

## I

## David or Goliath? Situating NGOs in Politics

The 21st century is the “era of NGOs.”

Kofi Annan

When the former Secretary-General of the United Nations Kofi Annan proclaimed the 21st century to be the era of NGOs,<sup>1</sup> he probably did not foresee just how controversial a proposition this would turn out to be. Some see the NGO explosion of recent decades as an indicator of revitalized democracies across the globe. For others, the increasing number and influence of NGOs undermine the very foundations of representative democracy. Glorifying portrayals of NGOs as the savior of citizen involvement in public affairs compete with dismissive accounts of self-proclaimed and nonrepresentative groups bolstered by an unelected activist elite. The question at the core of these strikingly different perceptions is: What makes NGOs legitimate players in late modern public affairs? Is it their reputation of getting things done better, faster, and less bureaucratically than established institutions? Is it that NGOs have acquired substantial field expertise and policy know-how that are invaluable for governance? Is NGO legitimacy based on measurable management criteria of accountability and fiscal transparency? Or does legitimacy increase with representing a certain number of members? The argument of this book is that these four most frequently cited answers provide all reasonable, but ultimately not sufficient, criteria for assessing NGO legitimacy. Instead, the most salient source of legitimacy of the non-governmental sector is public engagement. Yet it is this very quality, as

<sup>1</sup> See <http://www.unecce.org/indust/sme/ngo.htm> (accessed November 18, 2007).

organizers of publics, that NGOs frequently set aside in favor of providing effective programs and policy expertise. This book explores why many NGOs neglect or avoid public engagement and thus underutilize this particular source of legitimacy.

The “effectiveness” yardstick suggests that NGOs are legitimate because they tend to accomplish results more effectively than government. As a former director of Transparency International for Central and Eastern Europe stated, “We need civil society organizations not because they ‘represent the people’; we need them because through them we can get things done better” (Marschall 2002: 3). Numerous studies provide evidence that NGOs have stepped in where governments are unwilling to act, have withdrawn, or have failed (e.g., Hudock 1999; Hopgood 2006). Yet even in cases where results are strong and welcomed by majorities of citizens, such as when European environmental NGOs fought successfully for an EU-wide ban on animal testing in the cosmetics industry, the legitimacy of NGO activists to speak for citizens is routinely put into question. Moreover, getting the job done effectively can mean different things in different contexts and is often difficult to measure (e.g., Vedder 2007). Thus, if NGOs are indeed to be game changers of 21st-century democracy, then assessing their performance solely through the lens of functional mission success is not sufficient to legitimize their work.

An alternative mode of awarding legitimacy is based on the argument that NGOs contribute invaluable expertise in policy arenas where governments or business lack resources or specific “on the ground” knowledge. This is a legitimacy source that NGOs increasingly draw on, claiming that without their specialized knowledge entering decision-making processes, political choices in democratic polities would be seriously limited. When assessing NGO legitimacy in its expertise mode, it is crucial to reflect on the kind of expertise that is being called upon. Inclusion based on technical expertise alone would award the environmental NGO that fights greenhouse emissions the same legitimacy as a scientist working for a coal mining company. Yet NGOs tend not to be seen as special interests; they are perceived as speaking for underrepresented issues *as well as* for affected constituents. If NGO legitimacy is based on technical issue expertise alone, it de-emphasizes NGOs’ role in providing grounded knowledge and in giving voice to underrepresented interests.

A third legitimacy mode focuses on transparency and procedural accountability in NGO operations. In this perspective, NGOs gain legitimacy if they adhere to standards of professional conduct that are generally drawn from management practices. In recent years, the accountability

debate has expanded from concerns about internal transparency and professional conduct to a new public management focus on outcome measures (e.g., Thomson 2010). In addition to demanding formalized inner-organizational procedures, funders increasingly request quantifiable data to measure program implementation and outcomes (Alexander et al. 2010). The criteria and effectiveness of performance measurements are at this point much debated in NGO, philanthropy, and public policy circles from local to transnational levels (i.e., Brown and Moore 2001; Morrison and Salipante 2007; Knutsen and Brower 2010). In fact, many NGOs find the expansive requests made in the name of accountability to be increasingly burdensome, and research has started to question the flurry of indicators and data that often are “generated for symbolic purposes” alone (Alexander et al. 2010: 566). A related legitimacy mode that relies on so-called stakeholder accountability seems to be mired in similar problems: Organizations tend to identify, or rather construct, stakeholders *ex ante* while not using adequate communication strategies that would organize outreach and allow stakeholder publics to form in connection with, but still somewhat independent from, preconceived organizational goals (i.e., Rasche and Esser 2006: 11). Accountability is thus often used to document NGO effects instead of actual public engagement practices. We discuss later these specific accountability modes of legitimacy; at this point it is important to note that achieving accountability, either in its “internal” professional or in its output-oriented new public management or stakeholder version, does not place demands on NGOs to pursue active public engagement.

The distinctly *public* dimension of nongovernmental work is epitomized in a fourth mode of legitimacy, captured by this question: Whom do NGOs speak for; whom do they represent? As straightforward as accounting for this fourth mode of awarding legitimacy may seem, it also harbors ambiguities. After all, an NGO constituency is rarely defined clearly, and its spokespersons are most often not elected. From a state-centered institutional perspective, it has become common to use the lack of formalized representation to dismiss the sector’s overall legitimacy.<sup>2</sup>

<sup>2</sup> A different angle of the debate within the representational paradigm focuses on this question: Do NGOs represent special or public interests? This is a challenging and at times politically charged attempt to distinguish between a common good claim and a group enrichment claim. However, I am not convinced that we can only ascribe public status to those who seek “a collective good, the advancement of which will not selectively or materially benefit the membership or activists of an organization” (Berry 1977: 7; for a critical assessment see Edwards 2004: 63 and Jenkins 2006: 308). As Michael Edwards

I submit that awarding legitimacy on the grounds of formal representativeness is just as misguided a yardstick for NGOs as tying legitimacy exclusively to policy effectiveness, expertise, and accountability. The formal representational claim seems to draw on a party analogy. Yet NGOs do not stand for election. Their broader public interest claims must depend on a different kind of validation. It is a validation based on engaging with or, in the first place, helping generate the publics that an organization claims to represent.

If we assume that NGOs speak for broader public interests, then they must draw legitimacy from communicating in the public sphere. Thus, according to the argument put forward in the following chapters, NGO legitimacy rests on the sector's capacity to generate and sustain publics. As opposed to fostering mere instrumental or stakeholder accountabilities, NGOs need to develop *public* accountability, understood here to mean accountability to broader constituencies by way of both representing and constituting them as publics.<sup>3</sup> To make that point, one does not need to invoke high-minded ascriptions such as NGOs being the “conscience of the world” (Willetts 1996) or the “conscience of humanity” (Annan 2006). If NGOs are to be citizens' voices at the tables of institutional politics and beyond, then we need to ask to what degree they actually communicate with citizens. How does an NGO develop and sustain relationships with its constituency and broader publics? Does it organize citizen input and public engagement? Does it debate its positions publicly, and is it thus visible for others to see and for citizens to join in? Evidently, modes of communication in and with publics vary. NGOs can encourage citizens to write checks; they can ask them to volunteer; they can also enable them to join in public advocacy and speak up. My local PTA has a choice

has pointed out, this would mean that working for women's rights would qualify as a public interest, but working for the “rights of one particular group of women” would not (2004: 63). A public status, in my view, is ascribed in the discursive public arena. Therefore, even a special interest group will attain a “public” identity if and when others decide to discursively engage with its ideas – be it a business lobbying group or a secret society. In other words, the “publicness” of an NGO is defined discursively and not as a self-ascribed status or abstract representational claim of an association.

<sup>3</sup> Jens Steffek has first introduced “public accountability” in regard to international governance institutions (Steffek 2010). I argue that NGOs' public accountability encompasses the four different modes of transparency, debate, engagement, and activation; for details see Chapter 4. Knutsen and Brower (2010) employ the term “expressive accountabilities” as constituting the legitimacy of civil society organizations. Yet whereas they define expressive accountabilities primarily as one-way outreach to gauge constituency sentiment, I submit that the concept of public accountability encompasses NGOs not merely *representing* but also *constituting* publics.

of how to communicate with me: It might convince me to give money; it might ask me to bake cakes for school events; or it might organize a public discussion on how we can change education policies. And although most NGOs employ some combination of these different modes of communication, fundraising, organizing volunteer work, and institutional presence seem to occupy a much more substantial part of NGO activities than public advocacy (see, for example, Bass et al. 2007; Kohler-Koch and Buth 2011; Steffek and Hahn 2011). Yet, while fostering certain kinds of citizenship, fundraising and volunteering leave others underutilized.

Kofi Annan's remarks also signal a radical change in the relationship between political institutions and civil society. Whereas governments through much of the 20th century had looked on NGOs as "mobilizers of public opinion in favor of the goals and values" of states' agendas (Annan 1998), in the new century these civil society actors were supposed to turn into legitimate partners of government (e.g., Salamon 1995; Willetts 2000; Gazley 2010). They were to help shape public agendas while being the legitimate voice of civil society at the negotiation table. Indeed there are numerous indicators, from local-level politics to the transnational spaces of governance, that the "era of NGOs" is in full bloom. The implementation of Agenda 21 principles in the 1990s required cooperation with civil society organizations in the global North and global South. Mistrust of government after the breakup of the Soviet Union helped generate a large NGO sector in Central and Eastern Europe. No international organization today operates without some level of NGO engagement (Reimann 2006; Steffek et al. 2010: 100), and neither do national or local governments (e.g., Haus et al. 2005; Powell and Steinberg 2006).

This altered relationship means not only that governments are to develop different modes of engagement with civil society actors; it also presupposes that NGOs adapt to the norms and rules of institutional politics. Some observers have pointed to the dangers of co-optation and mission drift (e.g., Hulme and Edwards 1997; Chandhoke 2003). It seems as though neither governments nor NGOs have much incentive to practice public outreach in a situation where the state can point to NGOs as their proxies for citizens and NGOs can point to policy results. What, then, are the opportunity costs of sitting at the table in terms of public voice? Have NGOs become hollow stand-ins for publics, or are they providing the best mechanisms for citizen engagement with public policy issues? And if, as this book suggests, both dynamics are at work, then what conditions drive one or the other?

## THE ARGUMENT

In a nutshell, this book makes three claims. These claims are based primarily on empirical work in Europe and the United States,<sup>4</sup> yet the reader will see the occasional connection to research in the global South, as well as references to fields that are not in the immediate purview of non-profit or NGO scholarship, such as public sphere and feminist theories. The intent is to create dialogue between different research clusters that share an interest in civil society and the public sphere. Of course, weaving the argument by combining threads of theory and empirical analysis runs the risk that it might satisfy neither theorists nor empiricists. I would counter with C. Wright Mills: “Good work in social science today is not, and usually cannot be, made up of one clear-cut empirical ‘research.’ It is, rather, composed of a good many studies which at key points anchor general statements about the shape and the trend of the subject” (Mills 1959: 202).

The first general statement is that the public sphere is a key component of civil society; this claim anchors the book theoretically. The next chapter provides evidence that influential theories of civil society sideline its role as a sphere of public debate by focusing exclusively on how associations and social norms are generated. I argue that these theories miss out on the conditions that enable citizens to take their issues into the public arena. Moreover, they cannot explain seeming paradoxes such as the existence of strong associations in societies with weak public voice. Only by making a systematic distinction between organizational density, on the one hand, and public debate culture, on the other hand, can we understand why, for example, the strong web of associations in Japanese civil society has such little public voice and influence (Pekkanen 2006).

The second claim is, in essence, a “public advocacy” argument. It contends that even though both institutional and public advocacy are essential to a democratic culture, it is *public* NGO advocacy that generates citizen engagement and voice. Institutional advocacy, by contrast, tends to be confined to non-public or semi-public contexts, such as government commissions and expert consultations. With late modern societies offering more venues for institutional advocacy, NGOs might see stronger immediate returns if they lobby government officials, brief members of

<sup>4</sup> I want to encourage those who might find viewing NGOs through the public engagement lens productive to use that lens in other arenas of the nongovernmental sector.

parliaments, or negotiate with business directly than if they try to organize and sustain public campaigns. Even if institutional advocacy does not produce policy success, there are other factors that incentivize institutional over public engagement, such as resource constraints and reputational gains. NGOs, I argue, face opportunity costs by engaging in outreach and public advocacy.

The third claim builds on a political institutionalist argument. I submit that states and governments play a critically important role in encouraging NGOs to practice public engagement and that therefore the key to a stronger civil society lies not in a stricter separation of state and civil society, but in transparent, interactive, and very public government–civil society relations. My analysis of NGOs operating in various contexts, from the local to the transnational, suggests that the potential for public voice is primarily shaped by state–society interaction. Participation in the public sphere thus rests on governance conditions. These conditions do not just form outward barriers inside which civil society acts independently; they permeate public space and set formal rules and informal tones of communication. They structure information flows and, ultimately, are key to civil society acting as a public sphere.

On a meso level, I put forth a set of three explanatory concepts that define the specific conditions in which NGOs operate in late modern civil societies. All three mark developments that shape NGOs' willingness and capacity to engage in the public sphere: (1) the NGOization of civil society, (2) the institutionalization of advocacy, and (3) NGOs as proxy publics.

The first concept highlights the impact of a specific development in the organizational formation of late modern civil societies. *NGOization* refers to a process by which civic actors from social movements in particular, but also from smaller community groups, are drawn to incorporate and perform as NGOs. Forces that shape NGOization have economic as well as institutional roots. The pull to professionalize meets the need of states, business, and private donors to seek out reliable partners in civil society. Positive feedback mechanisms set in if civic groups or movements NGOize. The returns can be material: A legal status provides better access to funding as well as to consultation or decision-making processes. The returns can also be symbolic, as with increases in communication, insider knowledge, and trust. NGOization might normalize the relationships between civil society actors and governing institutions. However, it also might result in the exclusion of some groups and perspectives that

represent less organized interests. In addition, it might lead to insider or client relations between selected NGOs and government (Lang 1997; Alvarez 1999).

NGOization sets the stage for the second conceptual anchor of this study: the increasing *institutionalization of advocacy*. This concept elaborates on a specific connection between government and civil society, arguing that as NGOs become stronger institutional players and are welcomed into civic dialogues with local, national, or transnational political institutions, the incentives to strategically limit public advocacy increase. As they develop, many NGOs come to avoid using their potential to produce and sustain what Jürgen Habermas calls “a critical process of public communication” (Habermas 1989: 232). Contrary to a common perception that highly visible public communication of NGOs increases an organization’s institutional clout, the more likely experience is for NGOs to encounter the opposite, namely that too much critical public voice tends to jeopardize institutional leverage. NGOs navigate a trade-off between institutional effectiveness and public voice, and the dominant mode used to resolve this trade-off is to employ the latter only in a very limited way. This might lead to NGOs becoming experts in institutional advocacy and lobbying at the expense of generating broader public debates.

The third conceptual hook addresses what I consider to be the fallout from NGOization and the institutionalization of advocacy: NGOs acting and being perceived as legitimate *proxy publics*. For governments and supranational institutions, NGOs constitute “their” civil society and public, just one phone call away. This study examines how the dynamics of increased returns fostered by NGOization and institutionalized advocacy feed proxy publics and in turn how networked governance can contribute to NGOs’ generating stronger public voice and public accountability.

Before elaborating on these arguments, I would like to present briefly what I am *not* arguing. This is to prevent readers from misinterpreting my points and to prevent myself from overstating them.

First, I am *not* arguing that NGOs do not contribute to the public sphere at all. Some NGOs are advocacy organizations that work almost exclusively through public action. Yet the majority of NGOs are much more selective in their public outreach and employ only the occasional strategic communication tool. They are highly strategic in calibrating communication means for specific ends. For the former, generating publics is part of the end in itself; for the latter, it is a tool whose opportunity costs can be high. This book engages with the pulls and constraints that influence NGO public advocacy.

Second, I am *not* arguing that NGOization is always and necessarily bad. The pejorative slant that the concept has received over the past decade (e.g., Funk 2006), which connects the concept to a “sell-out” of movement goals, actually inhibits an analytical perspective that emphasizes configurations and trade-offs; for example, the trade-off between institutional influence and voice, or between professionally stable careers and the navigation of dissent.

Third, I am *not* arguing that engagement in public advocacy will look the same for an urban development NGO and for a globally involved NGO such as Oxfam. Yet I do make the case that all NGOs confront some version of the same pulls and constraints that are embedded in practicing public engagement and advocacy. Steve Charnovitz has identified four pressing issues in the context of internationally operating NGOs that, with some modification, can be applied across the scale, down to the level of urban NGOs: (1) To what degree do legal environments accommodate or inhibit NGO activity? (2) Are governance contexts “rendered more legitimate” if NGOs participate? (3) To whom, and through what kind of procedures, are NGOs being held accountable? (4) How, and to what degree, has NGO participation changed policy outcomes?<sup>5</sup> Whereas policy outcomes are not at the center of this investigation, the first three questions are directly relevant to an assessment of NGOs’ public engagement profiles and can inform NGO research from the transnational to the local level.

Fourth, I am *not* arguing that NGOs are the only carriers of public voice. Generally, we consider the news media to be best positioned to articulate citizen concerns while also acting as an interface with political institutions (see, for example, Koopmans and Statham 2010: 5). Yet mass-media-centered accounts of the public sphere tend to focus on elite-driven discourses in established media “arenas” and, as a consequence, award only passive “gallery” status to the majority of citizens and their organizations. The mass media approach to the public sphere does not leave much room for considering the impact of organizational publics, particularly since NGO action is often not reported in the mass media. If publics are made up of citizens joining together to debate issues of common concern, then the organizational publics of NGOs constitute arenas in which such dialogue takes place (see also Bennett, Lang, and Segerberg 2013). These are arenas, moreover, in which citizens can join in and actively partake instead of watching only from the galleries. It also

<sup>5</sup> Adapted with modifications from Charnovitz (2009: 777).

would be misleading to conceive of these organizational or issue publics as inward looking and therefore rather marginal contributors to the public sphere. In fact, the publics that NGOs are able to incubate might be more active and engaging than the mass-mediated publics of traditional media.

Last, I am *not* arguing that government is always the solution when NGOs avoid public outreach and engagement. Yet the opposite – freeing the state of all obligations toward civil society and, more specifically, toward making sure that NGOs can actually fulfill their function as organizational publics – is equally shortsighted. Government, so the argument of this book, can either limit or help expand the public voice of the nongovernmental sector. More specifically, it can provide incentives for NGOs to practice outreach, to build and engage publics. In effect, states and other governance bodies play a major role in whether NGOs act as catalysts of, or as proxies for, the public sphere.

Before we turn to the argument more systematically, a few definitions and clarifications of the terms used in this book are in order.

#### WHAT ARE NGOS?

There is no single widely shared definition of what constitutes an NGO. Much like the term “civil society,” the NGO has been one of the moving targets of social analysis in that it describes a phenomenon with unclear boundaries, a multitude of self-proclaimed or associated actors, and an equally hazy set of norms and tasks. Some hail NGOs as leading a “global associational revolution” (Salamon 1993), whereas others see them as an “unelected few” with the “potential to undermine the sovereignty of constitutional democracies” (American Enterprise Institute 2003a). They are perceived alternately as principal agents of a new “subpolitics” (Beck 2007), “wild cards” in politics (DeMars 2005), or as publicly unaccountable interest groups of the third millennium (*Economist* 2000).

The term “NGO” was first used in 1945 when the United Nations made a distinction in its charter between the participation of intergovernmental agencies and non-government associated groups. UN provisions cast a wide NGO net, basically registering every private body that was independent from government control, not seeking public office, not operating for profit, and not a criminal organization (Willets 2002). For the UN, the U.S. Presbyterian Church is as much an NGO as the International Transport Workers Federation or the Indian Society for Agribusiness Professionals. It is important to point out that the UN did not discover a