market.

As a matter of fact, a strictly sector-based vision fails to take into account the intermediary dimension of associations, which can be envisaged as spaces ensuring the passage from the private sphere to the public sphere. Associative action, born from the encounter among persons, opens up to the public space, i.e. it gives these persons the possibility to contribute to the construction of a common world which is necessary for democracy, through a voluntary commitment respecting the plurality of opinions, the conflictuality of interests and the difference of perspectives. The mediation between private and public space, which happens in many different ways, and the mix of resources and logics of action to which it refers, are poorly traduced by representations which suppose well-separated sectors, with clear-cut boundaries. The analysis of the genesis and institutionalisation of associations underlines the scope of the interdependencies between associative action and public action.

If, following Cohen and Arato (1994), we define civil society as a sphere that is distinct from the state and the market, associations belong to an organised civil society, because they influence the configuration of the public space through innovations and dissensions that they manage to express in this public space, including for their socio-economic production. However, as rightly expressed by Barthélemy (2000: 15-17), "the activities of the civil society cannot be dissociated from the political society" and associations are not only the expression of civil society; they are also implied in relations of power because they "publicise ideological conflicts of the global society, contribute to the formation of elites and to the structuration of local power and participate in the definition of public policies while legitimising the political and administrative sphere".

In sum, as Walzer (2000) notes, civil society, if it recognises interpersonal links, is marked by inequalities (Chaniel 2001). As far as the state is concerned, since it results from universalist orientations, it guarantees social rights while establishing general rules and standardised procedures which redress inequalities but also neglect the contribution of social relations of proximity. The real question does thus not concern the substitution of the state with civil society, nor the dissolution of civil society in the market, but the mutual reinforcement between democratisation of civil society and democratisation of public institutions.

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