

Researching civiness contexts and conditions: the case of the Portuguese welfare mix in social services¹

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Abstract

This chapter describes the existing arrangements and recent trends of reform in the welfare mix of social services in Portugal, using the analytical frameworks provided by welfare pluralism and governance literatures. It considers the features and trajectory of this southern European welfare state to discuss the contextuality of the conditions for civiness in social services, arguing that the co-evolution of state and third sector has hampered the emergence of a civiness discourse in Portugal. However, new mixes between state, market and society forms of welfare, some of which have been inspired by European social policies, are bringing changes in which the concept of civiness can be perceived.

Introduction

In the current period of welfare state restructuring, new semantics are emerging, old frameworks are being revisited and existing relationships reinterpreted. The traditional competencies of the state, the market, community and civil society are being challenged by new concepts. One such concept is that of civiness, which seems to behave like the ‘joker in the box’ (Baecker 2002): we do not know how it operates, although we can see the results of its operations. Scientifically, the challenge is to research civiness in concrete complex contexts, which are shaped by specific institutional arrangements and trajectories. In order to do this, my choice here has been to relate civiness to a set of relationships that are taking place in the context of the modern welfare state and to the roles of the state and the third sector. This leads me to three interconnected themes which will guide my analysis in this chapter. The first theme is the relationship between civiness and the third sector, since social relationships, organizations and rationalities in this arena have often been associated with features of civiness. The question here is whether a strong third sector contributes to civiness or whether specific qualities must be present in the third sector in order to do so. The second theme is the link between civiness and the idea of a ‘public’,

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which is broader than the interests represented in the state, that is, the notion of a general interest. Even though the notion of general interest is contingent, contextual and disputed, the existence of this semantics helps to give coherence to a differentiated society (Münkler/Fischer 2002), which, ultimately, does not need to agree about everything all the time. Thus, the question arises of which contextual conditions are necessary in the state and civil society for the existence of civiness conceived as general interest. The third theme is a conception of social services as social relationships involving a civic attitude of commitment to others and a sense of community – local, national or global – and mutual respect. This relates to the capacity of the ‘other’ to participate in the definition of the social relationship of care in the context of a community where these relationships are articulated.

In this chapter, I will describe the existing arrangements and the trends of change in social services in the Portuguese social protection system, and the relationship between the state and the third sector shaping and being shaped by these arrangements. Portugal is an interesting case because despite displaying the general features of the European social model, it has not followed the typical path of welfare state modernization that can be discerned in the core European countries (Santos 1991). Portugal has had particular mixes between the state, the market, the family and the third sector that has led some authors to place it in the Southern European welfare model (Andreotti et al. 2001). This case is useful, then, to investigate whether the discourses and practices associated with the idea of civiness depend on a specific trajectory and configuration associated to liberal democratic states and developed welfare states, even as those welfare states are being restructured. In Portugal, the liberal separations between state, market and society are more recent than in many core European countries as a result of Portugal’s recent historical trajectory – a 41-year dictatorship followed by a revolution which initiated the processes of democratization and modernization towards the European social model. Although change was already being made in the 1960s, particularly by the modernizing elites within the political system, the Carnation Revolution of 1974 lent considerable impetus to the modernization of the welfare state. However, the international context was no longer favourable and the national context presented structural handicaps. These handicaps included a lack of industrial development and substantial rural population, the celebration of a culture of isolation and social backwardness by the Dictatorship, a division of work between the state and the Catholic Church which delegated control over many areas of welfare (poverty, health,

social services) to its organizations, and a highly fragmented social structure, with the coexistence of various political models during and after the Revolution. Despite these initial conditions, the country has been approaching the core European welfare states, although some social indicators still reveal major handicaps, particularly relating to poverty and inequality. An important element in this process was Portugal's accession to the EEC in 1986. Recently, Portugal's social security system has begun to depart from its almost exclusive focus on work-related benefits and introduced the guaranteed minimum income, measures against poverty and social exclusion, as well as workfare policies and public-private partnerships, inspired to a significant extent by the European social policy. This adds to the impact of structural funds in promoting infrastructural development, local development, anti-poverty measures, training and qualification, project-led third-sector organizations (TSOs), as well as the insertion of welfare professionals in European epistemic communities.

The case of Portugal exhibits variety in relation to the trajectory of the core European countries, sharing aspects and processes both with the other countries of the Southern European model in terms of history, as well as with some of the newest members of the EU in terms of the accession process. It demonstrates the contextual nature of definitions of the state and civil society, and of the semantics of separation and the idea of civicness.

In this chapter, I use the distinction between provision, funding and regulation developed in theories of welfare pluralism and mixed economies of welfare (Powell 2007). This distinction provides a useful heuristic tool with which to observe the interdependency and co-evolution of the state and the third sector, as well as the way the distinctions between state and third sector have been used in shaping governance and reform in discourses and in practice. I will consider the governance logics typical of the state and the third sector, and consider the growing trend for mixes between the different modes of governance. Inspired by the strategic relational approach (Jessop 2007), I will argue that mixes of the typical modes of governance (Jessop 1998) of the state (command), the market (exchange), the community (love) and of networks and associations (dialogue) can be found within the different sectors, particularly as specific governance logics are being strategically mobilized in the processes of change in specific sectors.

I will analyse the case of social services, where the mixing between state and third sector has been significant. As in other countries, this area has not been at the core of the welfare

state's traditional responsibilities and mixing between the private and public sectors has been common. However, it is also clear that this mixing is growing in importance, specifically due to its framing in certain European policies including the European Employment Strategy and the Lisbon Agenda. Here, I will consider 'social services' to mean those which are institutionalized and placed under the responsibility of the state, or given a more generic quality of public interest and, thus, state-provided, state-funded or state-regulated. This is not to say that other forms of care, such as care which takes place in the family, are irrelevant. Nor does it imply that the specific nature of the state's responsibilities are immutable. As for informal care, there are interdependencies between the 'public' forms of care and the arrangements which take place within families and communities, particularly since informal care and the 'welfare society' have been identified as significant elements of the Portuguese welfare system. However, due to the specific features identified in this welfare society (Wall et al. 2001), I will exclude it from the concept of civicness. As for state responsibilities, any particular group of social services can only be contextually defined after a debate about what is to be considered a collective responsibility. It is this public quality of social care that I will focus on.

The field of social services is undergoing changes in many societies, but these changes seem to pull in opposite directions (Bahle 2003). On the one hand, there is a growing variety of providers, public and private, and the participation of a wider number of state departments and other levels of government. On the other hand, there is a trend towards increasing state control, particularly at the metagovernance level – the level of the organization of governance (Jessop 1998) –, over which services are provided, who provides them and how they are provided. These changes can be seen either as an attempt to restrain the expansionary logic of the welfare state or as a reorientation of priorities and strategies of public welfare.

In the next section, I will describe the existing mixes in provision, funding and regulation in social services in Portugal, with an emphasis on the issues involved in the concept of civicness – namely, the public quality of social services. I will point out recent reform trends which are relevant in the way that they articulate developments in the governance of social services and what the idea of civicness actually involves. In the second section, I will discuss the changes in the relationship between the state and the third sector and how

the current changes are impacting on existing relationships, particularly in the marking of the borders between state and third sector.

This text is based on an analysis of secondary statistical data and legal and other official documents, along with information and statements from the actors involved which have been circulated in the press. I used content analysis of documents and narrative policy analysis as methodologies, particularly devoting attention to the discursive and material aspects provided by the official documents and utterances from different collective actors, in indications of the effectiveness of policies, in the emerging tensions and resistances and in the quantitative data related to policy outcomes.

Mixes in social services: quasi-market, quasi-state, quasi-community

This section will describe mixes in social services, the outcome of these different mixes from the point of view of different governance logics, and the trends of change in these relationships. Even if we regard provision, regulation and financing autonomously as part of a heuristic strategy by which to trace the contours of the welfare mix in social services, in reality these elements interact in many complex ways. What becomes clear is that we cannot place civicism within a particular sector or particular institutions, neither is civicism necessarily the outcome purely of the existence of mixing, including combinations which involve the state and the third sector. On the contrary, these mixes may contribute to producing service relationships which are characterized by the exact opposite of civicism: stigmatization, inequality, injustice, passivity, clientelism and paternalism. It is thus important to consider how the different sectors interact and influence each other to produce the qualities of social services.

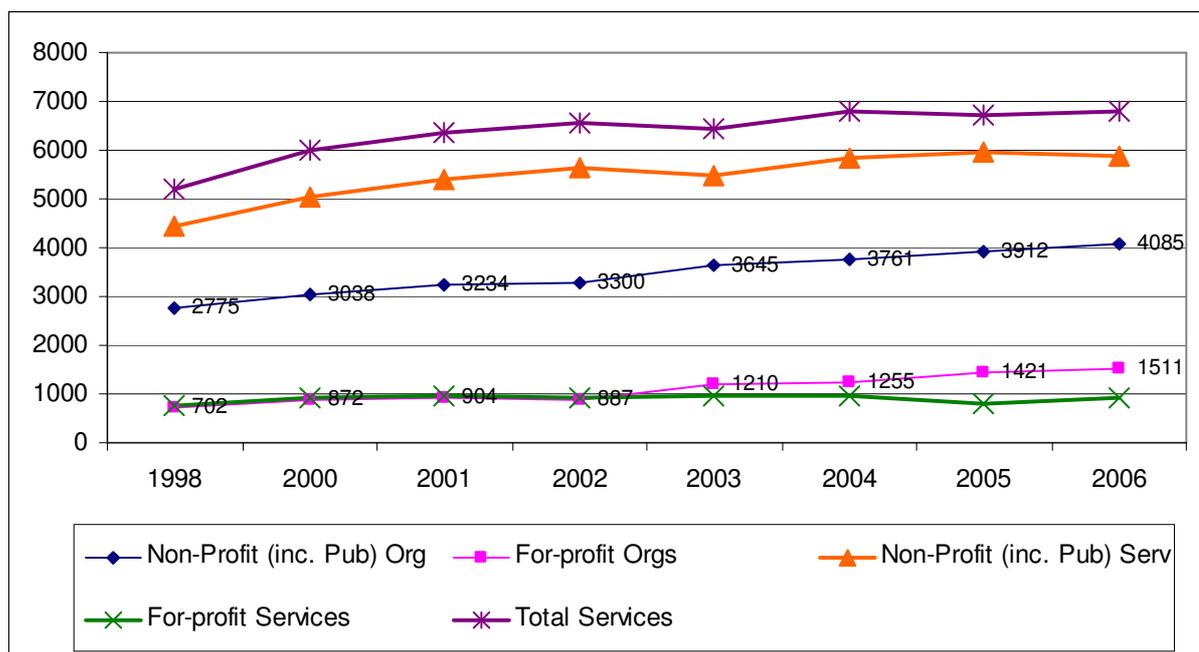
The mixes in provision

Social services were provided mainly by TSOs before a modern system of social protection was set up and this keeps being so. This is in contrast to the situation of health and education services which have stronger state provision. In 2000, 80% of social services were provided by non-profit organizations, 15.4% by for-profit organizations and 4.6% by public services (DEPP/MTS 2000a). Figure 1 shows the evolution in these figures over recent years: an increase of 146 non-profit organizations per year and 178 new services, mostly provided by TSOs. It is revealing that government reports do not distinguish

between public and non-profit provision, merging them under a ‘solidarity network’. However, the public ownership of social services is residual and, in some cases, publicly owned services are managed by TSOs through management agreements.

The decline in the number of non-profit services in 2006 is explained by, among other things, the impact of state policies in the area of after-school care as well as the fall in demand for some services in parts of the country affected by demographic trends². On the other hand, although the commercial sector has more than doubled in size since 1998, this growth has not been followed by a corresponding increase in the number of services because enterprises are very small. This sector has been having difficulty in sustaining its services as exemplified in the fact that in 2005, 19% of for-profits’ services were shut down due to non-compliance with legal demands concerning quality (DGEEP/MTSS 2005). This illustrates the weakness of provision in this sector and the difficulty of expanding commercial provision.

Figure 1. Evolution on the number of social services and providers, 1998-2006

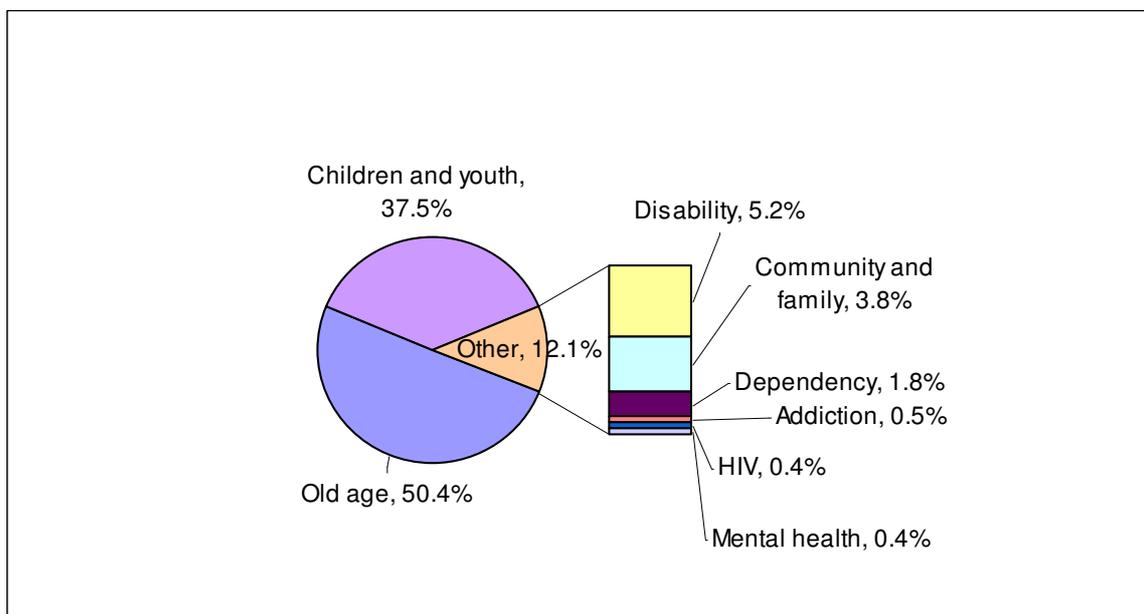


Source: Data from *Carta Social*, GEP/MTSS (2000-2006)

² The increase in the number of organizations despite the closure of services is due to the fact that organizations are not immediately dissolved, or the fact is not reported. The same factor explains the data on for-profit organizations, as the number of services is lower than the number of enterprises.

In terms of the type of services, as shown in Figure 2, services for the elderly are strongly represented – these include day centres, homes or domiciliary care. Children’s services, such as nurseries, crèches, after-school care and childminders are also strongly represented. This type of services, which relate directly to supporting the care work of families, account for 87.9% of total services. In 2000, crèches and homes for older people accounted for 84% of services provided by for-profit organizations and 49% of those of non-profit organizations.

Figure 2. Relative weight of social services by area, 2005



Source: DGEEP/MTSS (2005)

In recent years, under the aegis of the social investment philosophy and as proposed in the European Employment Strategy and the Lisbon Agenda, the Portuguese government, like governments in other countries (Evers et al. 2005), has been promoting the expansion of children’s services by increasing the availability of care services³ and the transformation of care services into education services (in the form of pre-school and after-school activities). State investment in services for the elderly is also increasing to match unmet demand related to demographic trends, and is also meeting new objectives and services. In all these cases, the existence of mixes in provision was retained or widened to include other actors

³ In the National Action Plan for Social Inclusion the government committed to doubling available places in crèches to match the Barcelona target of 33% (as it is mentioned) and, in the National Employment Plan, it committed to reaching 90% coverage in pre-school – also the Barcelona target - and 100% for 5 years old children.

such as for-profit providers and local authorities, and stronger mechanisms for the coordination of existing providers were put in place by the state.

The third significant group of services is for people with disabilities, namely occupational support, homes or domiciliary care. Important providers in this area are parent associations, professional associations and cooperatives for people with learning disabilities, the latter being the best example of social enterprises in Portugal (Perista/Nogueira 2006). Services to tackle poverty or social exclusion and advocacy services are residual. None of these areas had been a priority of the public system until recently, and the mobilization of public opinion around these issues has been weak, although the role played by specific TSOs to include them on the political agenda has been crucial. Both mental health services and services for people with HIV/AIDS are often provided by TSOs which are led by users and advocate their interests. However, they are also weaker in terms of organizational capacity, have an historical lack of recognition by the state (Lopes 2001), and suffer from the lack of public investment and responsibility in this areas. Large bureaucratized non-profit organizations are also developing new services and projects alongside family services, for instance in providing support to victims of violence or establishing community projects in deprived neighbourhoods.

To sum up, significant investment is going into services to support working families in the context of an economic model traditionally based on low wages, feminized economic sectors and the dual-income family. Many of the services that directly address the social exclusion of specific groups are relatively new and less developed, and this is reflected by the low priority given to the poverty and social exclusion agenda before the first European anti-poverty programmes (Rodrigues 1999). Furthermore, if the state fails to acknowledge and support provision, TSOs can hardly flourish given the scarce resources of the bulk of the population and the lack of any philanthropic and volunteering tradition (Franco et al. 2005).

The identification of gaps in provision was made possible with a governmental tool consisting of a database that included information about all the services and providers (called *Carta Social*). As the state acknowledges more responsibility, other features of provision also become more problematic, such as the territorial distribution of provision. While some municipalities are well above the national average in terms of coverage of the population, others – particularly the big cities – are well below. For instance, in the case of

child care the range of coverage is 7% to 125%, with a national average of 22.3%. In services for the elderly the range is 5.6% to 63% with a national average of 11.1% (GEP/MTSS 2006). Although there are also demographic effects, such as population ageing and migration, the local logic for setting up these services has contrasted with the rationality of public provision which prioritizes national cohesion. Non-profit services often emerge as a result of local identity issues, local capacity and the role of local leaders.

On the other hand, as the state assumes more regulatory control over provision and reorients priorities, the existing relationships are challenged. This has been apparent in recent changes towards transforming a section of children's care services into universal and free education and placing these services under the responsibility of the Ministry of Education. This has given rise to problems for non-profit providers and tense political relationships, though there were at times positive effects for the public interest. In one case, the generalization of pre-school care led to the extension of the availability of existing care services provided by TSOs to public schools. In another case which involved a two-hour increase in primary school hours, many non-profit organizations providing after-school services were threatened with the possibility of closure. With some organizations struggling for survival, one of the TSO's confederation promoted a petition to change the law, which included demands revealing a mix of logics such as users right to choose the provider, the assessment of the new services according to the same criteria as those in place for the TSO-provided services, the preference for TSOs as providers, and a quite novel demand for universal and free access to pre-school care, education and after-school care. In these two cases the changes did not imply any increase in direct state provision, but rather more mixing of providers – particularly in the second case, since commercial providers for the additional hours were often preferred to the non-profit organizations.

The mixes in financing

In the 'social action' section of the Social Security Budget of 2005, 76% of all expenditure was related to *cooperation agreements*, the contract-type arrangements between the public administration and the organizations with the status of IPSS (Private Institutions for Social Solidarity) for the provision of social services. For each organization, these cooperation agreements stipulate which service is to be provided – from a limited range of services –,

the number of users and the rights and duties of both state agency and provider. For TSOs, they also include transparency rules, the amounts payable and other aspects related to their duty of assisting lower-income groups. Once established, the agreements remain in place indefinitely, unless serious problems arise in terms of lack of compliance or if the government decides to discontinue the service. Despite this privileged relationship between IPSS and government, the data from the Johns Hopkins Comparative Non-Profit Sector Project in Portugal shows that non-profit organisation's income from private sources, particularly fees, totals 66%, while government subsidies represent only 36% and philanthropy 7% (Franco et al. 2005). Because of the significant proportion of user fees, Portugal is quantitatively closer to the funding mix of liberal welfare regimes like those of the US or the UK (Ferreira 2006).

In considering the governing logic of the funding relationships, we also observe rather complex mixes. Under the terms of the typical cooperation agreement, the state pays a fixed amount per user (which is annually nationally agreed with the main associations) for a specific set of services. Organizations charge fees to the users according to their family income and there are 'non-mandatory' public guidelines to establish what proportion of the user's income should be used as fee, with variations between services. In the best situations, organizations have a quota for the various income levels and operate on the basis of internal redistribution, so that low-income users can access the services. In these cases, a maximum number of lower-income users is set. Thus, access to the services depends on a number of factors: the balance between the pressure to attend to the most in need, the amount of funding that is allocated by the state, the resources and needs of the clients and the specific community, the organizational survival strategies and the relationships between the local population and leaders of the organization. All these variables that go towards shaping concrete circumstances are not prone to the establishment of a single institutionality for civiness, but may create the opportunity for local solidarity and quality concerns, provided that lower-income users or the more expensive needs are not creamed out. Access to the services depends on a mix of norms and particularistic relationships. Generally, users interact directly with the TSO, which decides whether the user can access the service and the amount of the fee. Normally, this decision is made on the basis of the tax declaration, but local knowledge and moral considerations about the user and his/her family are also taken into consideration.

Even if they are highly reliant on market resources, the services provided by non-profit organizations are different from those offered by the commercial organizations. Comparative data from 1998 shows that in many cases, non-profit fees are lower than the for-profit charges, with differences between services. The biggest difference lies in the minimum values charged to the users, meaning that people with lower incomes can only access the services of non-profit organizations. In pre-school care, for instance, the minimum charge levied by for-profit organizations was ten times higher than the fee of non-profit organizations. As for the maximum fee, a substantial number of non-profit organizations were charging the same amounts as for-profit organizations. In elderly homes, the difference in the minimum payment was around eight times higher in for-profit organizations, while the maximum fees of non-profit organizations were about half of the maximum fees of for-profit organizations (DEPP/MTS 2000b). The effect of the state transfers is thus very evident in reducing the prices of non-profit organizations, even if user payments still play an important role. The internal redistribution operated by TSOs means that they compete with the commercial providers for the same higher-income users.

It is now publicly acknowledged that these arrangements create negative outcomes, both in terms of a state rationality and of the sustainability of organizations and their public interest status⁴. A report by the Court of Auditors (Tribunal de Contas 2001) made it officially known that the contractual arrangements between public administration and the TSOs raised problems of justice and accountability, specifically in terms of fairness and equity of access. The report stated that the state was unable to determine who benefited from the services that it was impossible to guarantee that beneficiaries were those most in need, that organizations were discouraged from focusing on the most disadvantaged groups of the population and territories (since the amount paid by the state fails to take account of the differences between users and territories).

The growing acknowledgement of these problems has meant that some attempts at changing the funding relationship are underway. There was a Compact in 1996 between the government and the three representatives of social services TSOs, which, however, failed to make much impact and, more recently, there was the annual cooperation protocol, signed between the government and the three national peak organizations which states:

⁴ Research noted similar issues, see Hespanha et al. 2000.

Given that all citizens should have equal access to social services, this new model of financing, through direct state support to families according to family income, aims primarily at facilitating the increased access of those citizens with less resources to social services, making state support to families most in need more transparent, and reinforcing the principles of equity and social justice.

To implement a new financing model which prevents negative discrimination in access to services, it is fundamental to establish clear rules about how families are supported by the state as well as the way families participate in financing the various social services⁵.

The principle of direct subsidies to families is contentious as it threatens TSOs and the model of the relationship between the state and organizations. The major peak organization claims:

There has been talk about subsidizing families. Let us discuss how to take the family into consideration when we define the frameworks to support organizations, so that these can continue without major changes in providing the services that families and communities need. When the state finances a service, it acknowledges duties and acquires obligations: to support the organization to which it grants social and civic competencies and to which it delegates responsibilities (CNIS n.d.).

Little, then, seems to have changed in the semantic competition for the privileged relationship with citizens. In practice the measures that have been implemented so far have consisted of introducing a variation in the amount paid per user according to the intensity of the user's needs and the nature of the services provided, although reforms are still underway.

The mixes in regulation

Whether social services are social rights has traditionally constituted one of the cleavage lines between the political left and right in Portugal. After 1974, political programmes pointed to universalistic models which were operationalized through various pragmatic mixes with different outcomes in different sectors of the welfare system. The social services sector, with its predominance of non-profit providers, was brought under the aegis

⁵ Cooperation Protocol from 2006 between the Ministry of Work and Social Solidarity and the National Confederation of Solidarity Institutions, September 2006.

of the same local bodies of the national public administration, called Social Security, that managed contributory and non-contributory benefits . Social services played a residual role in the public system, managed by a sub-sector of the social security administration called ‘Social Action’, which organized its relationship with users according to a discretionary logic.

Since the mid-1990s, an attempt has been made to change the governance logic in the field of social services through the use of new governance tools and, particularly, of a mix of these in the shadow of hierarchy, that is, coordinated by the national state. This has been accompanied by the explicit formulation of social services as social rights and a stronger regulatory role for the state. The 2000 Social Security Act stipulates that the state will coordinate a network of public and private non-profit providers, that ‘Social Action’ is a state responsibility, and that provision is carried out by public providers or in cooperation with private non-profit providers under state planning. The guiding principles for this provision are the satisfaction of basic needs, prevention, equity and social justice, social development, contractualization, personalization, selectivity and flexibility, partnership and volunteering. These are all characteristics that we can recognize as the institutional conditions for civiness.

These changes are part of a wider international trend (Bahle 2003). As states acknowledge that provision can be carried out by private actors, it strengthens its own role in coordinating and monitoring provision, and framing the features of social services. Many of these policies take place at the metagovernance level, which allows decentralization without loss of control. Responsibility is transferred from central government to local government and governmental capacity is distributed to a range of actors at the local level through partnerships.

These trends are well illustrated in the reframing of the principle of subsidiarity, which has only now been explicitly mentioned in social security legislation despite being present for much longer, not least because it constitutes a central element in the social doctrine of the Catholic Church⁶. Thus, in the 2007 Social Security System Act, the principle of subsidiarity means that it is the state that defines the objectives:

⁶ Catholic Church organisations and church inspired organisations have a strong presence in social services TSO (Capucha 1995).

The principle of subsidiarity is based on the acknowledgement of the essential role of people, families and other non-public institutions in pursuing the *social security objectives* [my emphasis], namely in the development of social action (Lei 4/2007, January 16th).

The state has used two main mechanisms to shape the nature of the services provided by TSOs. The first is to guarantee that TSO's workers are qualified – this forms part of the conditions for the cooperation agreements. The intended effect is institutional isomorphism with the public sector through introducing principles of provision that privilege techno-professional norms. The second mechanism by which the state shapes TSO-provided services involves the use of cooperation agreements. Typical cooperation agreements – which are the subject of national negotiations between the government and the peak organizations – concern only a limited range of services such as crèches, after school care, childrens' homes, elderly homes, day centers, domiciliary care, centres for occupational activities and supported housing for people with disabilities, which are the substantial part of social services as seen before. These services are highly regulated through guidelines which include norms on the numbers and qualifications of staff, on space distribution, on the provision of care, on the relationship with users and so on. These norms also produce institutional isomorphism. Nevertheless, mechanisms are in place for more flexible and less standardized provision. These are known as atypical cooperation agreements and allow the specificities of provision to be taken into account and, ultimately, the capacity of users to participate in defining the nature of the services according to their needs and aspirations, depending on the internal governance of the TSO. However, these contracts are harder to elaborate and negotiate, and depend on highly developed technical skills, good relationships, and closely monitoring the services. The services are developed on a one-to-one basis and regulation is displaced from the national corporatist arrangements to the level of the specific relationship between the TSO and the local public agency. These arrangements are in place for services for people with disabilities, mental health services, community services and support for people with HIV/AIDS or drug abuse, which are the residual part of the social services subsystem.

Notwithstanding the existing regulations, there was a lack of control over the quality of services, which became increasingly unacceptable by the state and the public. In 1998, a more proactive scrutiny body began regular assessments in cooperation with the peak

organizations. These assessments, in addition to monitoring quality, also brought to light practices of mismanagement, non-compliance with the contracts and the abuse of user's rights in some organizations. This led to a more critical public view of social service provision, and pressure on both the government and providers.

There has recently been a debate on quality assessment and certification for all types of organizations – public, profit and non-profit. There are several competing initiatives by consultancy enterprises, peak organizations and individual TSOs and the government producing quality standards and quality measurement procedures which may jeopardise attempts at state regulation. Nevertheless the government, in cooperation with the peak organizations produced a 'Cooperation Programme for the Development and Quality of Social Services' which has led to the publication of some models for quality assessment which are to apply to all types of providers. The norms of quality published in the context of the governmental quality programme are illustrative of the changes underway, although it remains to be seen what will actually be put into place. The quality models create a differentiation between mandatory elements and voluntary elements, the former being a condition for entering into cooperation agreements and the latter assigning a 'quality mark' to the organisation. It is at this level that many often claimed attributes of the third sector are to be found while at the mandatory level we find attributes theoretically more typical of commercial enterprises. For instance, in the case of the model for day centres for older people, the mandatory level includes current norms of quality, health and safety, and new elements that regulate the relationship between the organization and the user, such as Individual Development Plans. These Individual Development Plans are monitored and regularly reassessed by all those involved, with client satisfaction taking priority. They create the possibility of changes in the content or price of the services. At this mandatory level, there is also a stronger emphasis on the management of organizations (e.g., having a document stating the mission, vision, values and quality policy), labour legislation, communication channels and working meetings, strategic and operational objectives and action plans. The voluntary elements for day care centres emphasize the efficiency of processes, user participation, the involvement and participation of families, and matching the expectations and needs of clients, workers, providers, partners, the community and the wider society (ISS/MTS 2006). They epitomize 'good practices' in the management of organizations, such as the participation of all stakeholders, accountability, motivation on the part of workers, social responsibility and partnerships. At the level of the specific

service provision, what is valued at this voluntary level is the co-production of services, volunteering and personal development activities, the involvement of clients in assessing the overall service and indicators of and processes for improvement. It also includes other service quality indicators such as the satisfaction of users and workers, the participation of workers and users in assessment and improvement processes, the participation of the community in the activities of the service, the assessment of the impact of the service on the community, environmental concerns and benchmarking.

This model of quality is exemplary of the current mixes and particularly of strategies for mixing elements typical of one governance mode with another. It is presented explicitly as a market mechanism to support state objectives and seeks to go beyond the aspirations of the community. Two main ideas can be picked out: the first is the metamorphosis of ‘citizen’ into ‘client’ which the document creates. In the paragraph entitled “Focus on the citizen/client”, it is stated that “the client is the final referee of the quality of the service and clients’ loyalty, like their retention and increases in market share, is best maximized through a clear focus on the needs and expectations of current and potential clients” (ISS/MTS 2006); the second is the reframing of the relationship between the state and the community in a paragraph entitled “public responsibility”: “the long-term interests of the organization and their staff are better served if an ethical approach is adopted and the expectations and regulations of the community are largely exceeded” (ISS/MTS 2006). It is this mix between market and state governance, then, which mitigates the shortcomings of the elements of community governance present in the social services system (amateurism, particularism, paternalism⁷).

Changes in the borders of social services’ governance

Many of the arguments used to justify the place occupied by the third sector in welfare have implied the establishment of a separation between state, market, community and the third sector, which welfare pluralism has helped to support (Perri 6/Leat 1997). However, in recent trends – described as ‘the shift from government to governance’ – new methods of public management and the increasing role of for-profit providers point to the need for a new justification of the role of the third sector. However, besides the specific tensions associated with the changes in existing relationships, there are contradictory trends in

⁷ The aspects pointed out by Salamon (1987) as voluntary failures.

policy. The most obvious of these is that which, at the same time as blurring the roles of public, private and third-sector providers and the framework in which they operate, also rearticulates these differences by making an appeal for shared responsibility between the three sectors in the governance of welfare.

I will now consider the trajectory of the governance mix in social services in Portugal. This section will examine the trend towards the growing separation between service and provider, which is also present in the idea of civiness as a quality of social-services relationships which has no specific sectoral setting although it can have its own institutional conditions.

During the dictatorship, non-profit organizations, which at that time had the status of ‘administrative public utility’, were delegated the task of organizing and providing social services. The government intervened in the boards of the organizations but hardly intervened in the governance of services, since the subsidiarity principle meant that the state had a supplementary role. After the revolution in 1974, when the system of social protection based on the notion of social rights began to take shape, the first framework for service-provider TSOs placed them under the aegis of the welfare state – which, in any case, the TSOs also helped to shape – , but removed state control over the boards. In the context of the statist emphasis, the first statute of the IPSS, in 1979, defined the identity of the TSOs and placed them within the social security system, under state control over services and organizations⁸. The cooperation framework also included close monitoring of the organizations’ activities by public officers with the power to propose changes to services, to define or support the staff qualification plans of the organizations and, if requested by the organizations, support the launch of new programmes, support the administration and evaluation of the organization and even the design of the organizational action plans. Soon, organizations were pressing for greater autonomy, which coincided with a change in policy orientation towards a residual role for the state in welfare. During the first half of the 1980s, the statute and the framework of the cooperation agreements were revised. In the statute, organizations were removed from the public system and in the cooperation agreements, the supporting role of public agencies, the obligation to accept users according to state guidelines and the obligation to comply with the norms regarding

⁸ The Statute is ascribed to organizations which contribute to the objectives of the social security system or the health system, which includes specific social services, and have the organizational form of association, foundation, mutual or Catholic Church organization.

quality and staff were removed. Responsibility for services and governance was put in the hands of the organizations, but the state retained most of the financial responsibility, as organizations were 'entitled' to state funding in 70% to 80% of the cost of the service, unless they could find additional funding. The rest was to be covered by users payments.

In the late 1980s, the government increased the centralization of control and strengthened the mediating role of the national representatives of the TSOs. This was done by negotiating and signing the annual protocol that governs the provision and by sharing the governance of social services through participation in consultative bodies and in policy development. However, the corporatist relationship is tense and often emerges through the discourses mixed with elements of other governance logics. The TSOs claim that the statute of the IPSS implies excessive state control over them and that this control is only appropriate in the case of the services that fall under the cooperation agreements, which should be treated as market-type contracts. On the other hand, under the semantics of community and the subsidiarity principle, they claim their 'right' to state funding and to take priority in provision, on the grounds that it is the responsibility of organizations to 'help' and that they must be enabled to do this.

As described previously, recent policy changes, particularly since the mid 1990s, have included an acknowledgement of the varying types of providers along with a strengthening of state metagovernance. This shift was marked by the separation between service and provider in 1997. For the first time, the services of profit and non-profit organizations were grouped within the same licensing framework for health and safety rules and the same specific service requirements were applied concerning space, staff and the number of users. The services, and not organizations, were given the status of 'public utility'. Thus, under the new framework, it is increasingly difficult to argue that the organization is of public interest simply because of the services it provides, which is in conflict with the statute of IPSS whose revision has also been a contested issue. Furthermore, as the quality framework for social services shows, even the qualities normally ascribed to TSOs as part of civil society are no longer exclusive to the TSOs, and may be present in any type of provider. However, the voluntary aspects of this framework, which we could associate with civicism in social services, have been removed from the core of the service relationship between the state and the providers. The voluntary aspects are considered in

isolation from the mandatory elements, and recognized with a 'quality mark' which in practice has no concrete implications.

At the level of the service relationship, the separation between service and provider means that there is generally an increasing propinquity to the governance logic typical of the market. This is used strategically to manage the stickiness of the existing relationships in this area, particularly as these conflict with the new public objectives. Simultaneously, there are other policy trends which can be described by the 'shift from government to governance and metagovernance', particularly in the case of the local partnerships for policy development. These partnerships include public administration and TSOs as privileged partners. The best example is the national programme of the *Rede Social* (Social Network), a policy partnership established at the local level. The *Rede Social* identifies local needs, establishes priorities, develops medium-term strategies, makes decisions regarding local provision and coordinates work between partners. But these innovations also impact on traditional corporatist relationships. Third-sector service providers are no longer the only privileged partners and there is a broader agenda, including an orientation towards the local community, local development and the fight against social exclusion. This also means that the TSOs must look beyond their interests as providers or beyond the interests of the specific group they serve, and incorporate the wider local interest. However, local solidarity, participation and civicness do not emerge simply because partnerships are in place, but depend on the local context. In some cases, then, partnerships may restrict the number of actors playing the community governance role to those which are interested in and capable (resourced, skilled) of participating, and thereby reproduce corporatist arrangements or reinforce the power of certain actors. The partnerships themselves are a stage in the local struggle for control over the field of social services, particularly in the context of competition between the different providers. Organizations which do not usually see themselves as part of the public sphere may develop an attitude which is purely instrumentalist and self-interested, rendering the development of any idea of a local common interest impossible. The partnership may become a purely formal exercise in complying with the demands made by national government and does not necessarily reflect any real desire to be effective and implement real change.

Conclusion

The previous sections have described the mixes in social services in Portugal. The case of Portugal includes complex arrangements for the provision, financing and regulation and mixes of governance logics in state, community and market. It also reflects historical trajectories with the path-shifting trends of a society in the process of modernization, reinforced by the process of 'Europeanization'. Underlying this case is the idea that the structural conditions, the institutional framework and the relationships between the actors are all of importance in a discussion of the possibilities of civiness in social services in concrete social systems. Our conception of civiness thus implies that social services are inserted into the framework of the 'imagined' public interest, as represented by the state, and that civil society actors contribute to framing civiness in an inclusive way. Social services in the Portuguese welfare system are undergoing modernization, recently having been framed by a semantic of rights and social justice between groups and territories, but this is happening under a new policy framework for welfare, more attentive to the aspirations of users. However, it is 'modernity', here conceived of as including liberal separations under functionally differentiated systems, which seems to lack in the relationship between the state and the third sector. The place of the third sector in the Portuguese welfare state is contradictory because it occupies a central role in the state as the main provider and has an important role in the regulation of social services but has, at the same time, a conflicting relationship with principles of state regulation. We can discern a pre-modern version of the subsidiarity principle, one that does not incorporate a notion of the public sphere but aims to shape definitions of the public interest, placing relationships between providers and users in a private sphere. Furthermore, the discourses of antagonism and separation between the state and the third sector disguise the fact that state and third sector are in fact co-evolving and mutually shaping each other. It is thus also clear that the existing mixes serve important purposes: 1) it is helping to reduce the care responsibilities of women, allowing them to enter the labour market more easily, which will contribute to making Portugal an atypical case in the Southern European welfare model (Trifiletti 1999); 2) it is helping alleviate pressure on wages by allowing the possibility of the dual breadwinner model in a low waged, low qualified labour market; 3) it is allowing the state to maintain its legitimacy as a welfare state without incurring the costs of the equivalent financial investment or the responsibility for the way services were being provided; 4) it is reproducing the situation which has traditionally characterized the Portuguese welfare state, whereby citizenship is associated only with the condition of being a worker while

leaving significant gaps for the remaining population; 5) it is creating a substantial TSO sector to provide core public services, characterized by a hierarchical standardized nature of state governance mixed with elements of community and market governance.

The prevalence of social inequalities and the ineffectiveness of social benefits in reducing poverty and inequality in Portugal (Ferreira 2006) raise doubts about the existence of a civic culture of concern for a general other, as well as the conditions for the development of such a civic culture. Oorschot/Arts (2005) find that the indicators of social capital which relate to participation in associations, political engagement and trust tend to be found in more generous and egalitarian welfare states, whereas the indicator of social capital which is strong in Portugal is the reliance on family networks, which is not a good substitute for welfare in the notion of civicism. Nevertheless, we can find signs of change in social services and in the relationship between state and civil society, with conceptions of rights in new areas, a public opinion that is more attentive to issues of quality, policies of devolution, local partnerships, community participation and other initiatives that are creating new public spaces and broadening the participation of civil society actors. In many of these new arenas, there are new participants alongside the old participants and new needs and issues may emerge. At the level of metagovernance, the state plays a central role, in shaping these new arenas by defining: who are the members and the stakeholders, where does accountability lie and which accountability rationale will prevail, how are these networks of governance interconnected and connected to the national and the supra-national levels, what is their remit and their real capacity to shape the conditions for their success. Interestingly, in Portugal, stronger state regulation and a broader assumption of state responsibilities seem to have been made possible through the alchemy of governance mixes. This mixing has allowed the destabilization of the existing institutions by establishing institutional ambiguity (Hajer 2003). This may help to render institutions less sticky. However, the conditions for civicism in social services remain to be seen at the level of implementation, and also depend on the emergence of a discourse on civicism which still lacks a place to be originated.

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