

University of Strathclyde

Department of Strategy and Organisation

**The legitimacy of NGO labour migration
advocacy work with the State under
neoliberalism**

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**Submitted in fulfilment of the requirements for the degree of
doctor of philosophy**

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Abstract

The legitimacy of labour migration advocacy work with the State under neoliberalism: perspectives from four NGOs and a broader expert sample

Against a backdrop of an increasingly globalised capitalism, the great recession and a new State administration, this empirical study brings together literature on NGO legitimacy, the State, and neoliberalism to examine the legitimacy of labour migration advocacy work in non-governmental organisations. Based on interviews with 39 people, the research examines the work between two large international development charities, two medium-sized organisations and the British State.

From the perspectives of managers and managing directors across the organisations, the study highlights new legitimacy practices that have developed as a result of working with a different administration. Yet only by considering the nature of legitimacy and understanding why it is now more of a vital feature than before, in the interaction between organisation and State, can this research raise deeper advocacy questions about the role of the State in labour migration advocacy work in NGOs.

The multi-layered conceptual framework of the thesis is brought together to examine the legitimacy of advocacy work in a neoliberal political economy, where the State is the key actor and is bound by a realist social ontology. The interest in Karl Marx and Ralph Miliband stems from the belief that access to the economy is a key way to improve other important aspects of life.

Table of Acronyms

ARI	Anti-Repression International
BCI	British Crisis Intervention
CBOs	Community based NGOs
COMPAS	Centre on Migration, Policy and Society
CR	Critical Realism
DFID	Department for International Development
EBSCO	Research database
EEA	European Economic Area
EER	European Economic Region
EU	European Union
GATT	General Agreement on Tariffs and Trade
GRAMNET	Glasgow Refugee, Asylum & Migration Network
GRO	Grass Roots Organisation
ILO	International Labour Organisation
IPPR	Institute for Public Policy Research
JSTOR	Digital library of academic journals
KWNS	Keynesian Welfare National State
MEP	Member of the European Parliament
ML	Migrant Link
MP	Member of Parliament
MRN	Migrants' Rights Network
NGO	Non-Governmental organisation
NHS	National Health Service
PBS	Points Based System
PD	Poverty Development
SRC	Scottish Refugee Council
TUC	Trades Union Congress
UK	United Kingdom
UN	United Nations
WWF	World Wildlife Fund

Glossary of Key Terms

Net cap on immigration

The net cap on immigration is a policy which was introduced and implemented under the Conservative-led coalition. It imposes an annual limit on non-EU migration to the UK. The government's target is for immigration from outside the EU to be reduced to 'tens of thousands' by the end of the current term of Parliament (2015).

New Labour

New Labour is the term given to the new direction the Labour Party took under Tony Blair's leadership. Blair was responsible for the manifesto, "New Labour, New Life for Britain" in 1996, which was seen to modernise or to be the modernising agenda of the party. In 1997, New Labour won the UK general with a landslide victory. Under New Labour, Prime Minister Blair gave new direction to the country, e.g. through introducing the National Minimum Wage. Labour was re-elected twice, finally losing power in 2010.

Points Based System

The PBS is the current system of immigration control within the UK. It was phased in by the Labour Party between 2008 and 2010. The PBS covers migrants from outside the EEA and Switzerland who require leave under the immigration rules to work in the UK. Under the system, migrants must pass a points assessment before they can work in the UK. The system operates using a 'tiers' system, with different requirements applying depending upon the tier the migrant falls within.

The Conservative party

The Conservative party defines itself as a centre-right political party, whose current leader is Prime Minister Cameron. The Conservative party is one of two main political parties in the UK, along with the Labour Party. It espouses ideals of conservatism and British unionism. It is the largest political party in the UK, and is the leading party in the current Conservative led coalition.

**The
Conservative-
led coalition**

In the May 2010 UK general election, no one political party gained a majority in the House of Commons in Westminster. Therefore, a coalition government was formed between the Conservative Party and the Liberal Democrats. David Cameron, a Conservative MP is Prime Minister, and Nick Clegg, a Liberal Democrat MP is Deputy Prime Minister.

**The Labour
Party**

The Labour Party defines itself as a centre-left political party, whose current leader is Ed Miliband. Along with the Conservative Party, it is one of the two main political parties in the UK. The Labour Party was last in power from 1997 – 2010. It was originally formed as a means for the trade union movement to represent itself at Westminster.

**The Liberal
Democrats**

The Liberal Democrats Party defines itself as a socially liberal political party, whose current leader is Nick Clegg. It is the third largest political party in the UK and is currently a coalition partner in the British government.

Contents

Declaration of authenticity	I
Acknowledgements	II-III
Abstract	IV
Table of Acronyms	V
Glossary of Key Terms	VI-VII
Contents	VIII-XII
Chapter 1: Introduction and overview	1-18
Thesis outline and summary of study	12
Significance of research	16
Research aims and objectives	17
Chapter 2: The foundations of NGO legitimacy; developing a basic framework	19-65
Introduction	19
Research on legitimacy	23
Institutional legitimacy	24
Definitions and cultural endorsement	28
Representation, accountability, and knowledge in advocacy work	33
The third party conundrum	44
Exploring the NGO-Neoliberal link: developing a contextual element through critical examination of papers	50
Summary	63

Chapter 3: Neoliberalism, State administration and immigration policy	66-97
Introduction	66
Definitions and roots of neoliberalism	69
The birth of neoliberalism in the UK	78
Thatcher and the Conservatives	81
New Labour and Labour administrations	85
Policy under Cameron: a move away from liberalism?	90
Summary and building of framework	92
Chapter 4: The State; a key actor in advocacy work	97-127
Introduction	97
Marx and class-based theories	101
Formulation of instrumentalist and structuralist theory	106
The structural position and the social relation	109
The instrumental position and the dominant class	111
More recent structural work	114
Weber and State-centred theory	117
Post-Marxist theory	121
A critique of the theories and summary of conceptual framework	123

Chapter 5: A real and qualitative methodology	128-152
Introduction	128
Ontological and epistemological position	128
The Object: NGOs, the State, and legitimacy in labour migration advocacy	131
Methodological overview	134
Interviewing technique and rationale	135
Sample Composition: Organisations, people and phases of empirical data collection	137
Sample and limitations	143
Ethical concerns	146
Reflexivity and the interest in NGOs and advocacy work	148
Summary	150
Chapter 6: Advocacy organisations under neoliberalism	153-175
Introduction	153
Anti-Repression International	154
Poverty Development	159
Migrant Link	164
British Crisis Intervention	168
Summary	172

Chapter 7: Advocacy regimes, interaction, and the coalition administration	176-194
Introduction	176
Key State advocacy platforms	178
The pace of change and Labour's reflection	187
Summary	192
Chapter 8: Legitimacy in the nexus of administration change	195-216
Introduction	195
Turning away from advocacy work?	198
Collaboration, knowledge and representation in advocacy work	205
Evidence in advocacy work: the key performance measure?	208
Summary	213
Chapter 9: The State-labour relationship. Ethical concerns, legitimacy, and immigration policy: A comparative analysis	217-243
Introduction	217
Moral authority, legitimacy and immigration policy	219
Summarising the manager's perspective: legitimacy and the State-labour relation	225

What a broader sample think about NGO advocacy work, immigration policy and the role of the State	229
Summary	241
Chapter 10: A discussion on the legitimacy of advocacy work with the State in a neoliberal political economy	244-261
Chapter 11: Changing legitimacies in labour migration advocacy work? Conclusion, final reflection, limitations, omissions and extending the research	262-276
Appendices	276-302
References	304-333

Chapter 1: Introduction and overview

The growth in size and complexity of NGOs has uncovered management challenges and social, political, and economic issues that threaten their distinctiveness and effectiveness (Lewis, 2003). Despite this, Davidson (2006) suggests they have been subject to little research. Such inattention may be ascribed to the heterogeneous nature of NGOs (Grey, 2006) and justifies the focus and objectives of this PhD project.

All NGOs need to manage work across three main areas: the organisational domain of internal structures and processes; development activities, often in the form of projects, campaigns or services; and the management of work with institutional actors, such as the State, the private sector, other NGOs and organised components of communities (Lewis, 2005, p.9).

The thesis rests firmly in the area of managing legitimacy with institutional actors. It examines the changing nature of legitimacy in advocacy work with the British State from the perspective of four organisations. Collectively, the NGOs have broad advocacy interests, but the study is concerned with a form of advocacy that focuses on migrants' rights and immigration policy, which is known as labour migration advocacy work.

Against the backdrop of new administration, a changing policy environment, and an increasingly globalised capitalism, the study brings together the literature on NGO legitimacy, the sociology of the State, and the neoliberal

political economy, to frame the voices of managers across the organisations. Drawing upon upon 39 rich qualitative interviews with managers and managing directors, and a broader expert sample, the PhD is the first empirical study to consider the legitimacy of NGO labour migration advocacy work with the State in a neoliberal political economy.

The NGOs engaged in the study vary in size and scope and in terms of recognisability; however, each organisation works with the British State. They are two large development charities and two medium sized organisations.

The former, hereafter Poverty Development (PD) and British Crisis Intervention (BCI) are international development charities focusing on poverty reduction and destitution. The latter, Anti-Repression International (ARI) and Migrant Link (ML) are specialist human and migrants' rights organisations.

By conceptualising organisational legitimacy and the State and considering the changing patterns of interaction between them, the PhD documents how a shifting empirical immigration policy context, supported by changes in State administration and high government, affects the organisation of legitimacy.

The thesis also documents how the relationship between the State and worker is core to understanding advocacy work and provides an account of the actors and factors that shape it today.

Part of the rationale for this study is the sophistication of the work of labour migration advocates in NGOs which is rarely written about. The lack of literature is surprising because the profile of NGOs has increased steadily among policy makers, activists and researchers, in both the wealthy

industrialised countries of the 'North' and among lower income countries of the 'South' (Lewis, 2007). Forming part of what Salamon (1994) calls a 'global associational revolution', so called because they form an important arena of social, economic and political activity, NGOs have come to be seen as part of an emerging civil society which serves as a counter-weight to the State and the market. Yet this is not without issue, for academics or practitioners.

A concern with the literature on these important organisational forms is that discussions on them have tended towards the descriptive rather than the analytical. They reflect a focus on individual cases and a prescriptive and normative tone (Clarke 1998; Stewart 1997; Najam 1999; Lewis 2004; cited in Lewis, 2014). The research agenda also has a history of being largely donor-driven, which has manifested little interest in the complexities or dynamics of NGO action (Clarke, 1998). Among some researchers, however, interest in NGOs has begun to take on a more critically reflective tone (Lewis, 2007). In 1997, Hulme and Edwards argued that the emphasis shifted away from the notion of NGOs as a 'magic bullet' for poverty reduction, among other important social issues (Hulme and Edwards 1997). Today, this criticality has grown to the extent that it is broadly understood that NGOs can be ineffective or even corrupt and apprehension has been voiced from donors, States, corporations, and international agencies. Many of these voices will no doubt be legitimate, because organisations represent the wishes and drawbacks of their employees. But it is the advocacy function of

NGOs that includes them in policy governance, and this often objected to on the grounds of a lack of representativeness (Jns and Roskam, 2004, p.24).

For example, an issue with the make-up of NGOs is the over representation of an urban middle class workforce. Some ask: how can relatively affluent people understand and represent the wishes and views of those who are impoverished and even oppressed? It is not entirely unfair to level this criticism towards these organisations because, better resourced people and those with good educations are most likely to be NGO activists (Warren, 2004, p. 15).

Further, while NGOs are private and autonomous, they often do not generally have shareholders, members, or a mandate to act, like the State. Whilst NGOs must strive to be accountable in advocacy arenas, they are starting from a disadvantaged point in attempting to organise and sustain legitimacy. This underpins the differences between the legitimacy of the key sectors upon which society is organised and the PhD research is premised and highlights what makes the legitimacy of advocacy work a worthwhile topic of enquiry.

Advocacy coheres around normative ideas (Stone, 2002) which distinguishes the goals of NGOs from organisations in other sectors (Yanacopulos, 2005). As work, it is “geared towards improving the quality of life of disadvantaged people” (Vakil, 1997, p. 2060). Yet the challenge for managers in NGOs does not solely rest with improving the lives of others. It has been “couched chiefly

in terms of legitimacy and the related issues of representation and accountability” (Hudson, 2001, p.336).

As managers, those within NGOs and the Third Sector are often criticised from outside observers with regards to their legitimacy to act. There are indeed cases where these organisations are subject to the whims of managers who are not very effective or professional. In this vein, it has been said that NGO managers spend more time on fanciful ideas about participation and development, than on the nuts and bolts of management (Dichter, 1989). Much of the discussion, particularly from the early 1990s onwards, characterises NGOs through their commitment to values, an inability to manage complex objectives, and weak governance systems (Smillie and Hailey, 2001). This study is an opportunity to engage with these critical narratives to provide a much needed empirical update on the world of advocacy work.

Strong linkages exist between labour migration advocacy work and the migrants’ rights agenda in the UK. The current dilemma of organisations supporting the rights’ of migrants is that there are programmes of action on grassroots issues which are effective and make a difference to the lives of individuals and their immediate communities. However, migrant communities and their organisations are still not equipped with an overarching strategy of what change is needed to bring about improvements at the level of larger society (Flynn, 2014).

In the context of the UK, NGOs are also experiencing significant reductions in public funding, increased competition for resources, and a context in which policy governance is dominated by a neoliberal ideology. This has led some to highlight that questions are arising about sustaining advocacy and social change roles (Milbourne, 2013). Such a backdrop is no doubt a barrier to developing a coherent strategy, as organisational advocates are being drawn away from advocacy work and towards service delivery because of economic difficulty and the safety and accountability that delivering services brings. This includes transferring public services to the for- and non-profit sectors (Peck, 2012) and is symbolically highlighted through volunteers being called upon to replace public services (Crouch, 2011, p.168).

Another part of the complexity of advocacy work is managing the day-to-day changes in State administration. From the period of 1997 until today, the UK has seen a change of power in high politics, from a New Labour, Labour, and then to a coalition Conservative and Liberal Democrat administration, now in their second term. Throughout this period, there have been marked alterations, not only in State strategy in dealing with the Third sector and NGOs, but in the State's approach to immigration policy.

Immigration policy in the UK has diverged from sitting neatly within a neoliberal framework (Harvey, 2005). This is significant for workers on the frontline because, for parties of the centre-right, immigration policy exposes tensions between market liberalism and conservatism (Hampshire, 2013, p.24). Hence, the former values openness, but the latter is sympathetic to

reducing the numbers migrating to the UK from out with European Union member states and the European Economic Area.

Reflecting back on policy changes, the Labour administration brought in the Points Based System (PBS), to control immigration from out with the EEA to the UK. The PBS was phased in as a framework for immigration with five key tiers, dealing individually with particular groups and categories of workers. This was designed to attract high value migrants to the UK's labour market through the allocation of points associated with qualifications, skills and experience. Under the Labour governments of 1997-2010, immigration policy was, however, transformed from one of the most restrictive, to one of the most liberal in Europe (see Consterdine and Hampshire, 2013). Throughout this period, the State retained commitment to a broad strategic line, embodied through the six planks of neoliberal economic strategy (Jessop, 2006) and immigration policy grew towards a liberalizing agenda (Flynn, 2005, p.463; 465).

The increase in net immigration throughout Labour's terms is best explained by the movement of labour migrants from within the EU and changes in policy that opened the labour market to citizens from new countries.

Throughout the course of this time, immigration was also encouraged by the buoyancy of the British economy (SCCJR, 2014). A strong economy with labour and skills shortages and a State committed to globalisation and institutional reforms introduced new actors, both governmental and non-governmental into the immigration policy field (Consterdine and Hampshire, 2013). Therefore, while there were restrictive elements to the new

immigration strategy, overall immigration grew, and the aim to drastically cut net immigration was not shared with the current administration. This is an important contextual element in the empirical work of the thesis.

The administration led by David Cameron has diverged from liberal or a neoliberalist agenda, by introducing a policy which is known as the net cap on immigration. The net cap is the framework for managing immigration to the UK from out with the European Economic Area (EEA); the aim of which is to reduce net immigration in the UK to tens of thousands per annum (Con Online, 2013).

Recent figures from the Office for National Statistics (2014) highlight an estimated net flow of 212,000 long-term migrants to the UK in the year ending September 2013, a statistically significant increase from 154,000 in the previous year. They demonstrate that immigration of non-EU citizens saw a statistically significant decrease to 244,000 in the year ending September 2013 from 269,000 the previous year.

The net cap on immigration represents a “volte face on Labour’s demand-led system, which saw net migration rise to over 200 000 per annum, and, if successful will see major changes in migration flows to the UK” (Bale and Hampshire, 2012, p.89). Further, this shift has implications for the NGO sector and the organisation of labour migration advocacy work and these are considered throughout the thesis.

Social attitudes towards migrants are also an important part of the PhD and these wider policy changes. The National Council for Voluntary Organisations (2012), for example, suggest negative attitudes towards immigration, coupled with forthcoming State cuts in public sector spending, may result in reduced funding for organisations that work on behalf of labour migrants. Moreover, under the current administration, the great recession has added momentum to what were highly charged debates about the impact of immigration on the economic prospects of citizens and on the host economy and society more generally (Ruhs and Anderson, 2010). A survey carried out on behalf of the Financial Times (FT, 2009), showed over three-quarters of adults in Italy and the UK and approximately two-thirds in Germany, Spain, and the US upheld the notion of sending migrants 'home' who cannot find gainful employment (cited in Ruhs and Anderson, 2010).

In the UK, there is some controversy about the role that migrant workers play in meeting 'skills needs' and in reducing labour and skills shortages in particular sectors and occupations. Employers often claim that there is a need for migrants to help fill skills shortages and/or to do the jobs that, they allege, domestic workers will not or cannot do (Ruhs and Anderson, 2011). Ruhs and Anderson add that, sceptics, including some trade unions, argue these claims "simply reflect employers' preference for recruiting cheap and exploitable migrant workers over improving wages and employment conditions" (p.2).

In this sense, immigration policy is a political topic that sits within the paradox of a laissez-faire government, governing in the direction of Conservative policy. Whatever the perspective in relation to immigration, there is a concern among advocates that current policy and its inherent restrictionism may force the hand of particular migrant worker groups (Olad, 2013). The findings of this PhD point towards possible contraventions of the Human Rights Act and are of relevance to people who care about the rights' of migrants and the organisation of legitimacy in NGOs; or indeed, the role that NGOs play in the UK's immigration agenda. As the State is the key actor in the work of the organisations under study, the findings are as relevant to critical NGO scholars as they are to state theorists and sociologists.

The study documents the skills and qualities required to change policy with a very powerful actor, with unparalleled resources, through examining how the manager's organise advocacy and think about the legitimacy of their advocacy work amongst changing administrations. The research finds that advocacy has strong normative and ethical foundations under the pressure of a new State regime and administration. A key finding is that the group of NGOs are thinking about a turn away from advocacy activities with the State, by further developing their service delivery arms and common approaches to seeking legitimacy are apparent.

What makes this particularly interesting within the context of the research is that the manager's suggest this may enable stronger accountability between their organisations and the communities that they advocate on the part of. In

addition, the organisations do not always work in the same policy fields, though they always work with the State. Therefore, the conclusions that can be drawn are more robust than those supplied from a single organisation.

The empirical work also draws upon a broader expert sample to examine the policy claims developed by the managers in the NGOs. This sample includes managers from other NGOs, trade unions, thinktanks, politics, immigration research funding bodies and academia.

The thesis ultimately argues that the changing nature of legitimacy raises deeper questions about State policy and practice, and therefore, the management of non-governmental organisations and advocacy work where the State is engaged.

There are many factors contributing towards new modes of organisational action in labour migration advocacy work at the current point in time. The weak economy in the UK and the Eurozone; pressure on organisational funders; decreases in campaign donations; changes in patterns of labour migration and to the structure of the UK's labour market. This has meant the managers in the NGOs have had to exert considerable control over operational finances, placing great emphasis in decision-making and prioritisation of what they can and cannot pursue in advocacy terms. Yet there is another important actor that determines new organisational action which has influenced the need for clearer accountability mechanisms and underlined the importance of organisational legitimacy and rigour in advocacy work, which has so far received little academic attention. This being the

capitalist State and its relationship with those who wish to come to migrate to the UK for work.

Thesis outline and summary of research

In total there are eleven chapters: the introduction, three literature chapters, a methodology, four empirical chapters, and a discussion chapter and conclusion. A summary of the chapters and the overarching narrative is as follows:

Chapter 2: ‘The foundations of NGO legitimacy; developing a basic framework’, reviews key institutional literature and the international development literature on legitimacy and NGO legitimacy and develops a framework based on four related concepts for analysing advocacy work. These concepts are representation, downwards accountability, performance and knowledge. The review highlights that in order to adequately apply the legitimacy framework there must be an appreciation of the linkages between legitimacy and the broader political economy which shapes much of the focus of organisations; and the actors and factors shaping it.

Building on the legitimacy framework, the review then examines papers on the relationship between NGOs and the neoliberal political economy. These papers are selected because they are significant works that clarify the link between NGOs and neoliberalism. The papers articulate the uneven and geographical way which neoliberalism is understood, from the perspective of

NGO authors, and they form the link to the context of the research. The papers show how the relationship between NGOs and neoliberalism is important to theorising legitimacy.

Chapter 3: 'Neoliberalism, State administration, and immigration policy' is the contextual chapter of the thesis. The focus of the analysis is narrowed from the broad relationship between neoliberalism and NGOs by looking at the economic history of neoliberalism and its infusion into UK public policy through recent UK administrations. This chapter moves the discussion from the abstract and uneven conceptual idea of neoliberalism to British politics, and examines key immigration policies that are of empirical importance to labour migration advocates. The chapter considers the nature of State policy from New Labour to the current Conservative-led administration and reflects on how the changing State administration and different policies may affect the work and legitimacy of NGO labour migration advocates.

Chapter 4: 'The State; a key actor in advocacy work', forms the final element of the multi-layered framework. This is because while neoliberalism is the backdrop to which the thesis rests, the State is the key actor in labour migration advocacy work. The chapter reviews debates between different State theorists and argues that instrumentalism (a core perspective in State theory) is useful because it allows the thesis to consider the relationship between the State and migrant labour at a macro social level. The relationship between the State and migrant labour is an essential dimension within labour migration advocacy work in NGOs. This chapter summarises the conceptual framework which is brought together through a review of the

literature on NGO legitimacy, primarily in the fields of development and international development; a review of neoliberalism and immigration policy; and an instrumental conceptualisation of the State.

Chapter 5: The methodology presents the philosophical frame and methodological approach of the thesis. It gives a rationale for interviewing managers and managing directors across four NGOs, and a broader expert sample. The chapter explains why realism and its inherent focus on a concern for others is a strong fit within the framework and approach of the thesis. It discusses the possibility of drawing on other methodological approaches and reflects on the limitations of the strategy adopted. Moreover, the discussion highlights the empirical phases of data collection and how a realist social ontology binds the framework of the thesis together.

Chapter 6: 'Advocacy organisations under neoliberalism' introduces the organisations who are central to the empirical analysis in the thesis and acts as a primer or a background context to the types of projects and approaches undertaken by their managers. It provides an overview of the relationship between the NGOs, their advocacy work, and the neoliberal political economy. The chapter illustrates the diversity of opinion across the organisations and considers how neoliberalism shapes the work of advocates.

Chapter 7: 'Advocacy regimes, policy context, and the coalition administration' begins to examine the interaction between the group of organisations and the State. It takes the reader to the platforms where

advocacy work is managed within the context of administrative change that is discussed in chapter three. The chapter suggests that with the new administration, came new relationships and policy developments; it shows how these altered the interaction between the NGOs in the study and the State. While the previous chapter gives insight into the connection between organisation and neoliberalism, whereby the State is a key actor, this chapter explores the connection between organisations and the State within the wider neoliberal political economy. The discussion articulates how the changing immigration policy context affects the relationships between the NGOs and the State.

Chapter 8: 'Legitimacy in the nexus of administration change' applies the legitimacy framework to the NGO advocacy work and the manager's analysis of State interaction. The chapter demonstrates that advocacy work has altered course through the change in administration and suggests that the organisations may now be turning away from advocacy efforts in a bid to be more accountable to migrant workers and broader advocacy interests. It examines important legitimacy trends that are discussed in the interviews and suggests there is a renewed focus on collaboration, performance, and ethics in advocacy work and legitimacy management with the State. The discussion highlights that downwards accountability is of fundamental importance to managers in NGOs in their advocacy work.

Chapter 9: 'The State-labour relationship: ethical concerns, legitimacy, and immigration policy' highlights the embedding of the ethical nature of

legitimacy management in organisations and examines what this could suggest about State policy and practice. The discussion is split into two parts: the first considers the advocacy insights of the managers and the second contrasts their views with that of the broader sample. The broader sample consists of workers from other NGOs, thinktanks, trade unions, and a politician.

Chapter 10: ‘A discussion on the legitimacy of advocacy work with the State in a neoliberal political economy’ examines key research findings and reflects on the conceptual framework. It articulates the importance of managing the legitimacy of advocacy work in State-centred contexts and affirms how managing the relationship with the newer administration is different to work with the previous administration. The findings chapter crystallises what is important in labour advocacy work and how these elements are tied to the State and the broader political economy.

Chapter 11: ‘Changing legitimacies in labour migration advocacy work?’ is the conclusion and final reflection, and discusses the overall contribution the thesis makes. The chapter examines the limitations of the research, important omissions and possible avenues to extend the study.

Significance of framework and research

The conceptual framework examines the legitimacy of advocacy work, within a neoliberal political economy, with the State as the key actor. Together, these elements provide a holistic analytical device which can be used in

other contexts. For example, it is proposed that this method and conceptualisation could be used to consider different types of advocacy work and management in organisations like The Citizens Advice Bureau, who are a Third Sector organisation and often work with the State on behalf of client groups. Building on the analysis and the macro relationship between the State and migrant labour, the multi-layered architecture of the thesis is pulled together with a realist social ontology. A realist ontology provides the foundations for clarity when considering the agency of the managers and their organisations and their complex advocacy regimes which often aim to improve wider structural arrangements. Realism is at the heart of the framework of the thesis as it seeks explanations of the structures, mechanisms, powers, and relations that are the reproduced and transformed product of human agency (Ackroyd and Fleetwood, 2001). In this sense, the agency of the managers and organisations are a focus, in alignment with the structures of the State and State power in labour migration advocacy. Placed within the reality of NGO advocacy work, realism construes our benevolence and concern for others as a crucial emergent property and this develops through practical action (Archer, 2000, p. 50). With this in mind, the central aims of the research are as follows:

Research Aims

1. To review and conceptualise organisational legitimacy and the State and consider how the UK's neoliberal political economy and

shifting immigration policy context shapes advocacy work and legitimacy management in NGOs.

2. To examine the interaction between advocacy NGOs and the UK State and the nature of legitimacy in labour migration advocacy work.
3. To reflect upon the nature of legitimacy management, examine advocacy insights into the State-labour relationship, and consider what this could suggest about State policy and practice.
4. To compare and contrast findings from the third aim with a broader expert sample.

Chapter 2: ‘The foundations of NGO legitimacy; developing a basic framework’

Introduction

This chapter conceptualises NGO legitimacy in order to empirically examine legitimacy in State interaction. This is in an effort to understand how legitimacy is managed in the context of a change in high-level politics and government in the UK. The chapter considers institutional legitimacy alongside theories from development and international developmental literature. While there are pathways to bring together these literature bases, primacy will be given to ideas that have been developed with non-governmental organisations in mind. A factor that shines through the literature review is that legitimacy concepts are rarely considered in relation to the political economic processes which drive the need for organisational legitimacy. The chapter therefore explains why the most appropriate theories of legitimacy are those developed with NGOs and advocacy work in mind and asks the following research questions: What is organisational legitimacy? How can it be conceptualised? Focusing on concepts that could prove useful when examining what happens in managerial advocacy work, the discussion argues that the relationship between NGOs and neoliberalism is important to theorising legitimacy. The overarching purpose of the chapter is to provide clarity regarding the points and principles of legitimacy spoken of throughout

the thesis, which are directly related to developing the basis of a framework for analysis.

To understand legitimacy, it is essential to place any discussion within the wider context of debates relating to non-governmental organisations. This is because ideas about how NGOs function, or should function, are linked to the dominant historical narrative on the NGO sector (Edwards and Hulme, 1992). Speaking about this, Harsh (2005) highlights a new sophistication within debates on NGOs and argues a narrative exists which often carries explicit or implicit normative judgments. The existence and expansion of this literature presents NGOs as the solution to many social and administrative problems (Ossewaarde, Nijhof, and Heyse, 2008), where NGOs are seen to compliment and countervail the State and market, often compensating for market failure (James, 1989). This form of scholarship argues that NGOs function as third party players located between the State and market, countervailing power to both through national and international systems of checks and balances (Fisher, 1997).

Key characteristics of the narrative underpin the rise of NGOs in international development and document how they have provided services and delivered aid where States could not (Bratton, 1989b). In this sense, there is a clear perspective within certain discourses on NGOs where they are regarded as purveyors of democracy – or the embodiment of civil society (Diamond, 1994). Research within this perspective often incorporates normative

judgments claiming advantage over State and industry and analyses 'how' and 'why' NGOs should maintain advantage over larger and more bureaucratic systems. Here there is an intrinsic pro-NGO judgment (Harsh, 2002).

While one collective speaks of creating NGO advantage over bureaucratic systems, another expresses doubts as to whether an advantage exists (Tvedt, 1998) and alludes to expressions of doubt from within the NGO community (Brodhead, 1987; Mendelson and Glenn, 2002). Questioning the motives of NGOs, scholarship within this vein observes how NGOs are linked to the creation of patterns of power and often argues that NGOs do not exist in a normative sense (Edwards and Fowler, 2002). Instead of creating a balance between State and market, some examine how NGOs create bureaucratic control and stronger authority between the State and society. These are important concerns that need to be considered. For example, development planning and practices, into which NGOs are often grouped, are said to centralise political and economic power near capital cities and embassies (Harsh, et al., 2010). Consequently, the extent to which the NGO advocacy agenda reflects the concerns of marginalised groups, rather than the types of activities that donors, politicians, or urban based elites deem important, is a concern (Farrington and Bebbington, 1993).

The opposing narratives disagree on the fundamental role NGOs play in society, but they combine in their analysis to suggest that over the previous

twenty years many third sector organisations have gained higher profiles in their efforts to influence policy processes (Held et al., 1999). The meeting ground is the notable increase in criticism relating to the role they play within civil society, especially in terms of legitimacy in their attempts to influence policy outcomes through advocacy (Anderson, et al., 2006; Lewis, 2003). The thesis is embedded in this discussion and the chapter now traces the development of legitimacy as a concept of academic study.

Research on legitimacy

Legitimacy is one of the oldest concerns in the history of social thought (Zelditch, 2001a). In the fifth century BC, Thucydides, an Athenian, captured the history of the war between the Peloponnesians and the Athenians (Thucydides, 1954). Believing it would be a war more worthy of remembrance than any predecessor, his writings consider under what conditions the use of power in war is legitimate (Thucydides, 1954; Warner, 1972). Speaking about the war, Zelditch (2001, p. 4) suggests “the nature, conditions, and consequences of its legitimacy were the problem that both Plato’s Republic ([c. 390 BC] 1935:bks. 1-2, 4) and Aristotle’s Politics ([c. 335-23 BC] 1946:bks. 2-6) were written to solve”. While ‘war’ is not the subject of this thesis, one could presume, therefore, that legitimacy throughout the course of 24 centuries may have developed a strong theoretical base in which to ground the study. However, for most of the past century research on legitimacy has emerged slowly and, until relatively recently (circa 1995), was fragmented across several social science

literatures; such as institutional, ethical, legal, and sociological literature bases (Deephouse and Suchman, 2008).

Research more specifically on the legitimacy of NGOs (Lister, 2003; Atack, 1999; Slim, 2000; Vestergard, 2013) has also recently emerged with more depth and perspectives. However, while it is understood as being of critical importance (Edwards, 1999), conceptually it is often eschewed in favour of a normative theoretical base and an ethical and moral interpretation (Vedder, 2005; Lewis and Mensah, 2006; Mercer, 2002). As will be examined in due course, the dominant development studies approach to NGO legitimacy is often understood through particular organisational practices with a technical character (Vedder, 2005). Moreover, while an ethical perspective is not core to the legitimacy framework of the thesis, because this reliance on ethics is regarded by some to limit the conclusions that can be drawn (for example, as being biased). Ethical and normative concerns are very important in the world of advocacy work, and prove to be an interesting area of empirical analysis for this study.

More broadly, a range of modern day social scientists identify many determinants of legitimacy (Archibald, 2004; Deephouse and Suchman, 2008; Elsbach and Sutton, 1992; Kostova and Zaheer, 1999; Ruef and Scott, 1998b; Scott, 1995; Stryker, 2000; Suchman, 1995), and a variety of authors have debated and disagreed about the concept (Cohen, Hazelrigg, and Pope, 1975; Parsons, 1960; Scott, 1995; Weber, 1978).

Understood as a sociological and normative concept (Collingwood and Logister, 2005), legitimacy has been conceptualised in the new institutionalism in organisational analysis (Meyer and Rowan, 1977; Powell and DiMaggio, 1991), and more recently in strategic tradition (Ashforth and Gibbs, 1990; Smith, Carroll, and Ashford, 1995). While these approaches emphasize alternative forms of action, and make different assumptions about human and organisational agency, they have a clear commonality: they draw upon the works of Max Weber. Therefore, it is important to start this conceptual analysis with a brief reiteration of Weber's thoughts on legitimacy.

Max Weber is recognised as the first social theorist to stress the importance of legitimacy and, as the original theorist of institutions, Weber understood the historical singularity of modern organisations and their material and cultural importance (Ackroyd, 2000, p.90). Widely credited with introducing legitimacy into social theory (Ruef and Scott, 1998a; Suchman, 1995), Weber's theory of legitimate domination is well known in organisation studies (Gordon, Kornberger, and Clegg, 2009). According to Weber (1978), there are three pure types of legitimate domination on which validity claims of legitimacy are based: rational, traditional, and charismatic grounds.

In *Economy and Society*, Weber (1978) argues that work relations, the division of labour and property relations are ways in which mankind exerts authority. Legitimate domination relates to the idea of the probability of certain commands being obeyed by a given group of persons, individuals or organisations. Weber (1978) suggests there are specific conditions to ensure that this will occur, and in everyday life these relationships are governed by

custom and material calculation or advantage. Importantly, however, he also argues that domination through personal or material advantage does not form a sufficiently reliable basis for domination or the belief in legitimacy. Thus, while he notes that customs and material advantage may be sufficient to support domination, he suggests the belief in the legitimacy of the authority in question is a primary requirement for action. This appears to be of particular relevance when drawing parallels with the legitimacy of managerial advocacy work in NGOs.

Weber's writings discuss the importance of social practice being oriented to 'maxims' or rules and suggest legitimacy results from conformity with general social norms and laws (Weber, 1968). In his definitional foundations, he gives particular attention to those forms of action guided by the belief in a legitimate order: a set of determinable maxims; a model regarded by the actor as in some way obligatory or exemplary to him (Ruef and Scott, 1998b).

Rational grounds rest on the belief in the legality of enacted rules and the right of those elevated to authority to issue commands. Traditional grounds are based on the established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them. Whereas charismatic grounds are said to rest on the devotion to the "exceptional sanctity, heroism or exemplary character of an individual person and of the normative patterns of order revealed or ordained by him" (Weber, 1978, p. 227). Weber applied the term 'charisma' to a certain quality of a personality by virtue of which they were "endowed with extraordinary or supernatural,

superhuman, or at least specifically exceptional powers and qualities”
(Weber, 1978, p. 241).

It is not the aim of this chapter to scrutinise Weber’s concepts and deliberations in detail, but rather to illustrate his influence in discussions relating to management and development studies as they resonate strongly today. This is because there is a thorough and established conceptual history that has developed as a result of Weber’s work. For instance, in critiquing and applying Weber’s ideas, Parsons (1956) views legitimacy, like Weber, as a congruence between an organisation with laws, norms and values; and this formulation has been embraced by many organisational theorists (Dowling and Pfeffer, 1975; Czarniawska-Joerges, 1989). Further solidifying Weber’s influence in more contemporary managerial and organisational research, Ruef and Scott (1998b) distinguish between the three basic components or legitimising forces underpinning institutions: normative, regulative and cognitive frameworks. The normative component stressed by Weber’s discussion of administrative systems “places emphasis on normative rules that introduce a prescriptive, evaluative, and obligatory dimension into social life” (Scott, 1995, p.37, as cited in Reuf and Scott, 1998, p.878). Regulative dimensions like Weber’s ‘guaranteed law’ (Weber, 1978) highlight the importance of explicit regulative processes such as rule setting and monitoring activities (Scott, 1995) and focus on constraints to organisational behaviour (Caronna, 2004). Cognitive elements alternatively consider the rules that specify the types of actors allowed to exist and the structural forces actors’ exhibit as they are basic to the nature of social reality (Scott, 2001, p.

57). In Weberian terms, they are guided by a belief in a legitimate order (Lima et al, 2007).

Institutional legitimacy

One of the key theoretical areas to have been influenced by Weber is institutional theory and its interpretations of legitimacy. Institutional analysis is as old as Durkheim's attempts to study social things as facts. Yet it is sufficiently novel to be preceded by a range of contemporary literature which shares a sociological flavour and a focus on the ways in which action is structured and made possible by systems of rules (DiMaggio and Powell, 1994). Legitimacy is a fundamental construct in institutional theory (Deepphouse, 1996); and over the past two decades, research within the 'new institutionalism' in political economy, economic sociology, and comparative business studies has developed a consensus on the nature of relations between institutions, action and change (Morgan, Whitley, and Moen, 2005).

The following discussion attempts to get to the core of the institutional argument (consensus) in order to ascertain whether particular conceptual apparatus are suitable for this study's overarching conceptualisation of legitimacy. By examining the chronology of legitimacy definitions within a broadly institutional framework and then reflecting on what they mean, it will be suggested that institutional interpretations do not fit coherently within the aims and objectives of the study. However, the chapter will argue that the definitional foundations are a useful basis to build inroads into understanding NGO legitimacy in State interaction.

Definitions and discussion on the cultural endorsement

Powell and DiMaggio (1991) suggest cultural norms, symbols and beliefs are responsible for many of the dynamics visible within an organisation's environment, and central to which "lies the concept of organizational legitimacy" (Suchman, 1995, p. 571). Emphasizing the importance of organisational legitimacy for maintaining survival (e.g. Meyer and Rowan, 1977; Scott, 1995; Scott, Reuf, Mendel, and Caronna, 2000), the approach classically defines legitimacy as the "degree of cultural support for an organization" (Meyer and Scott, 1983, p. 201). In heralding the beginnings of this new institutionalism, Meyer and Rowan (1977.p.103) define legitimacy as "the acceptance of the organization by its surrounding environment".

More recently, Suchman (1995, p.574) defines legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions". Hence we can see a strong definitional theme, but it is what this theme allows the study to potentially say about legitimacy within the aims and objectives and normative and philosophical orientations of the thesis that is important.

Out with the language of legitimacy being socially constructed, institutional definitions and Suchman's (1995), in particular, are regarded as a useful starting point in which to understand and conceptualise NGO legitimacy. The degree of cultural support given to an organisation; the acceptance of an organisation by its environment and the assumption that an organisation's

actions are appropriate within a system of norms, values and beliefs all can be applied to the legitimacy of advocacy work in NGOs. This consensus relates to understanding the sources and implicit and explicit processes of legitimacy because, organisations need more than material and technical resources to remain viable, they require an enduring cultural endorsement (Scott, 1995; Ridgeway and Berger, 1986). These are important observations and points which the empirical work of the thesis will consider.

In the case of this research, the endorsement relates to the State, its administrators, and to the clients and advocacy groups which NGOs try to improve policy on the part of. Yet there is a particular issue regarding the way in which institutional analyses are conducted that prohibits its use beyond definitional features: this relates to analysis often focusing on the persistence of phenomena and a potential lack of ability to help understand the agency of the organisations engaged in the study and what their managers say about advocacy work and management.

For example, Scott (2001, p. 48) proclaims institutions consist of three primary pillars: cognitive, normative, and regulative which arguably form the foundations of institutional legitimacy. The cognitive pillar is rooted in “shared conceptions that constitute the nature of social reality” (Scott, 2001, p. 57). The normative pillar “influences behaviour by defining what is appropriate or expected in a given social situation” (Maguire and Hardy, 2009, p. 149; Wicks, 2001). The regulative pillar considers constraints on organisational behaviour in terms of and through authority (Caronna, 2004). While abstract, in collaboration, the institutional approach suggests deviation from these

pillars may be costly as each pillar drives organisational legitimacy in different ways (Jepperson, 1991). Drawing upon Scott (1991), Powell and DiMaggio (1991) argue such frameworks define the means by which interests are pursued. They argue these help establish outcomes, leading “business people to pursue profits, bureaucrats to seek budgetary growth, and scholars to strive for publication”.

This cultural endorsement is understood to be located beyond the boundaries of an individual organisation in “superorganizational beliefs” about the nature of social reality (Johnson et al, 2006, p. 59). In this sense, culture is considered the main administrator of institutional legitimacy (Parsons, 1956; Scott, 1987); and this can be seen across the literature base. However, although the definition supplied by Suchman (1995) is useful, institutionalisation “is not a guarantee of the truth in research, it only renders more probable the consolidation, elaboration and diffusion of a set of ideas” (O’ Murray, 1998, p.7). In addition to the concern about the persistence of particular cultural arrangements, there is another point that has been noted which potentially exposes a conceptual weakness in the institutional approach: a lack of sensitivity towards organisational agency. Being able to comprehend the difference between structure and agency is of importance to the study’s understanding and theorisation of the NGO - State relationship. This is because the work of NGOs is often geared towards changing wider structural issues through managerial advocacy work with the State.

This appreciation of agency is not something picked up on within the institutional literature. Arguably, because of a focus on the broader factors

inducing organisations to become the same, the institutional literature has neglected questions of organisational agency (DiMaggio 1988). Indeed, a paradox is that, to be consistent with an institutional framework “any consideration of agency has to consider the ways in which actors can escape the strong conditioning that is assumed to be supplied by institutional frameworks” (Much, 2007, p. 1124). Theories of legitimacy, and the overarching conceptualisation of legitimacy supporting the analysis, need to be able to understand how legitimacy is created, organised, and managed, by managers. Moreover, as a broadly realist study, conceptualisation leads not only to the analysis of empirical, ‘here’ and ‘now’, discussions, but those not experienced directly or indirectly, in the domains where events can happen whether experienced or not. This is not something supported through institutional analysis.

There is also another problematic feature of the literature as NGO legitimacy is rarely, if ever, considered. This said there is an important literature which will not be covered in detail which focuses on institutionalism and third and public sector management that could prove fruitful for the analysis of NGO legitimacy. But it is argued that the institutional approach, while potentially useful, may pose a difficulty aligning with the philosophical orientations of the thesis.

There is also a belief that the legitimacy questions NGOs face arise from the distinct issues within NGOs, which may not be similar to those spoken of above in different organisational contexts and sectors. Whilst all organisations, within the ever blurring boundaries of sectors, are subject to

similar laws in society, there is a sense that specific management theories are required when examining NGO legitimacy (Lewis, 2003). The following discussion examines development and international development literatures and adopts a framework of legitimacy which is rooted in ways to think about how managers organise legitimacy in advocacy work. As will be demonstrated from the outset, there is an abundance of literature focused on legitimacy which provides further nuance than that available within purely institutional settings. The thesis argues that representation, accountability and knowledge and performance in advocacy work are key ways to ensure advocacy cases are heard in the strongest possible terms. These are important values and characteristics that pin together the work of advocates. Vivally, this literature is drawn upon to sharpen the research problematic and takes Suchman's (1995) definition as a starting point. The following discussion clarifies the conceptual elements that are embedded in the analysis of the thesis.

Representation, accountability, and knowledge in advocacy work

Critics of NGOs and their advocacy work can be found across the breadth of the political spectrum and despite their ideological differences they are remarkably similar in clashes with and in their critique of NGOs. During the course of the 1990s and early 2000s a set of critiques of NGOs appeared which focused on the accountability of NGOs, their performance, their autonomy, and the role they play in policy governance (Reimann, 2005).

These will form the bedrock of the legitimacy framework.

It is argued that managers in advocacy contexts may struggle to satisfy the demands of all stakeholder groups (like State administrators) who can fundamentally believe in different political ideas. However, the following discussion examines the available literature on legitimacy and NGOs to develop a framework of legitimacy which can be applied empirically in order to reflect on how arguments and ideas are strongly heard in labour migration advocacy work. From the overarching analysis, several key areas feature prominently and are of particular importance in today's political-economic climate. These include, but are not exclusively limited to, issues as widespread as legal compliance (Edwards, 1999); consistency between objectives and behaviour (Saxby, 1996); representativeness (Hudson, 2000; Biekart, 1999); accountability (Edwards and Hulme, 1995); downwards accountability (Edwards and Fowler, 2002) and organisational performance (Hudson, 2009). Interestingly, however, there is very little concern and empirical work relating to what makes advocacy work with different governments legitimate.

The principal constituents of organisational legitimacy emphasised in the literature are organisational performance, accountability and representation (Lister, 2003; Attack, 1999). This is because NGOs are criticized for being non-representative (Hudson, 2000; Pearce, 1997), unaccountable (Biekart, 1999; Edwards and Hulme, 1995) and underperforming organisations (Nyamugasira, 1998). These are some of the principles that the thesis will be working with in the empirical analysis, and each are now critically examined to develop an appropriate conceptual framework.

Representation and accountability

The development literature suggests the challenges that NGOs face have been “couched chiefly in terms of legitimacy and the related issues of representation and accountability” (Hudson, 2001, p.336). In this sense, the issue of representation in advocacy work and management is of vital importance. This is because advocacy NGO’s do not have members in a traditional sense. Egels-Zandén and Merk (2013, p.7) argue that “conceptualising NGOs as not having members is an over-simplification”, as NGOs like Amnesty International have a membership structure in place. Yet there is an underlying ambiguity surrounding a broader understanding of what being a representative advocacy organisation actually means. As previously highlighted, it is also the advocacy function of NGOs that includes them in policy governance and this objected to on the grounds of a lack of representativeness (Jns and Roskam, 2004, p.24). Hence why - the thesis regards representation, particularly in advocacy work, as a powerful concept.

What the literature suggests is that critics speak of the unelected nature of NGOs as they are not publicly elected in their role and often over-represent an urban middle-class. This is because better resourced people and people with good education and incomes are most likely to be NGO activists (Warren, 2004, p. 15). Part of the underlying issue for NGOs and their managers in advocacy contexts is therefore ensuring that those in the best positions to take advantage of employment opportunities within NGOs are not only professionals with access to contacts. More specifically, that the

process of recruitment into NGOs is not out of reach for people who are not educated urbanites from capital cities where donors and diplomatic embassies amass (Mercer, 2002).

There are, more broadly, a variety of definitions of accountability used and assumed by those dealing with questions of transparency, responsiveness, ethics, and regulation, whether in relation to governments, corporations, and NGOs (Bakker, 2002). Accountability within NGOs is generally interpreted as the means by which NGOs report to a recognised authority or authorities and are held responsible for their actions (Edwards and Hulme, 1994). In this sense, being 'accountable' requires a statement of goals and transparency of decision-making; this includes honest reporting of how resources have been allocated the results achieved and an appraisal process for the overseeing authorities to judge outcomes (Edwards and Hulme, 2002). However, unlike financial audits and official reports, accountability in advocacy work is not solely the creation of formal arrangements. It is also "the production of less formal stories, models, arguments, and conventionally understood symbols" (Harsh, et al, 2010, p.254).

Nevertheless, there is an issue in getting to grips with what these precise facets are because there is an arguable absence of studies examining NGO accountability from non-economic and financial perspectives (Brett, 1993; Unerman and O'Dwyer, 2005). A study referenced by the UN 2006 report on NGO accountability, consulted 600 NGOs worldwide and found that most had given little thought to the issue of their accountability (Scholte, 2003).

Together, this suggests that there are recognised formal accountability procedures that managers within NGOs can adhere to, which are primarily economic and financial, but that there is little in the way of nuance regarding the less formal and aspects of legitimacy. Such as the legitimacy of NGOs in advocacy discussions (which is less functional); the dimensions of advocacy work; and organisational strategies that NGOs can adopt to ensure their cases are heard in the strongest possible terms. One of the clearest ways to ensure validity in advocacy work and management within broader ideas of accountability is that of downwards accountability. This is a concept which is integral to the framework of the thesis.

Developing downwards accountability for advocacy discussions

It is not a surprise that funders have developed a strategic interest in ensuring their resources go to the objects or activities for which they are targeted (Edwards and Hulme, 2003). As a result, accountability 'procedures' in NGOs are often designed to meet donor needs, rather than meeting grass roots objectives (Hilhorst, 2003). Edwards (1999), for example, argues NGOs often place emphasis on upward and external accountability, so much so that other important actors may be excluded; a study conducted in the mid-1990s – while dated - confirm this bias (Covey, 1995). Commenting on the study, Hudson (2001) suggests that several NGO representatives were surprised at the mention of downward accountability, seemingly unaware of the concept and unconvinced about its desirability. In this sense, a problem exists where NGOs are seen to account to those in terms of upwards at the expense of

downwards accountability (Ebrahim, 2003; Lloyd, 2005); leading some commentators to suggest that the accountability between NGOs and the communities they serve is elusive (Edwards and Hulme, 1996). This invites further empirical investigation.

To begin the accountability process, Lehman (2007) suggests it is necessary for NGOs to examine their role and function within society in order to understand the potential accountability challenges they face because NGOs can be accountable to many different actors (Gent et al, 2013). Therefore, the problem in clearly defining accountability arises not only from its socially constructed nature, but also from the observation that organisations often face plural accountabilities that change over time; they are thus “engaged in a complex and ongoing balancing act between accountabilities that are externally driven (that is, top-down or punitive) and those that are internally generated” (Ebrahim, 2003. p.27).

‘Upward accountability’ (Edwards and Hulme, 1996), however, includes accountabilities towards patrons, funders, and governments and often has an economic nature, whereas accountability to ‘clients’ is understood as downwards accountability (Edwards and Hulme, 1996). For clarity, *upwards* is understood through line managers, donors, trustees, and other powerful actors, such as States and *downwards* is to the people in society that organisations advocate on the part of. Importantly, in the case of this research, the organisations engaged empirically are not engaged with the UK State through funding relationships, but must display the principles of

downwards accountability in their advocacy strategies to the State. This is not a rule, of course.

The following provides an example from a charity based in Glasgow of downwards accountability in practice. The *Scottish Refugee Council* ensures that at least two thirds of their board of governors are people from refugee and asylum-seeking communities (Scottish Refugee Council, 2011). What this enables the organisation to do in an advocacy sense, while socially admirable, is very strategic. It allows the managers and directors to develop a participatory approach to advocacy work which strengthens the accountability of the organisation as a whole. Asking questions similar to those included in the appendix (please see democracy audit criteria) ensures the Scottish Refugee Council, not only act on the part of refugees and asylum seekers, it underpins a legitimacy to act. Downwards accountability is vital to the legitimacy framework of the thesis and is aligned with the definition supplied by Suchman (1995). In sum, representation and downwards accountability are essential concepts for the empirical analysis.

Performance and knowledge in advocacy work

The final element of the legitimacy framework of the thesis is the performance of and knowledge within advocacy work. In addition to developing more accountable and representative organisations, the performance of NGOs and the knowledge of managers and directors in discussions with the State are other key factors in the legitimacy of claims and concerns.

Over the previous twenty years a significant body of literature has considered the performance of non-governmental organisations. To date, a wide variety of books and book chapters have been dedicated to detailed discussion and analysis on the topic (e.g. Roger and Riddell, 1995; Edwards, 1995; 1996; 1998, Fowler, 1996; Edwards and Fowler, 2003; Hayse, 2006; Hudson, 2009). In addition to these accounts, NGOs are now taking notable steps to increase their understanding. As well as doing their own evaluations some have conducted meta-evaluations of methods and results of studies to date (Evison, 1999). Similar but larger scale studies have also been commissioned by bilateral funding agencies (Riddell, et al., 1997; Oakley; 1999; as cited in Shimbir, 2000).

The literature has put forth a wide variety of reasons for the sustained interest in NGO performance, ranging from a shift in where NGOs' financial resources come from, to their arguable comparative advantage (Edwards and Hulme, 2003), and the public contract they may have entered through use of public funds (Hudson, 2009). A growing proportion of financial resources for NGOs also derives from the official aid system which has overtaken public income in terms of growth in income. Meaning, there has been an increase in interests and critical observations from donors relating to NGO performance (Fowler, 1992a; as cited in Edwards and Hulme, 1996).

However, when one tries to examine what performance constitutes in development interpretations of legitimacy there is a lack of conceptual clarity – particularly in interpretations that do not focus solely on monitoring and

benchmarking achievements (this is still an important theme). In support of this claim, Kareithi and Lund (2012), in their extensive review of NGO performance research, suggest there is little known regarding its distinctive features.

The overarching narrative on performance does, however, suggest a majority of NGO management achievements have been at the level of specific policy changes (Hudson, 2009). Yet there does not seem to be much room in the discussion about the agency and abilities of managers in NGOs, nor the skills that are required beyond a rather functional understanding of what performance constitutes. According to Edwards (1998, p.8), making a difference to the livelihoods and capacities among communities depends on NGO success in “fostering autonomous grassroots institutions and linking them with markets and political structures” at high levels. In this capacity, ‘performance’ and the legitimacy it grants, may be understood through the interaction of organisations with State administration, by delivering and developing arguments based on representation and downwards accountability in advocacy work.

The thesis argues that legitimacy, in this respect, is based on more than this interpretation. Winning policy advantage in advocacy requires a convincing analysis at least on par with the capability of decision-makers (Clark, 1992, as cited in Covey, 1995, p.1). Further, when the decision makers are the British State, a specialised knowledge may be involved. This is also the case for broader social policy work and for many NGOs working on public policy.

Thompson and Warhurst (2006, p.787) suggest that different types of workplace knowledge has many usages and propose that “the central characteristics of knowledge work are that it draws on a body of theoretical (specialized and abstract) knowledge that is utilized, under conditions of comparative autonomy, to innovate products and processes.” The paper does not directly apply to non-profit and NGO contexts, however, their idea that within some work contexts a specialized knowledge is utilised will be used in the empirical analysis.

For example, The Institute for Public Policy Research (IPPR) released a discussion paper on the net cap on immigration (Mulley, 2012), as have a range of charitable non-governmental organisations like the Migrants’ Rights Network (MRN). The MRN, while pursuing improvements with regards to rights-based outcomes in UK society are specifically dedicated to the topic. Applying the principles spoken of in the paragraphs above, the organisations’ managers have a specialised understanding of immigration policy. This is demonstrated through the focus of the organisation and the way in which the organisation engages with different policy plans developed by State administrators.

In the non-profit workplace, the neoliberal drift has saturated managerial models such as new public management and other forms of performance and outcome management (Baines, 2010). This has led some to suggest NGOs need to manage knowledge similarly to for-profit organisations (Hurley et al, 2005). Undeniably, there are broader forces at play which organisations

from different sectors are subject to. But NGO advocacy activities are based on very distinctive work organisation i.e. analysis of policy; conducting and designing research; communicating and influence; and the management of information, people and organisation.

These organisations are subject to particular pressures too; not to mention very diverse and particular ideological arrangements. Therefore, there is an argument to suggest that blanket rules on knowledge management cannot apply. Indeed, as indicated before, the thesis refutes the suggestion that theories built in different contexts can be unproblematically applied in this context. An added complication for development organisations is that unlike governments (which must face elections) and business (which must face their shareholders – if they have them), NGOs often have no single bottom line to measure their performance as they work in situations where attribution and causality are often more complex and dynamic (Edwards and Fowler, 2002). This, again, invites an analysis of how this is managed empirically in advocacy contexts.

In this sense, being knowledgeable or possessing special managerial knowledge in advocacy work is a way to develop more legitimate non-governmental organisations. It is a means, not only to measure, benchmark, and outline achievements in advocacy contexts, but to put cases to the State in the strongest possible terms. As a quadrant, representation, accountability and knowledge and performance in advocacy work form the basic legitimacy framework of the thesis. While this, in isolation, does not allow the thesis to

raise deeper questions about legitimacy; individually and collectively, they will be applied to managerial advocacy work across four UK based NGOs. Hence, forming a core component of the legitimacy question the thesis raises. The discussion now reflects on what is termed as the third party conundrum which explains why legitimacy in NGOs is different to that of States. It begins the analysis of some of the broader issues that the thesis must be sensitive towards. This acts a bridge between the legitimacy frame which is primarily focused on issues at an organisational levels, and a broader social analysis.

The third party conundrum

With greater visibility and influence comes responsibility. In the case of NGOs this maxim could be better phrased that with a higher profile come louder calls for greater responsibility. Concerns about the role and accountability of NGOs have been voiced from different quarters in recent years. Some donors, governments, corporations, and international agencies raise important questions about the effectiveness of NGO work and the legitimacy of their advocacy (Bendell, 2006, p. VII).

The rationale for advocacy work is a concern for the wider public interest (Norrell, 2008). Advocates attempt to develop change at a political level by persuading the decisions of the institutional elite (Jenkins, 1987), as they attempt to change institutions' policies in ways that are expected to favour communities (Hudson, 2001). Advocating the interests of others includes all

activities aimed at changing policy affected by them. Such as selecting appropriate strategy that maximizes use of all available resources (Dluhy, 1981), awareness raising, development, community-building, lobbying, campaigning and direct action (Hudson, 2001). This is regarded as a fundamental form of representation or representative enquiry. Advocates are motivated by their shared values rather than professional or material concerns (Yanacopulos, 2005) and cohere around beliefs; normative ideas, that provide criteria to distinguish right from wrong unlike epistemic communities which form around cause and effect relationships (Stone, 2002).

Ethically, such organisation characterises an “inquiry into or theory of what is good and bad and right and wrong in respect of character and conduct” (Mautner, 2005, p. 430). Yet advocacy activities must still be within a recognised approach that highlights that the actions of an organisation are desirable and essential within particular belief systems (Suchman, 1995). Even though an ethical dimension is vital to advocacy efforts, when it comes to policy work with governments or States, it is essential to understand what their belief system may be. When that system is different to an NGO’s the legitimacy of NGOs becomes more difficult to manage.

Political critics, for example, highlight that “NGOs should not be influential in public policy because they are undemocratic and by implication not a legitimate part of democratic governance” (Phillips, 2006, p. 1). In considering this view, there is an absence of systematic work on the challenges to the legitimacy of NGOs as actors in policy governance,

particularly within development studies (Jns and Roskam, 2004). One could argue there is also a lack of information and research-led understanding on the topic. Yet what needs to be understood when analysing the role NGOs play in policy change contexts is that they are predominantly third party organisations. This means that they do not have members in the conventional sense, and by advocating to States on the part of those non-members, it is difficult for NGOs to establish legitimacy for advocacy efforts (Hudson, 2001).

However, a range of institutions from think-tanks, media outlets, States, and of course critical academic commentators, continue to examine the accountability and legitimacy of NGOs in such contexts without this in mind. The following quotations from *The Economist* and *Financial Times* are valuable as they characterise a fundamental means to which NGOs are regarded as illegitimate 'advocacy' actors. The first is interesting because it uses the term "Communist" and places a normative emphasis on the rights of companies. The second is a broader Statement on civil society organisations and draws on a neoliberal interpretation of democracy. Together they present a clear challenge to advocacy managers in State-centred contexts.

The increasing clout of NGOs, respectable and not so respectable, raises an important question: who elected Oxfam, or, for that matter, the League for a Revolutionary Communist International? Bodies such as these are, to varying degrees, extorting admissions of the fault from law-abiding companies and changes in policy from democratically elected governments.

They may claim to be acting in the interests of the people – but then so do the objects of their criticism, governments and the despised international institutions. In the West, governments and their agencies are, in the end accountable to voters. Who holds activists accountable?

The Economist, 2000

As for 'civil society', it is simply a label for all those activities, relationships and organisations that fall outside the purview of the State. This amorphous mass cannot be represented by anyone. Those who claim to do so are imposters. Organisations can only represent themselves. If NGOs were indeed representative of the wishes of the electorate, those who embrace their ideas would be in power. Self-evidently, they are not.

Financial Times, 1999

When drawing parallels with organisational and State legitimacy, critics of NGOs are often seen to reflect their political ideology; this is certainly true of the criticism witnessed above (Reimann, 2005). Why is this important, however? Well, democratic governments often boast voters, but it is difficult for NGOs to develop a broad-based group of constituents who grant legitimacy. It is even more problematic for NGOs to be held accountable by this group, although the roots of this argument run deeper than organisational make-up and accountability. The debate is often a politicised one, where powerful

actors and commentators draw upon a particular interpretation of democracy in critiquing non-governmental organisations: a neoliberal interpretation.

In examining the comparison between NGOs and the State, there are issues of representation and democracy that are of interest to managers in NGOs. In purely sociological contexts, however, the meaning of the term democracy has become clouded (Marshall, 1998, p.147). Held (1994), for example, suggests the neoliberal conception of democracy relies on a classical liberalist framework where democracy is understood primarily through electoral and parliamentary procedure. Indeed, in this context, some assume democracy to be a process of elections for majority-rule government, but “this narrow and historically-specific understanding of democracy is contestable given the power of other institutions in governing our lives and the co-optation of electoral processes and governments” (Bendal, 2006, p.2). Kamat (2004) adds that, the promotion of liberal democracy goes hand in hand with market economies, but within neoliberalism, that there is an inherent tension between liberalism and democracy. Liberalism promotes self-determination for the individual, ‘protecting’ them from the State and societal regulation, whereas democracy and democratic process involves the State and people constructing public institutions and the public sphere within the idea of representation.

Hence the arguments from the FT and The Economist are valuable because they characterise broader arguments about NGO legitimacy and the politics of representation which may be vital for advocacy work. The Economist

compares the way in which governments are recognised as democracies and applies a similar framework to NGOs, and the Financial Times also draws upon an argument related to power and the ability of elections to facilitate it. Unlike States, though, the thesis argues “NGOs are private and autonomous in form rather than public and definable in terms of popular consent or sovereignty” (Atack, 1999, p. 857). Therefore, in suggesting that adopting similar electoral voting systems is impossible, as NGOs do not function the way governments do (Gordenker and Weiss, 1995), legitimacy in advocacy work appears to rest on issues of representation (Lister, 2005), but not on electoral representation. Legitimacy rests on the *right* to represent and the *consent* to be represented (Pearce, 1997) and the development studies literature highlights this can take many other forms other than electorally induced legitimacy. In recognising there is room for controversy, because “who is to say just what makes a ‘good’ or ‘high-quality’ democracy?” (Diamond and Morlino, 2004, p. 21), the following discussion builds upon the conceptualisation of legitimacy by doing three key things:

1. Taking the institutional definition of legitimacy as a clear foundation of legitimacy with the concepts of downwards accountability, representation, knowledge and performance;
2. Arguing that there must be a broader appreciation of the context and the policy architecture behind the comparison of NGO and State legitimacy by building a broader contextual element into the framework of legitimacy;

3. Showing that clarity is required regarding what neoliberalism is and its potential relationship to NGOs in the literature when examining advocacy work.

Exploring the NGO-Neoliberal link: developing a contextual element through a critical examination of papers

The international development literature offers the study various pathways to understand legitimacy. There are different concepts underpinning NGO legitimacy and consequently there appear to be alternative ways to manage legitimacy in advocacy work. To date, however, the linkages between these concepts, like downwards accountability or performance to wider frames of reference, like different political economic contexts or even to the mainstream political process in the UK are few-and-far-between. As is their direct analysis in advocacy work programmes. One of the factors that shone throughout the review of the international development literature is that legitimacy is an important debating ground through different managerial work concepts. These concepts are very rarely considered in relation to broader processes which could drive the need for different legitimacy practices and behaviors in organisations. This is a problematic characteristic of not only international development literature, but NGO management literature more broadly.

In a review of the literature connecting organisational form and interests with neoliberal politics there is a large volume of papers. However, few appraise

the role of NGOs in policy-making processes or examine their role in society and place organisations within a wider political economy. A growing number of papers do highlight the connections between neoliberalism and NGOs, but their conceptual and empirical foundations are often limited and papers that examine contributions on both fronts, in a synthesized manner, are rare. Therefore, this discussion begins with an analysis of papers that do both. Beginning with papers examining the relationship between NGOs and neoliberalism, the review builds on these studies through a basic line of argumentation: the relationship between neoliberalism and NGOs is important to theorising legitimacy issues in labour migration advocacy work in the UK. These papers are chosen because of their high academic standing and because of what they can offer the framework of the thesis. In this sense, the review considers some of the conditions to which organisations may seek legitimacy at a social level which builds on the organisational focus; it also develops the platform towards a narrower contextual chapter.

The first paper questions much of the available discourse on NGOs. The second shows how NGO academics must not over-simplify debates relating to NGOs. The third, conceptually and empirically the strong, illustrates how an NGO based in Mexico City rejects a prefabricated reliance on market mechanisms – as the organisation adopts neoliberalism’s mistrust of government (Crouch, 2011). The fourth is based on the relationship between NGOs and government in Australia, under a particular regime. It documents the ways NGOs were de-legitimised and the strategies developed to re-legitimise, as a result of governmental pressure. The following discussion

therefore provides some of the context for the research question relating to the interaction between organisation and State and particularly about what potentially may shape the relationship. As will be examined in the proceeding element of the framework, too, there is also further conceptual clarification required regarding what literature on neoliberalism suggests the State's form and function may be.

On political economy: Kamat 2004

Kamat's (2004) paper, *The privatization of public interest: theorizing NGO discourse in a neoliberal era*, explores what was then a recent policy discussion on NGOs. Unusual for papers considering NGOs, the study is a critical insight into the dangers of how organisations walk paths into what they oppose. Rooted in conflict between liberalism and socialism, Kamat (2004) frames the discussion in tension between 'private interests' and the 'public good'. This is important because unlike many others, the paper emphasizes how community-based (CBOs) and Advocacy NGOs have carved a unique space as representing the public interest- that often presents a problem for global capitalist institutions. The study develops the argument that global policy actors such as the United Nations, the World Bank and the World Trade Organisation, pursue strategies that pluralize the public sphere. The author suggests these actors incorporate the role of NGOs in ways that advance the economic agenda of their institutions. Importantly, this represents a trend towards the privatisation of the public sphere, something considered in the empirical work of the thesis. Thus, because the NGOs with

a service delivery element and an advocacy element face a difficult process and balancing act of remaining accountable to different stakeholders, including their clients and advocacy groups, and of course, the State.

The paper explores the trend of expanding market economies and shrinking States and illustrates how NGOs are stepping in to respond to the needs and demands of the poor and marginalized in society. Kamat (2004) suggests this obscures the way NGOs are often being integrated into global capitalist relations. He warns that any discussion of the limits and potential of NGOs must take account of the emergent international economic order and its neoliberal notion of democracy. However, there are elements of the paper that jar with the analysis in this thesis and these relate to the paper's observations of organisational legitimacy. For example, pointing to the trend of NGOs becoming integrated into global capitalist economics, Kamat (2004) argues development analysts caution that unlike governments and State bureaucracies, there are no mechanisms by which NGOs can be made accountable to the people they serve. This is a clear error, as she suggests that,

Given their success in raising public awareness around global policy issues and influencing reforms on a range of important political and economic issues, the question of how to assess their accountability remains fuzzy and unresolved (p.161).

Yet as the previous chapter illustrates, there are a number of ways that advocacy-based NGOs can bolster accountabilities, in the eyes of communities, State and broader stakeholder groups. This, for what is regarded as a strong political economy of the changing role of advocacy NGOs in society, is a flaw. As examined in the previous discussion, there are ways to enhance organisational legitimacy through managerial advocacy work. Vitrally, Kamat (2004, p.156) suggests “Current debates on NGOs point to the dangers of NGOs replacing the State as representatives of democracy”. This arguably holds within the political economy of the UK, and more acutely, within the empirical work of this study.

Looking at the broader theoretical picture, Kamat’s paper pushes past interpretations considering issues like organisational accountability in their own right; it argues that the overarching phenomena of NGOs and their specific concerns must be theorized in relation to the global economic and political process. As a result, the paper is valuable as it is one of a small number of studies critically engaging in a discussion of the broader picture between liberal and social forces in explaining organisational (in)actions.

In sum, the overarching analysis of the paper displays a strong understanding of advocacy NGOs and argues that accountability within must be theorised within broader social and economic changes. Nevertheless, there appears to be a relatively weak connection between the concern of accountability and the overarching analysis of what limits the accountability of advocacy NGOs. Analysing empirical articles on NGO legitimacy may have

allowed the author to clarify this issue. This is certainly an element to which this project seeks to contribute to empirically.

Raising an important point: Wallace 2009

Another important piece is Wallace's (2009) essay *NGO Dilemmas: Trojan Horses for Global Neoliberalism?* This is a widely cited study. Although not as conceptually strong as the previous study, Wallace considers recent critical writings on NGOs and develops a piercing commentary. The debate is framed on NGOs as one polarised through their role in fostering a type of economic colonialism or in becoming an important part of the international regulatory system. This tension is vital for the paper. Part of the importance of the study is its ability to problematize 'over-generalisation' within both arguments through suggesting they fail to capture the concrete mechanisms of NGOs in political-economic settings. Wallace (2009) outlines the strengths and weaknesses of each argument and frames the discussion by examining ways donors make social policy demands, overview budget allocations and 'help' to create democratic struggles and systems of accountability in organisations. This is of particular relevance at a time of the great recession because managerially it may be tempting to secure the future of an organisation through accepting particular demands of influential funders. Which, of course, has grave implications for the legitimacy of NGOs because the NGO advocacy agenda may not reflect the concerns of advocacy groups, but rather the types of activities that donors are willing to fund (Farrington and Bebbington, 1993).

Suggesting that a renewed vigour should be placed on understanding the ways how, as organisations, NGOs are often caught up in what they oppose, the essay serves as a warning for service delivery organisations in times of austerity. The essay questions the extent to which aid conditionality has moved from the economic sphere into other aspects of socio-political life. Through the perspectives of a number of large NGOs, it focuses on who is setting agendas and places emphasis on linking organisations to their wider structural context, which is often missing on papers in NGOs. However, while the paper comments on the value of work that NGOs do, it ignores NGOs with little external funding and those with a radical focus, such as environmental or trafficking organisations. This is a flaw because many of the arguments that are made through the paper do not apply, or at least are challengeable, when thought about within the context of these types of NGOs. Thus it is raised because the perspective gleaned throughout the paper is very general in reference to NGOs.

The author raises an important point relating to colonialism and the wider system of regulatory capitalism. However, the study argues that offering analysis via organisations that work in the challenging domains such as human rights may suppress both lines of argumentation. This is because accountability is different and particular to the policy context of each individual organisation. Additionally, while neoliberal politics are mentioned several times, the paper fails to define neoliberalism or give a coherent political-economic history/context to it. Still, the study is significant because it draws connections between the way NGOs are funded and managed and the

broader pressures to which organisations exist. In this sense, while many NGOs may seek to limit the nature of neoliberalism there is an undertone to the paper which suggests that they are at risk of becoming greater carriers of the policies of a global agenda which many oppose. This is also a key theme for the paper critically examined below.

A sophisticated study: Magazine 2003

The third study is by Magazine (2003) and is entitled *An Innovative Combination of Neoliberalism and State Corporatism: The Case of a locally based NGO in Mexico City*. Magazine's work is conceptually and empirically strong. As a political scientist and anthropologist he is finely tuned to the political-economic character of global neoliberalism. The paper neatly illustrates the effects of neoliberal policies and an organisational response through the work of a local organisation working with street children in Mexico City. This research is important because it breaks ground through clarifying the global and local tensions inherent in the orthodoxy. Further, the work is significant as it characterises the limited portrayal suggesting NGOs are slaves to a singular neoliberal development paradigm - often seen to be 'imposed' from above. Though not part of local or national government, the paper discusses how the organisation put into practice a new narrative for development. In the article, based on several months' research as a volunteer, Magazine describes a local organisation in Mexico City that combines aspects of neoliberal planning with elements of State corporatism in their practice. He analyses how they employ aspects of a neoliberal

narrative in development practices- and why as an organisation- they add to this by developing an undertone of nationalism and State corporatism.

His framework and analysis focus on the conflict between the premise of neoliberalism versus State corporatism and the strength of the study is the richness of empirical material and conceptual work which underpins the paper. In considering the latter, Magazine outlines how the organisation rejects neoliberalism's reliance on the market and attempts to empower families and communities to act as intermediaries between individuals and global capitalism. He shows how an NGO aims to improve the lives of street children without developing what are termed paternalistic instincts. Hence, the organisation attempts to empower communities to act as intermediaries between individuals and not to rely on government to remove them from their difficult socio-economic context. The synthesis is based on teasing workers' perspectives into examine the contradictory nature of neoliberalism. Thus, the paper uses the work of a local organisation and the narrative of workers to examine the tension between global and local forces to explain the managerial focus of the organisation. On the whole, this is a provocative, well written and synthesised paper, and for a study concerning the nature and focus of NGOs its quality is unusual. Set within the tension between global forces and a local organisational response to the dominance of neoliberalism, the analysis is sophisticated.

However, while the relative merits of empowering individuals are portrayed strongly there is a focus throughout the paper that appears to be rather

individualistic and perhaps, distant. Magazine spent one day per week over a nine month period, as a volunteer and researcher within the NGO, and he makes a strong case the organisation's programmes being "set up to help the street children help themselves rather than provide for their needs" (Magazine, 2003, p.248). Now, in a country where child poverty and the issues that street children face are strongly linked to neoliberal policy (p.248), some could argue this approach is essential (fight fire with fire). Yet, there is something arguably wrong about adopting a similar strategy that is believed to cause social problems. Importantly, this seems like a contradiction in his overarching analysis of neoliberalism, and it perhaps paints a picture of him as an affluent liberal American somewhat detached from the realities of being a street child.

Seeking to reward personal responsibility and to undermine what McChesney (1998, p.7) terms the "dead hand" of government, neoliberalism traditionally highlights the rise of self-governing subjects in response to the withdrawal of government bureaucracy and the liberalization of individuals (Feldman, 2009; Friedman, 1962; Hayek, 1960; Friedman 1982; 1960). Hence, through uncritically engaging with the organisation's adoption of neoliberalism in their practices i.e. as it sought to borrow a neoliberal mistrust of government, Magazine (2003) is arguably feeding into this neoliberal narrative.

This thesis is more statist and less liberal in its orientation – and it should be said that his analysis advances an anthropological understanding of the role that neoliberalism plays in both constraining and enabling children to move

out of difficult social contexts. In this respect, the focus on children and the Mexican context may not be directly comparable to this research. However, as Khor (2001) suggests, neoliberalism valorises the importance of economic rationalism and the individual which is deemed problematic, particularly when NGOs are seeking to replace essential State mechanisms in doing so. Therefore, while this paper sheds light on the relationship between an NGO, society, and State, its apparent lack of criticality towards the idea that the State should be responsible for its citizens' welfare is a notable issue.

An unusual analysis: Arvanitakis 2009

The fourth paper of significance is Arvanitakis' (2009) work, *Surviving Neo-Liberalism: NGOs Under the Howard Years*. Unlike many others written on the organisational form of NGOs and their role in society, it places organisations within a specific time period. This paper touches upon the work that a group of NGOs do in their efforts to change government policy. Part of the uniqueness of the study is that it is based on Arvanitakis' first-hand experience of working in the NGO sector. This is also contrasted with his previous career in the financial services sector.

Prime Minister Howard was the 25th Prime Minister of Australia and served over four terms, from 1996 to 2007. Holding the Liberal-National coalition, the Howard government presided over what was considered a strong period of economic growth, and hence, Howard was re-elected in 1998, 2001 and 2004 (Stone, 2009). The paper argues there was social unrest in Australia at

that time. Inflammatory topics for the administration include, but are not limited to: industrial relations, immigration, the Iraq war, and Aboriginal relations. In the paper, he makes an effort to highlight how the Australian government undermined the effectiveness of advocacy-based NGOs, and draws an important comparison between NGOs and labour unions. The research argues both forms of organisation are important 'counter balances' to governmental and corporate interests. A key fault of the work is the failure to understand that accountabilities are different for NGOs and Trades Unions which are rooted in membership and non-membership issues. Further, while there are elements of neoliberal and neoconservative politics that are overlapping, these are considered too similarly and cloud the analysis of the paper a little.

He makes a convincing case about how and why the politics of the Howard government (while in power from 1996- 2007) recast the idealism of NGO charters' as socially unfashionable and naïve. He also makes an equally convincing argument for the continued spread of neoliberalism through 'democratically elected' governments. However, the important part of the study, relates to the ways which the NGOs under question fought for their *legitimacy* through strategic positions. According to Arvanitakis (2009), 'attacks' from the government came in two ways: firstly, the administration aimed to gag NGOs; and secondly, they redefined the legal basis of 'charity' which had tax implications for the organisations. For the small advocacy NGO the paper is based on this was a serious threat to their existence. In this sense, his work provides a very unique analysis of the search for

organisational legitimacy with a new government, within State interaction, which is similar to the interests and focus of this PhD. Moreover, the Conservative government he examines and wider neoliberal conditions also provide an interesting cross case comparison with the conditions the managers of NGOs engaged in this research may speak of.

While the moral sentiments of the paper support a strong case on the part of the NGO, one could argue his analysis lacks an essential objectivity.

Although he does qualify this as a weakness through his role with the organisation, but a mentioning of the opposing geo-political debate through the eyes of the State administrators could have been potentially useful.

Perhaps more problematic than the rather one-sided account, is a lack of linkages to theories of legitimacy, neoliberalism and the State. As while the paper describes in good detail how the organisation resisted government measures through their legitimation attempts and activities, there is no loop back to a framework of legitimacy or even a review of a particular form of legitimacy. This is a surprise given that he suggests the paper is based on a “robust theoretical analysis” (Arvanitakis, 2009, p.4).

Methodologically, the paper is situated within feminist theory about the role of the researcher in research projects; however, this feels like an unsatisfactory justification for the use of theory, particularly when the paper seems to be developed along the lines of a grounded analysis. Certainly the development studies literature could have been useful, here.

These four papers have been selected because they are important works that help the framework of the thesis by clarifying the link between organisational legitimacy and the broadest political economy. Across the works, neoliberalism and the role of the State is a strong theme but it is left undefined; and this is a wider shared characteristic of the literature. In looking specifically at Kamat (2004), this is surprising because the State and neoliberalism are key words in the paper and are pertinent themes through the work. Similarly, while the Mexican State and neoliberalism are vital to Magazine (2003), and the paper clearly situates the NGO's practices in the context of "twentieth century Mexican governmental strategies", further clarity surrounding these themes and relationships is required.

These are important papers because neoliberalism is a driving force in the work of the organisations, which may be similar to the four NGOs engaged in this study. There is also an inherent tension between economic and social or social and liberal forces within the wider context to which the NGOs are placed which may provide an essential comparison for this PhD.

In taking the very broad idea of neoliberalism as driving a tension between social and liberal forces, contextually and geographically uneven, the following examines the development of neoliberalism more explicitly. It does this by taking the framework of legitimacy within the broader neoliberal political economy and reflecting upon the national context where the empirical research is carried out.

Perhaps the key theme across the four papers, out with the argument that the State is a vital and unclarified debating ground, is the repeated warnings to advocacy NGOs in relation to becoming part of the capitalist institutions and processes to which they so often oppose. In the organisation of legitimacy for advocacy work, in times of economic difficulty, this may resonate strongly.

Summary

Problems of power and the legitimacy it yields are perhaps best signified by the metaphor of the Prince and governmental power, by the Merchant representing private enterprise and economic power and by the Citizen “who embodies peoples’ power” (Korten, 1990, p. 96) or the power of civil society. As this chapter has suggested, the legitimacy of NGOs is often enshrined in arguments concerning their role in society through comparisons with other actors with different purposes. These differences often come back to arguments about representation and a wider neoliberal interpretation of democracy and what should and should not be within the purview of organisation and State. What this suggests is that further analysis of the relationship between NGOs and neoliberalism is important, and more than this, because the State is an important actor in this research, that the State needs to be given a fuller consideration in due course.

According to the 2006 United Nations report on Accountability of NGOs, research conducted on the responses of NGOs to accountability challenges reveals a range of activity within specific organisations addressing

governance, their work programmes and discussions between NGOs who are collaborating on standards and codes. This report suggests there is still much work to be done with the accountability of organisations in the sector because vital accountability structures to various stakeholders can be patchy (Bendell, 2006).

However, a misconception on the part of several authors (see Hailey, 2000; Roper, 2002; Smillie, 1997) relates to the idea that management theories from other sectors can be neatly applied to problems of the third sector (Hudson, 1995), and in this case, the accountability and legitimacy of NGOs. This review, while taking a useful definition of legitimacy from Suchman's (1995) paper, advises the difference in organisational contexts and power relations underpin a need for concepts and theories to be developed in light of issues grounded in the sector. Thus, because as Lewis (2003) suggests, a-one-size-fits-all-solution imported from wider management fields will not suffice.

The chapter has examined the chronology of institutional definitions of legitimacy and what an institutional framework of legitimacy may offer the thesis. While the institutional definition will be taken forward, institutional interpretations of legitimacy will not. This is because of what it can offer the thesis. In considering the institutional and developmental approaches to legitimacy, their relative merits and weaknesses have been examined. While there is now a legitimacy framework in place, which focuses on the concepts of downwards accountability, representation, and knowledge and

performance in advocacy work. It is suggested that NGO work cannot be understood in isolation from a broader political economy which shapes much of the focus of organisations. This directly relates to the context and actors (the State) forming the core of the analysis of this research. Developing the narrative of the thesis this way makes a contribution to debates within the field of international development and development studies because while the legitimacy of NGOs is an important topic. There is a lack of empirical research, and a requirement for a deeper appreciation of the actors and factors that shape the organisation of legitimacy in organisations. For clarity, this chapter informs the central aim of conceptualising organisational legitimacy and it provides the basis for the analysis of legitimacy in State interaction in a changing and complex neoliberal political economy.

Chapter 3: 'Neoliberalism, State administration, and immigration policy'

Introduction

This chapter analyses the neoliberal political economy where the research is set and considers the nature of State policy from New Labour to the current Conservative-led administration (1997-2012).¹ The discussion reflects on how changing State administration and different policies may affect the work and legitimacy of NGO labour migration advocates. What the chapter intends to argue is that there are similarities in the available literature on both the Labour and Conservative-Liberal administrations that suggest they are fundamentally neoliberal actors. However, the issue of labour migration advocacy work and its inherent pull towards immigration policy provides an interesting paradox within the wider neoliberal political economy. This is because immigration policy in the UK has developed a more restrictive vein (Anderson, 2012), which clashes with broader neoliberal ideas relating to institutional freedoms. Indeed, immigration is difficult yet interesting in this sense because it does not align with the classic left-right cleavage (Hampshire, 2013, p.24). Going back as far as Thatcher's policy legacy on immigration, the chapter suggests a paradox originally existed between her Government's anti-immigration rhetoric and their wider policy programme; a

¹ Please note this is the current timescale when empirical data collection was underway.

programme of full-blown capitalism and labour deregulation, which took the British economy to a new phase of globalisation (Awale, 2013).

This paradox can be traced back further within British Conservatism, through for example, the influence of Enoch Powell. Powell had a varied political career. He was an influential MP and cabinet minister who had strong feelings about immigration. Powell sought to further liberalise markets and roll back the State while at the same time displaying imperialist values (Foot, 1969; Fiddick, 1969). He is remembered most by his rivers of blood speech which was very political and arguably, anti-immigrant. This is not to suggest the current administration portray a similar strength of feeling, but rather, to highlight that discrepancies exist between what is said and done in immigration policy in the UK.

While there is a legitimacy framework in place and the review has indicated that the wider political economy of neoliberalism is important to theorising organisational legitimacy. This chapter builds on these elements by drawing them into the context and changing political environments of relevance to NGO labour migration advocates. The discussion informs the research aim of trying to understand how the changing immigration landscape set within the neoliberal political economy may shape the work of advocates. It provides clarity regarding the specific immigration policies of interest. Further, the chapter makes a contribution to framing the empirical focus of the research as the tension between the inherent openness of neoliberalism and the net cap on immigration is of fundamental importance empirically. In this sense,

the chapter provides a theoretical context in which the continuity and change in sources of legitimacy are examined in the nexus of administrative change in the UK. Ultimately, the four papers examined in the previous chapter can be understood within the context and conclusion of this chapter.

Definitions and roots of neoliberalism

For three decades neoliberalism has reshaped the global political economy (Centeno and Cohen, 2012). Historians will however look upon the years in the late 1970s as a turning point in the world's political-economic history. In 1978, Deng Xiaoping took the first steps towards the liberalization of the Chinese communist-led economy. In 1979, a relatively unknown figure of Paul Volcker was instated as chairman of the US Federal Reserve and implemented a range of fiscal and economic policy changes that were revolutionary. Across the Atlantic, Margaret Thatcher, the first and only female British Prime Minister and leader of the Conservative Party was sworn in with a mandate to curb union power and put an end to inflationary stagnation that enveloped the country (Harvey, 2005, p.1). This, of course, is a simplistic interpretation of what is a particularly complex period. Indeed, it would take more than a PhD to cover it fully. Then, in 1980, Ronald Reagan was elected president of the United States. Armed with voter popularity and a range of newly developed policies, he set on course to revitalize the US economy by supporting Volker's moves by deregulating key industries and markets. Indeed, Regan ushered in a new era of Conservatism which had major implications for the working class of the country (Cowie, 2010). Yet

what followed was a period of wealth creation, leading many analysts to credit neoliberalism with the strength of the global economy during the late 1980s, 1990s and early 2000s (see Centeno and Cohen, 2012).

However, neoliberal processes are also understood as played out via the shrinkage of welfare systems and social securities through the adoption of trade, financial, environmental, and labour market policies advancing the interests of corporations and international capital (Baines, 2010). These are vital policy concerns for managers concerned with labour migration advocacy work in the UK, more broadly, and study's interested in the tension between neoliberalism and immigration policy, because

On the one hand, liberal States such as the United States, Canada, Australia, as well as supranational regions increasingly operate according to a logic of neoliberal openness, privileging and creating institutions to enable the free movement of goods, technologies, currencies, and ideas and so forth. On the other hand, the nation-State is still a membership community, which must maintain a distinction between insiders and outsiders. Under this political logic, the liberal nation-State simultaneously operates under conditions of closure, carefully selecting and would-be immigrants and excluding "others." These competing logics lead nation-States into what Hollifield calls the "liberal paradox," but which we might also call the neoliberal paradox (Varsanyi, 2009, p.879).

In a sense, this represents a paradox which is important with the inherent economic openness of neoliberal States, in one way, and political closure on

the other. However, even authors who accept neoliberalism is a valid analytical object still differ over the entry points they adopt to establish its quintessential qualities, referring to particular genealogies, time periods, and particular cases or specific policy fields (Jessop, 2013, p.65). Hence, there may be no *Urtext* of neoliberalism (Goldstein, 2012), and this suggests that one should refer to diverse patterns of incomplete neoliberalisation rather than assuming that neoliberalism has an unchanging context free essence (Peck, 2010). This is arguably what makes theorizing the relations between NGOs and the State within this context a challenge. However, the chapter does place neoliberalism historically and politically; illustrating where immigration policy in the UK digresses away from the dominance of neoliberal public policy.

Boas and Gans-Morse (2009) suggest the most common use of the term 'neoliberalism' refers to economic policy reform such as eliminating price controls, deregulating capital markets and lowering trade barriers. They argue it denotes a conception of freedom as an overarching social value associated with reducing State functions to those of a minimal State. Yet the claim of defying definition is representative of a wave of research whose goal it is to denounce a powerful set of practices resulting in an evolving role for the State and its relationship with the markets and society more generally (Chomsky, 1999; Campbell et al.2001; Rapley 2004; Harvey 2005; Mirowski and Plehwe, 2009).

Influential cultural critic Henry Giroux suggests neoliberalism is a complex of values and practices that work more broadly as a cultural field (Giroux, 2004). Assessing the impact of neoliberalism on society, Giroux (2004) contends that better approaches to building democracy exist because of an increasing emphasis in global societal inequality. The concept of neoliberalism is therefore often deployed by academics and activists of particular political persuasions (Larners, 2006, p.450). Where analysis retains a commitment to illustrating how neoliberalism grew out of the dominance of the right in politics, economics, and across a broad swathe of social policies affecting labour migrants and NGOs (Crouch, 2011; Peck and Tickell, 2007; Harvey, 2005).

Understood in this manner, neoliberalism is regarded as a hegemonic strategy for economic globalisation because of its support by leading international bodies (such as the OECD, IMF, and World Bank); with primacy in the United States and in other Anglophone countries (notably England, Australia, New Zealand, and Canada) (Jessop, 2002, p.259).

In his *A Brief History of Neoliberalism* (2005, p.2), David Harvey stands out as being one of few who tries to define neoliberalism within the broader critical literature. His work is arguably at the forefront of many debates concerning neoliberalism's concrete nature and impacts. He gives the concept a wide-ranging definition and cuts across philosophy, State, and markets, and suggests that,

Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade. The role of the State is to create and preserve an institutional framework appropriate to such practices. The State has to guarantee, for example, the quality and integrity of money. It must also set up those military, defence, police and legal structures and functions required to secure private property rights and to guarantee, by force if need be, the proper functioning of markets. Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by State action if necessary. But beyond these tasks the State should not venture. State interventions in markets (once created) must be kept to a bare minimum because, according to the theory, the State cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias State interventions (particularly in democracies) for their own benefit.

Harvey (2005) proposes we view neoliberalism, not as the rejuvenation of liberalism, but as a distinct economic theory which has several rules involving the State and the market. Taken within the primary context of the 1970s-to-today, Harvey's definition is useful. It accommodates his belief that the world has experienced an emphatic turn towards neoliberal politics (Thorsen et al, 2011). However, does he go far enough? Does it [the definition] provide conceptual clarity that can be applied to the political economic context and history of the UK? Is it relevant to managerial advocacy work and legitimacy in NGOs?

In reading different chapters of the text and examining some of his other works (Harvey, 2003; 2012), it is clear he is at the vanguard of a critical appraisal of neoliberalism. What makes this interpretation useful is that the role and purpose of the State is something quite clearly set out. One of the key propositions from Harvey's understanding suggests there is a focus on the role of the State in society whereby its central role is to support the factors and players which preserve an institutional framework. This also allows one to reflect on the way States may be embedded in neoliberal contexts and how this could interact with civil society interests. The functions of the State are to create the conditions where entrepreneurial freedoms are liberated across a very broad folio of social issues and policies. These behaviours and actions inevitably create the social structures which managerial advocacy work is aimed at; they underline why legitimacy is a vital organisational construct.

There are however two key issues with the definition and understanding of neoliberalism that need to be clarified: one relates to the role of the State and its history, and the other is about why States do what they do (Miliband, 1979), and what this suggest about State policy and practice. In considering the former, the proceeding discussion gives background to this broader history and suggests that, while what is known as neoliberalism heralds from a distinct period in the 1970s and 1980s, that this also may cloud the economic history of broader and less individualistic ideas. The definition also does not apply exclusively to the case of the UK or to specific immigration policies, which would have been ideal. Neither does it therefore directly relate

to the advocacy work and management under investigation. In considering the latter, it is suggested that a framework based on the search for legitimacy with a purely neoliberal State, particularly because of the emphasis on UK immigration policy in advocacy, work may present a challenge because the nature of UK policy, in particular, is not overtly neoliberal.

Therefore, it is argued that we must theorise precisely what the State constitutes; its form, interest, and autonomy in immigration policies (and this is what the final empirical chapter does). This chapter now looks at the roots and development of neoliberalism and explains the key policies of interest. The final chapter takes these policies and develops a State theoretical lens to compliment the neoliberal interpretation of the State. Ultimately, this lens and wider framework for examining legitimacy in NGO-State relations will be examined through analysis of manager's perspectives across the NGOs engaged in the research, empirically.

In the beginning

One of the key issues regarding the supported definition of neoliberalism is its lack of historical orientation with regards to the analysis of neoliberalism and the State. Therefore, the discussion now briefly examines the chronology and use of the term which leads to analysis of why the golden age of capitalism (Pressman, 2006) was halted through the challenge to Keynesian macro-economic planning. This draws the analysis to the case of the UK.

The aim to redefine functions of the State can be found as far back as 1921 in Hecksher's (1921) book *Old and New Economic Liberalism*. However, the term neoliberalism probably first appeared in 1925 in a book written by Hans Honegger and was entitled *Trends of Economic Ideas*. Honegger identified "theoretical neoliberalism" as a concept based on the works of a range of scholars including Alfred Marshall, Eugen von Bohm-Bawerk, Friedrich von Wieser and others (Mirowski and Plehwe, 2009, p.11). They rejected encroaching socialist ideas through theories of competition and entrepreneurship. Yet still, the term neoliberalism came to prominence when in 1938 Alexander Rüstow, a German economist and sociologist, discussed it at a meeting of a group of 25 prominent liberal intellectuals in Paris (the Colloque Walter Lipmann). The colloquium defined neoliberalism as "the priority of the price mechanism, free enterprise, and the system of competition and a strong and impartial State" (Mirowski and Plehwe, 2009, p.13).

Rüstow argued that the old liberalism had failed and believed a new liberalism was needed. Hence, to be 'neoliberal' originally meant to hold a belief in the insufficiency of laissez-faire liberalism and advocate for a more modern economic policy (Thalemann, 2011). In line with Rüstow's theories, the colloquium signalled a turn away from unrestricted liberty towards a market economy under the guidance and the rules of a strong State. It was here the differences between 'true neoliberals' around Rüstow and Lipmann and other prominent liberals such as Von Mises and Hayek were visible (See Thalemann, 2011).

The theoretical stance of ordo-liberalism was developed in the context of the crisis of the Weimar Republic in the 1920s and is premised on the State as the focus of liberal governance (Bonefeld, 2011). Importantly, the founders were united in their concern for constitutional foundations supporting a free economy and society (Vanberg, 2011). Sharing a classic political economy focused on questions like order, institutions, law, and ethics (Sally, 1996), the ordo-liberals reject the Ricardian methodology on the basis that it is too narrow. They place value in the Smithian case for a free market, which situates the economy in broader political and social terms (Hutchison, 1986). While the former, named after David Ricardo, an early English political economist, stresses the importance of static comparative advantages and/or prices. Where competitiveness depended on exploiting the most abundant and cheapest factors of production (e.g. land, raw materials, labour, capital, enterprise) and exchanging products from other spaces with different factor endowments (Jessop, 2003, p.121). The latter assumes that the role of State authority must be utilized to secure the socio-ethical foundations of a free market (Bonefeld, 2012).

The ordo-liberals referred to themselves as 'neoliberal' in order to create a distinct identity of their own- apart from the ideals of the classic liberal project (Boas and Jordans, 2009). Understanding this is essential to grasping the more modern 'neoliberal' turn, because, just as arguments of freedom and liberty were deemed insufficient by those who favoured a newer form of liberalism, they also grew in stature and became very influential in

institutionalizing the neoliberalism of the 1970s and 80s in the context of Western politics and the UK specifically.

Academic economists, such as Milton Friedman of the Chicago school, with support of scholars such as Friedrich Hayek, helped turn the tide back on their terms, and this wave forms the majority of ideological apparatus now known as neoliberalism. In liberal market economies such as the UK, US, New Zealand, there was a shift towards different political ideas (Jessop, 2011). This change is rooted in the roll-back of policies and institutions associated with the Atlantic Fordist post-war settlement and through the roll-out of new or restructured institutions intended to consolidate regime transition (Peck and Tickell, 2002).

The birth of Neoliberalism in the UK

As the dominant economic belief of Labour and Conservative governments since 1945, the Keynesian influence was weakened by the growth of the idea that governments could not manage demand in order to secure full employment (Evans, 1997). Hall (1992) locates the central elements governing the much debated shift from a Keynesian to a monetarist policy making paradigm in the growth of monetarism as an alternative economic idea; in treasury disillusionment with the failure of Keynesian economic policies; and in the two party system of government. He pinpoints the importance of the growth of a 'marketplace' for ideas as policy-makers failed to stabilize the prevailing Keynesian paradigm; and the changing balance of power between governments, unions, and financial capital as key drivers of

change. We must remember that through this period, the role and function of NGOs changed too, as a reflection of changes in the broader political economy.

From the end of World War II until the mid-1970s, Keynesian macroeconomics dominated political economic orthodoxy, and the discipline of economics and citizens of advanced economies enjoyed the benefits of strong economic performance. On every important measure like unemployment, inflation, productivity, growth, and living standards, the 1950s and 1960s were a golden age of capitalism (Pressman, 2006). Indeed, economic life was generally improving and Keynesian thinking was thought to be core to this on-going advancement (Cornwall, 2004).

The early post-war years witnessed the world-wide rejection of the *laissez faire* doctrine that failed so spectacularly during the interwar period, and the emergence of a widespread consensus on State activism. The new consensus of the end of laissez faire capitalism- and that people were living and working with a 'mixed economy' (alternatively, 'modern capitalism or 'organised capitalism') (Chang, 2012), was however overturned in the mid-1970s following the neoliberal counter-offensive. Indeed, many macroeconomic policy instruments associated with the Keynesian Welfare National State (KWNS) became less effective as State managers attempted to buttress or replace them with other methods (Jessop, 2003). This opened the door to various critiques of Keynes' view (Pressman, 2006) and led economists of all political persuasions, not only the archetypal 'neoliberals',

to question the Keynesian view of whether government policy should be used to remedy the problems.

This new focus sought to end the mixed economy and re-introduce market principles to the extent that would have been unimaginable during the early post-war years (Elgar, 2000). Hence why analysis of economic policy since 1945 commonly divide into two main periods: the Keynesian era followed by one where the 'monetarist' or 'neoliberal' policy framework held sway – with the division between the two occurring in the latter half of the 1970s (Donaldson and Farquhar, 1988; Hall, 1992, 1993; Oliver, 1997; Pope, 1998, cited in Pemberton, 2004).

The 1970s, in particular, saw the public and intellectual debate turn against Keynesian macroeconomic policy when inflation and unemployment gripped a number of the most advanced economies of the West (Pressman, 2006).² The true complexity of which cannot be captured within this thesis. For the group of G7 countries, the most economically advanced nations (including the UK), average deficit budgets boomed - from just under 1 per cent of Gross Domestic Product (GDP) between 1959 and 1970, to around 3.6 per cent between 1971 to 1981; and then to 4.4 per cent of GDP from 1982 to 1993. Indeed "inflation was, by 1980, identified as the most potent dragon to be slain" (Evans, 1997, p.21).

There are many reasons, too many to consider in depth here, as to why these countries ran up larger than usual budget deficits, although,

² Not though, in France or Germany as they adopted different political economic models.

importantly, the need to borrow more in such a manner highlights an economic problem. This reinforced the intellectual argument of the mainstream neoclassical economists, hence why, the advances of neoliberal politics are perhaps best understood as a 'diagnosed' failure of Keynesianism (Kus, 2013).³

Therefore, the difficulties of the 1970s, though debatably exaggerated, do represent a turning point in the political economy of the UK. Evans (1997) suggests that Margaret Thatcher aligned herself to the party's radical right; who through the stewardship of Sir Keith Joseph articulated a coherent critique of what was known as 'consensus' politics. Joseph called for a reduced role for the State, tax cuts, and heavy incentives for key business industries; the argument being that competition within a free market was a means of securing full employment. However, there is a marked difference between Thatcher's policy and rhetoric on immigration policy that underlines a difficulty in understanding her party and the State throughout this period as neoliberal.

Thatcher and the Conservatives

The neoliberal project of Conservative governments - from 1979 to 1997 - embodied commitment to market exchange as the basis of socio-economic policy, privatization and market proxies in the public sector, and the "rolling back of regulatory frameworks designed to protect labour" (Harvey 2003, p.148). Consolidated Thatcherism, was characterized by an authoritarian and

³ The rise of the New Right in the US and the UK was also predicated on political ideas.

centralising 'strong State' project and neoliberal accumulation strategies. In the early 1980s, neoliberalism, through governments like the UK's, moved from being an emergent State project to a dominant State strategy (Jessop, 2003). Though government practices were slow to change throughout the late 1970s, State apparatus turned attention to the support of individual freedoms of government in the interests of citizens (Peck and Tickell, 2012). As will be highlighted in the empirical chapters of the thesis, this is a concern for the legitimacy of labour migration advocates today, when working with the UK State.

'Thatcherism' means different things to those of different political persuasions. However, Thatcher argued for the supremacy of the individual, as opposed to the group; as for her, there was no such thing as society, only individuals and their families (Women's Own Interview, 1987). Individualism more broadly, is a belief in the authority of the individual over social groups and collective bodies and identities. Following thinkers such as Friedrich Hayek, she argued that social rights and welfare State provision undermines individual freedom because they weaken personal responsibility and civic virtue (Biesta and Lawy, 2006, p.5). That is why it is proposed that "the only way to engender good citizenship is to see as its basis the individual freely choosing to act in a responsible way" (Faulks, 1998, p. 68). However, managerial advocacy work in NGOs is understood to build collective power for groups, not individuals.

Bulpitt (1986) develops a thematic unity in analyses of the Thatcher government with authors from a range of political positions concerned to explain 'Thatcherism'. According to Bulpitt (1986), interpretations of the first Thatcher Administration, in particular, can be very broadly divided into two groups: those who suggest that her party had some grand purpose and consistency in its operations, and those sceptical of any such conclusions. Bulpitt (1986) stresses— above all — a need to examine activities of party leaders in terms of their Statecraft and the most prevalent debate seeks to assess the degree of 'radicalism' of the economic policy of the State in this period. But this assessment should be extended to different policies that are not only economic in nature.

The narrower literature often supports 'radicalism' (Thain, 1985; Thain and Wright, 1995), whereas broader accounts often do not share this perspective (Tomlinson, 2007). The following discussion explains why there are elements — across the dividing lines — of both debates that seem appropriate in the analysis of the State in this period through the diversion in immigration policy and rhetoric.

Indeed, a pattern of divergence emerges between the marked differences in immigration policy and in Thatcher's broader language and argumentation. The period of Thatcher's leadership in the UK — 1979 to 1990 — were broadly years of zero immigration, with immigration levels lower than they are today (MRN, 2013). According to the MRN (2013), immigration levels were stable and even recording a reduction in net migration to 53,200 in 1990 which was

69,670 in the late 1970s. However, Thatcher argued that the UK was too densely populated and that immigration needed to be controlled at a sustainable level, referring to immigration as a threat to national British identity. As can be seen from the MRN's (2013) perspective, this is a concern for NGOs, and one in which organisational legitimacy regimes with governmental administrators will be tied into.

Olad (2013) suggests Thatcher brought forward little legislation controlling immigration, aside from the British Nationality Act 1981, which continued the restrictions to Commonwealth citizen rights introduced in the Immigration Act 1971. This is arguably the measure of her governments' true concern regarding immigration. Yet, publically, her concern was more marked and illustrated through the comment that, "People are really rather afraid that this country might be rather swamped by people with a different culture" (Telegraph, 2009).

Metaphors hold an attraction for politicians because they perform a range of functions: for example, the use of the verb 'swamp' in relation to immigration evokes strong emotions and creates a myth that immigration is excessive and communicates the ideological political argument that it should be stopped – or even be reversed (Charteris-Black, 2006, p. 567). This is very symbolic.

Ultimately, the recession of the early 1980s eroded the strength of the Fordist manufacturing industries and global developments which eventually provoked much immigration to the UK in the following decade. Olad (2013)

cites large scale public policy and social movements, including the fall of the Iron Curtain and expansion of European Union free movement rights through the Maastricht Treaty, as key factors that eventually drove immigration to the UK. However, in the period of her reign, immigration policy appeared to be of little interest to the Thatcher administration, although publically it was deemed to be more of a concern. Hence, there is a mismatch between Thatcher's rhetoric and her light touch policy agenda on immigration.

On the basis of what has been argued in this chapter, it is suggested that Western economies experienced a turn towards a different kind of capitalism. Going back, liberal economies in the West shifted towards different political ideas (Jessop, 2006); to end the mixed economy and re-introduce market principles (Elgar, 2000). Hence, in the UK, under the Conservative administration, there was arguably a period of sustained economic change. But the extent to which this change can be attributed to radicalism in Conservative policy is debatable. More specifically, this raises questions about the extent to which the neoliberal theory of the State attributes a coherence to governments, when, in this case, it has publically argued one thing and demonstrated little in the way of policy development to legislate against immigration.

New Labour and Labour administrations

The financial crisis of 2008 has arguably shaken neoliberalism's hold on policy with several prominent thinkers suggesting the project is responsible for the world's financial meltdown or at least arguing a need for change

(Stiglitz, 2010; Chomski, 2009). As Centeno and Cohen (2012, p.1) suggest, however, “The crisis and ensuing Great Recession may have shaken neoliberalism’s supremacy, but it remains unchallenged by a serious alternative and continues to shape post-2008 policy”.

Arguably, the New Labour government of 1997 adopted and implemented much of the neoliberal inheritance bequeathed by Major’s outgoing Conservative government (Buckler and Dolowitz, 2000; Crouch 2011; Hall, 2003). Indeed, three successive Labour governments under Blair’s continuing leadership persistently and wilfully drove forward neoliberal transformation rather than halting or reversing it (Jessop, 2007).

Paradoxically, following its election, New Labour was arguably content in administering much of Thatcherism’s legacy in regard to neoliberal economic strategy, as if considering their effects economically and politically irreversible *faits accomplis* (Jessop, 2007, p.2). Jessop (2006) further explains that even though he was departing office, Tony Blair was determined to constrain his predecessor’s capacity to depart from the neoliberalism. According to Jessop (2007), this reflected Blair’s strong Christian socialist leanings and marked a personal antipathy to collectivism and corporatism. It may also reflect political expediency or pragmatism.

Thus, New Labour largely followed the main elements of the neoliberal regime shift it inherited, as can be seen by examining the major elements of neo-liberalism it as pursued in the Thatcher-Major years. For example, it maintained the broad strategic line embodied on the six planks of neo-liberal

economic strategy: namely: liberalisation, deregulation, privatisation, re-commodification, internationalisation, and reduced State direct taxes (Jessop, 2006).

The comparison with the Labour Party is a curious one because distinct from previous Conservative governments they were a 'hybrid regime' embodying a "social democratic variant of neo-liberalism" (Hall 2003, p.19). What this means for the immigration and employment prospects for labour migrants and the Labour government's relationship with the NGOs in question is important. Smith and Morton (2006) suggest the social-democratic heritage of the party was subordinate to neoliberalism but visible across two primary dimensions, as New Labour adapted a programme to suit conditions of governance. Namely, that of a socially democratic administration trying to govern in a neoliberal direction while maintaining working class and public-sector middle-class support. Although, a number of commentators' remark upon neoliberal elements in New Labour's policy changes. For example, industrial relations and employment law policy were often been seen as discrete concessions, rather than the result of a deeper commitment, because "New Labour re-legitimized collectivism but on one central condition: that it be imbricated with management objectives" (McIlroy 1998, p. 543).

Neoliberalism was embedded within New Labour's vision of the labour market and the discourse of the 'third way'; a modernised and unitary perspective (Fox 1996, p.3). In nine years of government, the party developed a distinctive form of neoliberalism in which Conservative

legislation on trade unions and industrial action was integrated within a more subtle discourse of social partnership and collective and individual rights. This of course, was intertwined with carefully defined intervention in the labour market and the employment relationship is designed to promote efficiency (Smith and Morton, 2006). Throughout this period, immigration policy grew towards and came to reflect a “liberalizing”, “modernising” agenda where the interests of business entrepreneurs were arguably privileged (Flynn, 2005, p.463; 465). This is arguably a route to understand immigration policy via both New Labour under Blair and the more recent Labour under Brown.

Observers of UK immigration policy will note the Labour administration brought in the Points Based System (PBS) to control immigration from outwith the EU to the UK. The PBS was phased in as a framework for immigration with five key tiers; each dealing with particular groups and categories of workers. The first tier is designed to manage particularly ‘valuable’ workers, including those with the highest level of ‘skill’. Tier two is known as employer-led, which targets medium-to-high skill workers. This, for example, could be a university professor at a public university or a skilled nurse working in the NHS. Under this tier there are four categories of routes into the UK’s labour market, including sportspersons, religious leaders, intra-company transfers and the shortage of occupations route, hence the professor and nursing reference.

Tier three concerns 'low skilled' migration, which according to the five year strategy is to be phased out in response to the number of workers available from the newly enlarged EU. While tier four is concerned with international students, and the final tier – tier five - relates to individuals that help satisfy non-economic objectives, like youth mobility and temporary workers.

Key policy experts argue the PBS gave Britain a well-developed and flexibly administrable immigration system. Hence why, Sommerville (2007) proposes Britain once stood head and shoulders above the rest of Europe. Though Somerville was a former employee of the labour administration; focusing his efforts on Tony Blair's immigration strategy.

In summary, Consterdine and Hampshire (2013) suggest that under the Labour administrations of 1997-2010, UK immigration policy was transformed from one of the most restrictive to one of the most liberal in Europe. Thus, arguably, conforming to the theory of the neoliberal State as understood in this chapter. Yet they also argue that this increased liberalisation over immigration policy; a puzzling development because of the UK's previous path dependency, as well as an absence of a strong public demand for liberalisation. Indeed, the increase in immigration to the UK throughout Labour's three terms relates largely to movement of labour migrants from within the EU and changes in policy that opened the labour market to new countries. However, throughout this period, a strong economy with labour and skills shortages and a commitment to globalisation and institutional reforms to policymaking, introduced new actors, both governmental and *non-*

governmental, into the immigration policy field (Consterdine and Hampshire, 2013). This underlines an agentic ability within certain NGO groups who now worked with the UK State and underlines the development of the role of NGOs in Public Policy work under Labour.

Policy under Cameron: a move away from liberalism?

David Cameron came to power after the departure of Labour's Gordon Brown. Under both Labor and Conservative-Liberal administrations, immigration has been consistently regarded amongst the most important topics facing Britain. However, recently there has been a systemic economic recession which may have hardened particular social attitudes towards migrants and migration and legitimised the State's view. The reported key reasons for continued concern are often the perceived burdens on public services and increased competition within the UK and European labour markets (Dustmann, Fabbri and Preston, 2005; Dustman and Preston, 2007; Facchini and Mayda, 2006; Green, Owen, and Jones, 2007; Ward and Masgoret, 2006). Under David Cameron's leadership, the conservative government, in coalition with the Liberal Democrats, have diverged throughout the recession, from a liberal and relatively open immigration agenda, towards one which is more restrictionist. This is an important factor which throws doubt over the ability of a purely neoliberal theory of the State to examine NGO-State interaction in the UK.

Scholars have begun to turn their attention to Cameron and his Conservatives (Denham and O'hara, 2007; Bale, Denham and Fielding,

2009; Lee and Beech, 2009). The literature is expanding with particular focus on Cameron's leadership elections (Heppell, 2008) and ideological commitments (Beech, 2009). There is an argument that the Conservatives diverged away from the previous government's approach to immigration policy because of a relatively weak performance in the previous two elections. Indeed, the theory is that the Conservative-led administration could no longer rely on traditional Conservative policies, such as support for the family, to win the political centre. Moreover, a number of centralist policies initiated by the Conservative Party in the previous two elections had been adopted without acknowledgement by New Labour. Hence, there was a perceived need for a policy area that was historically associated with the right and would be difficult for New Labour to adopt (Charteris-Black, 2006).

This is particularly interesting through a legitimacy framework with an empirical lens which is sensitive towards the broader neoliberal political economy because NGOs who work in Public Policy often do not align themselves with particular political parties. Yet, key changes to policy are understood to impact upon particular groups of labour migrants wishing to come to the UK. This therefore raises the question of how legitimacy is managed when examining these policy changes.

In March, 2011, David Cameron announced the Government would seek to cut immigration into the UK to "tens of thousands" per annum. The Coalition Agreement (2011) States that whilst immigration can be beneficial to the

economy and society, “to ensure cohesion and protect our public services, we need to introduce a cap on immigration and reduce the number of non-EU immigrants”. The Institute for Public Policy Research (2012) – a centre-left think-tank engaged in this study also suggest shifting the balance from permanent towards temporary migration are “legitimate policy objectives” yet that the proposals are misguided.

Vince Cable, the Liberal Democrat Business Secretary attacked Mr Cameron for negative comments made about the impact of mass immigration on society, and suggested his opinions were “very unwise” and “risked inflaming extremism” (BBC, 2011). There is also a concern among the business lobby in the UK regarding the implications of the net cap on immigration, and the specific focus on ‘low skilled’ work from out with the EEA. Not to mention concerns for NGOs, more broadly, that relate to human rights issues associated with particular restrictions now in place and a perceived marketization of immigration policy (MRN, 2012; 2013).

As previously highlighted, Hampshire (2013, p.24) suggests,

“For centre right parties, immigration exposes tensions between market liberalism and (which mandates an expansive approach to immigration) and value conservatism (which is associated with the maintenance of cultural traditions and the nation-State), and thus a more restrictive approach to immigration.”

He also argues that liberal elements within centre left parties are typically pro-immigrant, often for human rights reasons. While welfare State and labour market protectionists support restrictions to immigration to ‘protect’

skilled workers from competition from migrant labour (Hampshire, 2013, p.24). This is a tension that lies at the heart of UK immigration policy, at least since Tony Blair came to power with New Labour, and is exemplified in the differences and expectations of labour and conservative-led administrations since this period.

When examining Conservative party documents, the normative foundations of their analysis- as to why immigration should be reduced- are comparable to the earlier tone adopted by Margaret Thatcher. However, the rhetoric is not blunt and displays business and economic credentials. According to Damien Green, former UK Immigration Minister, for example, the limit will help reduce immigration down to sustainable levels and “protect those businesses and institutions that are vital to our economy” (Coalition Agreement, 2013).

With the release of Lord Heseltine’s review, ‘No stone unturned in the pursuit of growth’,⁴ we could see a further shift in UK immigration policy away from what is regarded as a distinctive Conservative framework, towards greater liberalisation of immigration policy. Within the report, Heseltine argues for a ‘pragmatic’ Tory approach and extolls the virtues of market deregulation, while stressing the importance of State intervention as a means of stimulating economic growth. The government “should review the regulations relating to immigration policy as part of the Red Tape Challenge process”, writes Heseltine.

⁴ Available from: <http://www.bis.gov.uk/heseltine-review>

Summary and building of framework

This chapter is the primary contextual chapter of the thesis. The focus, directly building on the previous, was analysis of neoliberalism's economic history, with a focus on the UK and the UK's immigration policy in the nexus of recent administrative change. The chapter examines the nature of immigration policy from Thatcher, through to the coalition administration as to allow an empirical examination of these changing advocacy regimes. Yet it should be noted that John Major's reign has not been thoroughly covered because this study is interested in the infusion of neoliberalism into UK public policy via Thatcher and the period after Major's reign.

The discussion provides clarity regarding the specific immigration policies of interest and a theoretical context in which the continuity and changes in sources of legitimacy may be examined in the nexus of administrative change. It moves the discussion from the abstract conceptual understanding of neoliberalism to a focus on specific governments and their policies that form the empirical focus of the thesis. Importantly, it provides conceptual and historical clarity regarding the role of the State under neoliberalism and gives a very clear insight into the nature of the State in a neoliberal world.

However, a clear issue that has resulted from this analysis of neoliberalism is that the State is regarded as contradictory or a "self-contradicting theory of the State" (O'Neill, 1997, p. 291-292). In the context of the different immigration policies, this is even truer. Hence, the uneven and mixed interpretations of neoliberalism and the State are somewhat confusing, and

that is why Harvey's (2005) definition will be taken forward as an imperfect understanding of the State. Where his (2005, p.2.) analysis fits nicely is in its bridge to immigration policy in the UK, through the emphasis on the broader role of the State where he makes claims about what States do.

These claims can be understood both within Labour and Conservative-led administrations. Flynn, for example, illustrates (in this chapter) that the Labour administration came to reflect an agenda where the interests of business entrepreneurs were arguably privileged (Flynn, 2005, p.463; 465). Indeed, Harvey's (2005) argument that the functions of the State are to create institutional the conditions promoting entrepreneurial freedoms rest well.

Where there is a divergence between this theory and the State is in the UK's recent immigration agenda, and non EEA restrictions, which began with the Labour administration. The Labour administration brought in the Points Based System, which tried to attract the most economically prosperous, while simultaneously placing greater emphasis on restricting non EEA migrants. More recently, immigration policy under the current administration has developed a minimum pay threshold which means only the 'brightest and best' workers who strengthen the UK economy will be able to apply to stay permanently (Con, 2013). The State has restricted immigration for highly skilled workers to all but entrepreneurs, investors and people of 'exceptional talent' (Con, 2013). An earnings threshold has been set for £18,600 for anyone wanting to bring in a spouse or partner from outside Europe. Health

secretary, Jeremy Hunt, further announced that the State is intending to require foreign nationals coming to the UK on long term temporary visas to pay a yearly health levy of £200 to contribute towards the cost of any healthcare received (Conservatives, 2013; Cavanagh and Glennie, 2012; Liberty, 2013). These policies, while articulating the desires of a market State, restrict the ability of migrant workers to enter the UK. In this sense, they are not neoliberal policies and the neoliberal theory of the State, while useful, is not wholly applicable in this case. Indeed, in trying to understand the role of the State in labour migration advocacy work, it is felt that further conceptual work is required.

There is now a framework in place which is geared towards understanding organisational legitimacy. The legitimacy framework consists of four related concepts that are deemed vital for the analysis of advocacy work. They provide this research project with an ability to understand how interaction is managed with State administrators because they are combined with interviews that probe experiences of work with both administrations. This chapter and the broader analysis of the NGO and neoliberal relationship, underpins the legitimacy framework; it gives it a contextual and policy focus.

In this sense, we now have a multi layered appreciation of legitimacy and a broad and narrower focus relating to why legitimacy is a vital factor in the work of NGOs. The one element that remains missing is analysis of the key actor in the work of State focused NGO advocates: that being the State. Therefore, the chapter now introduces a particular conception of the State

which is an important piece of the puzzle as it will allow the study, from the perspective of NGO managers, to examine the State in their labour migration advocacy work in a way that builds upon the neoliberal theory. The overarching architecture of the thesis will then consist of a legitimacy framework for examining interactions; a broader appreciation of the relationship between NGOs and neoliberalism; a more focused contextual analysis; and now it introduces a key actor into this analysis.

Chapter 4: 'The State; a key actor in advocacy work'

Introduction

This chapter conceptualises the State as a key actor within labour migration advocacy work and the neoliberal political economy. The purpose of the previous chapter was to narrow the focus of the project to the context and specific policies of interest within the nexus of administrative change in the UK. The reason for this is because the State is one of, if not, the most important actor in the work arrangements of the four NGOs who form the basis of the empirical analysis. Introducing this frame of reference to the conceptual framework allows the thesis to engage with the impact of the State and Public Policies at a macro social level, which complements the legitimacy frame which is focused on analysis at organisational levels. Indeed, to fully get to grips with labour migration advocacy work there is a requirement to understand the relationship between the State and labour, something which is not drawn into the framework as of yet.

Going back to the discussion before 'the beginnings of neoliberalism', two issues were highlighted regarding Harvey's (2005) definition of neoliberalism and its understanding of the State. It was argued that the definition may mask the broader economic history of neoliberalism and the turn away from liberalism 'proper'. Harvey (2005) does, however, suggest the functions of

the State are to create the conditions where entrepreneurial freedoms are liberated across a broad range of social and public policies. In this sense, his understanding applies to a majority of what is written about Labour and Conservative-led administrations. More broadly, it is arguably applicable to analysis of managerial advocacy work aiming to improve policy affecting labour migrants.

Yet with immigration policy, recent UK administrations have arguably diverged from neoliberalism, particularly the most recent administration. It was highlighted that even authors who accept neoliberalism as a valid analytical object still refer to different “genealogies, time periods, and particular cases or specific policy fields” (Jessop, 2013, p.65). Peck’s (2010) point regarding neoliberalism is important here too, as he suggests that when one refers to neoliberalism, we should refer to incomplete patterns of neoliberalisation rather than assuming that neoliberalism has an unchanging context free essence. Therefore, while it is argued that the broad idea of neoliberalism is useful, in that the NGOs in the study may be organising legitimacy in a neoliberal age and environment, it is suggested the UK State is not a purely neoliberal actor in policies of importance in labour migration advocacy work.

Indeed, the same UK administration that “significantly expanded labour immigration in the early 2000s because of ‘its enormous economic benefits’ claimed in 2008 that ‘it’s been too easy to get into this country in the past and it’s going to get harder” (Anderson and Ruhs 2009, p.1). More recently, the

coalition administration has also enhanced the restrictions on labour migrants from out with the EEA (Anderson, 2012). These are not neoliberal ideals.

What underlines this chapter's importance is that to-date there has been little analysis of the questioning (primarily from NGOs) of State power and practice particularly in policy affecting labour migrants. But in Britain, managers from the Third Sector often speak of the State's Public Policy and the ways it affects people wishing to migrate to the UK for work. Managing campaigning organisations or organisations with a campaigning or policy change element can be challenging (see, Hudson, 2009). However, getting to grips with different theories of the State, will help to shine a light on the manager's analysis of advocacy insights into the State and migrant labour relation; something integral to advocacy work and management.

Since the 1960s there has been extraordinary development in theory dealing with the State (WISC, ED, 2014). This is because of the clarity of the intellectual debates and vitality of historical and recent sociological analysis. As a result of the depth of debate, it is difficult to consider every important analysis. However, three important areas are Marxist and class-based theories, Organisational theories, and what is known as Keynesian, or post-Keynesian theories. In general terms, Marxist theories view the State through a lens of class and class struggle through relationships with the capitalist production process. Whereas Organisational theories- often based on Weber or neo-Weberian ideas- emphasize ways States' constitute sources of power on the basis of institutional logics; within organisational regimes, and through

interaction with other sources of power in society (WISC, ED, 2014). While thirdly, developments within the Keynesian and neo-Keynesian paradigm often offer a broader economic history or political economy of the State. In their own ways, the trio offer ways to understand the form and functions of the State and to raise questions about State policy and practice based on this.

At this point, it is important to mention that the chapter is not a primer on every theory of the State, as the field and its many subfields are plentiful. The largest omissions from the thesis are the works of Antonio Gramsci – one of the most influential neo-Marxist State theorists and that of Keynes, the economist and philosopher. In considering the former, while the concepts of hegemony and his acute analysis of political leadership could potentially rest well with the thesis, they would alter the direction of the chapter and entire study. Keynesianism and post-Keynesian theories of the State, alternatively, are perhaps the most classic in a political-economic sense and they are applicable to the landscape in the UK. Like the debates that Keynes involved himself with, these represent a very broad range of topics and are seen to characterise the broader sweep of economic history. Keynes and the tension between the New Right is arguably an excellent platform to understand the development of neoliberalism, and to critically examine the relationship between NGO action and the State. Perhaps this could be a way to extend the research.

With this in mind, there are other important omissions: micro-foundational

approaches to State theory and analysis and Public Choice debates.

Theories within this area are known under a range of popular terms including game theory, strategic action, and rational choice theory. Like the debates in the public choice arena, there is a behavioural element which is felt to clash with the philosophical frame of the thesis.

Marx and class-based theories

The primary approach to State theory and analysis is Marxist and class-based theories. Marxist theories of the capitalist State deal with questions about the role of the State in society and specifically, its relationship to class and class struggles (Pressman, 2006, p.7.). Hence, much of the theory developed within the tradition pays attention to the way States enforce the ideology of the dominant class by putting forth difficult questions surrounding the class-based system (see, Parkin, 1979; Aronowitz, 1990; Sklair, 2001; Robinson, 2004; Miliband, 1969, Poulantzas; 1969). Marx is important within the confines of this research because his work on the State has very deep roots in contemporary theories of the State. These theories allow this research to understand the relationship between the State and labour and the interrelationship between the superstructure and the economic base of society, which appear to very important in the context of advocacy work and labour migration to the UK.

The most important themes in terms of Marx's view on the State are those contained within *Economic and Philosophical Manuscripts* (1844), *Debates*

on the Thefts of Woods (1842), and in his *Critique of Hegel's Philosophy of Right* (1843). However, it is not the aim of the research to delve fully into these important discussions, but rather to briefly summarise Marx's view in order to consider recent accounts. The young Marx was influenced by Hegel's dialectic, yet throughout the course of his academic development grew to develop a piercing analysis of his works. He began his critique of Hegel with the history of Greek philosophy in his Doctoral Thesis, and went on to critically examine Hegel's summary of the history of political philosophy, the *Philosophy of Right*. Throughout his life, Marx often returned to Hegel, continually deepening both his differences, and agreement. At each stage, he used his study of Hegel to penetrate the connection between the philosophical attitude to the world and the oppressive, exploitative, inhuman nature of alienated social forms (Smith, 1999).

Describing how Hegel inverts the 'real' by deriving empirical institutions (such as the State and family) from the idea, his criticism illustrates how Hegel's philosophy led him into an inconsistent argument (Coletti, 1971, p.57). In this broad ranging critique, Marx (1843) argues Hegel reduces being and thought. Citing Marx, Coletti (1971, p.19) suggests this involves a double inversion where being is reduced to thinking or "the finite to the infinite" where "The realm of empirical truth is transformed into an internal moment of the Idea". Intending to show that Hegel's reliance on ideas is problematic, the argument

is not only fixed on Hegel's philosophy, but the way the philosophy reflects reality (Marx, 1843).⁵

The capital-labour relation and the capitalist mode of production

Marx originally treated the modern State as an institution that played no essential role in economic production and reproduction. His principal theoretical object, unlike Hegel, is the capitalist mode of production. The capitalist mode of production entails the historical development and reproduction of a labour market where workers offer their labour-power for sale. In abstract terms, the capital-labour relation operates through workers' exchanging their capacity to work for a wage by accepting capital's attempt to control their labour-power in the production process (Jessop, 2003, p.13). This relationship is based on the interaction and exchange between the capitalist class- who are seen to own the means of production- and the working class, which sells its labour-power to capital (Kotz, 2007). While there is a strong vein of statism inherent in Marx's economics (see Marx and Engels, 1970, p.30), he believed that the State and its officials, far from representing common interests, tended to exploit civil society for their own interests (Jessop, 1990).

⁵ The wood theft debates are also important to understand the genesis of Marx's thinking on the State because they emphasize the evolution of his analysis of key aspects of the social relations of production. It is here Marx critiques private property, which is one of the facets upon which capitalism is based upon through the ownership of the means of production. Specifically, this is where he engages with Rousseau's critiques of private property (see Marx and Engels, 1970).

As far as capitalist economies are concerned, Marx's view is perhaps best summarised in the famous formulation in the communist manifesto where it is suggested that, "The executive of the modern State is a committee for managing the common affairs of the whole bourgeoisie" (Marx and Engels, 2005, p.31). For Engels (1978, p. 704), the 'contradiction' between production and the appropriation of the product by capital is vital. Hence, it contains "the germ of the whole of the social antagonisms of today"; and thus, the executive of the State is one which is often understood to enforce the ideas and class ideals of the elite in society. Within the context of this research, that could be understood through the State's focus on social and Public Policies, affecting both labour migrants and the relationship between migrants and citizens.

A group important to Marx and many different recent streams of conceptualisation is the reserve army of labour. According to Marx, workers who become unemployed join part of the industrial reserve army (Marx, 1930, p.708). Integral to the capitalist mode of production, Marx describes the reserve army as "the lever of capitalist accumulation" (Marx, 1930, p.632). Magdoff and Magdoff (2004) suggest members of the 'reserve army' are often people living in insecurity. They advise today's reserve include the following broad categories of workers: the unemployed; part-time workers wanting full time work; those making money independently (self-employed) or occasional work while desiring full-time work; workers in jobs likely to be lost soon (due to the economic downturn, increased mechanization, or through jobs moving to countries where workers earn lower wages). It also includes

people not counted among the economically active population but available for employment under changed circumstances (such as prisoners and the disabled).

Marx recognizes the importance of what he termed the reserve army and argues their lives are characterised by working hours of particular length and poor wages. A key idea is that the existence of the reserve disciplines other workers to accept conditions that they may not accept otherwise. He illustrates that the conditions of existence for those who belong to this very broad category often fall below average conditions for workers (Marx, 1930, p.710). This concept has particular relevance for a study concerned with advocacy and the immigration context in the UK, at a time when the Conservatives (2013) announce that nearly 1.2 million jobs have been created.

According to Tannock (2013), however, there is an emphasis on the degree to which perceptions of migrant workers as *good workers* reflect cultural differences in migrants' approaches to work. The specific example relates to the comparisons between the low-wage jobs often available in the UK, to what people can find in home countries and the vulnerability or precariousness of workers' structural positions in the UK labour market. MacKenzie and Forde (2009), for example, note employers in the low-wage segments of the labour market use the rhetoric of the migrant worker as a 'good worker' with a

strong ethic and the 'right attitude'.^{6 7} Hence, this concept may be of particular relevance in the analysis of labour migration advocacy work.

Formulation of instrumentalist and structuralist theory

The reinvigoration of Marxist analysis of the State- as a theoretical problem and empirical object of investigation- is the result of the vitality of discussions of the State in the late 1960s and 1970s (see, Miliband, 1969; 1970; 1973; Poulantzas; 1969; 1976; Gold et al, 1975; Altvater, 1973; WISD, 2014). At that time, the important issue became the degree to which independence was enjoyed by the State in its relations with the principal formations of civil society and social classes (Abraham, 1977). Marxist analyses are now less common than they were forty years ago, but the content of recent theories owe much to these early debates. Most varieties of Marxism still assume that adequate political analysis must be developed on the basis of the relation between the State and civil society, that is, their 'separation' (See WISD, ED, 2014).

Where attempts have been made to question the State, Miliband (1969) suggests they suffer from an over-simplification of the inter-relationship of State and civil society; in other words, between the connections and vital differences of civil society organisations and the State.

⁶ A migrant worker is defined following Anderson (2010), as a foreign national entering the UK for employment, regardless of whether this temporarily or permanently.

⁷ A distinction between legal and illegal employment is an omission here, as, in the case of the advocacy organisations forming the empirical core of the thesis, they advocate on behalf of migrants who technically can be legally or illegally employed.

Elster (1985, p. 408) identifies three variants of Marxist theories of the State: those of an instrumental nature, others emphasising the autonomous nature of States more concerned with a structural analysis, and theories he terms as 'class-balance' theories. The first, he suggests, views the State as an instrument for the economically dominant class, with no autonomy of its own. The second, sees the State as serving "the interest of the capitalist class, without being the direct extension of its will" (1985, p. 411). The third, emphasizes "the struggle between two opposed classes allows the State to assert itself by divide-and-conquer" (1985, p. 422). While the breakdown could be considered slightly outdated, as the observation is approaching 30-years-of-age, there is truth in his characterisation, particularly in the first and second points.

Both instrumental and structural accounts of Marxist State theorising underemphasize the agency of dominated classes and State actors (Das, 1996). However, Miliband (1969) gave new life to instrumental theories that posited a direct connection between the will of the bourgeoisie and the actions of the State. In his analysis of the western system of power, he shows how the State - above all – is the coercive instrument of the ruling class and one defined by the terms of its ownership and control of the means of production (Miliband, 1977, p.5). Miliband (1977) argues for an instrumentalist model of the capitalist State, and puts forth his theory of how the State functions to serve capitalist interests. In developing his argument, he highlights the mechanisms through which the State embodies instruments of capital. For example, personnel at the height of the State, such

government officials, “tended to belong to the dominant class” (Miliband, 1977, p. 69).

The Miliband and Poulantzas exchanges

A handful of authors came to symbolise the differences between instrumental and structural theories. None more so than Ralph Miliband, the Belgian born sociologist and father of David and Labour leader Ed Miliband, advocating along instrumental lines and Nicos Poulantzas, the Greek political sociologist representing a structuralist theory of the State. In the latter, the State’s class character and functions are examined not in terms of who manages the State (like instrumental accounts), but through the constraints on State actions imposed by capitalist class structures (Das, 1996). In the former, the State is understood as an instrument of the dominant class. Hence, instrumentalism reveals how capitalists control the State in order to promote their interests in attempts to demystify the liberal view of a class neutral State (Ollman, 1978).

The structural position and the social relation

The Miliband-Poulantzas exchange was published in *New Left Review* and began with Poulantzas’ review of Miliband’s 1969 publication on bourgeois democracies, *The State in Capitalist Society*. Regarded by some as the most important postwar theorist of the State (Jessop, 1990), Poulantzas develops the idea that the State should be viewed neither as a specific institution nor

as an instrument of class rule. But rather as a relation embedded in a series of relations between classes in different societies (Therborn, 1982).

Within the article in *New Left Review* Poulantzas criticizes Miliband's instrumentalist thesis on a number of levels which stem from a divergent epistemological position (Poulantzas, 1969). The procedures chosen by Miliband, writes Poulantzas are "a direct reply to bourgeois ideologies by the immediate examination of concrete fact" (Poulantzas, 1969, p.68). In opposition to the argument that the State is a tool of monopoly capitalism, Poulantzas rejects all forms of instrumentalism, insisting that the State is a complex social relation (Jessop, 1990, p.30). With this, he claims to have discovered the mystery of 'the' Marxist theory of the State (Jessop, 2007). In his critique of Miliband's position, he suggests the relation between the bourgeois and the State is objective, which advises, that if the function and interests of the dominant classes overlap, it is by reason of the system itself (Poulantzas, 1969).

Miliband's structural critics argue his emphasis is in confronting liberal theorists about the social background, personal connections and shared values of elites through the impact of policies and the distribution of wealth (Jessop, 1990, p.31). This confrontation can also be understood in the critical literature on NGOs too (going back to the legitimacy chapter), as people with good incomes are most likely to be NGO activists (Warren, 2004, p. 15). Moreover, recruitment into NGOs is often out of reach for people who are not educated urbanites from capital cities (Mercer, 2002). Miliband's critics argue

he is interested in contesting the nature of the State in light of its “concrete socio-economic and political and cultural reality” (Miliband, 1969, p.6), and this rests well with a study that has a real and empirical focus. As Sayer (2000) suggests, realists are not interested in what could be the case, they are interested in what *is* the case.

Rather than the subjects that ‘control’ it, Poulantzas (1969, p.67) examines the State within its structurally determined role in society. As highlighted, Poulantzas suggests that if the function of the State and the interests of the dominant class coincide it is by reason of the system itself: “the direct participation of members of the ruling class in the State apparatus is not the cause but the effect” (Poulantzas, 1969 (cited in Rogers, 2012, p37)).

Therefore, rather than emphasizing the connection between dominant groups and the State elite, he attempts to show how the State performs differently in relation to the dominated and dominating classes (Poulantzas, 1974).

Hence, Poulantzas’ (1974) claims the State is objectively a capitalist entity, which can serve no purpose other than preserving the capitalist mode of production. How or rather, if, it performs differently is important as is the assumption that the State has to be autonomous from particular dominant classes and factions (Das, 2006, p.67). Thus allowing,

the State to intervene not only to arrange compromises..., but also to intervene against the long term economic interests of one or another fraction of the dominant class: for such compromises and sacrifices are sometimes

necessary for the realization of their political class interests (Poulantzas, 1969, p.284).

The instrumental position and the dominant class

The thrust of the instrumentalist position is one which reinforces the idea that the State is primarily understood as an instrument of the dominant class in society (Das, 2006). The origin of this body of work can be traced back to both Marx and Engels who characterize the State in the *Communist Manifesto* as “a committee for managing the common affairs of the whole bourgeoisie” (2005, p.31), and in *German Ideology* as “the form in which the individuals of a ruling class assert their common interests (1970, p.80). This is taken to mean that State action is under the “direct control” of capitalists and is utilized to maximize “long term” and the “common interests” of specific groups of influential people (Meckstroth, 2000, p.56).

Miliband (1977) argues for an instrumentalist model of the capitalist State by putting forward his theory of how the State functions serve capitalist interests. He suggests the State does so because of (a), the social origins of members of high government; highlighting that members of the ruling class are often the same people managing the State and (b), that the State consists of a collective of personal ties and influence between members of government and ruling class elites. In developing his argument, Miliband (1977, p. 69) shows that there are several mechanisms through which the State embodies

instruments of capital, where personnel at the top of the State system (i.e. high government, legislature, bureaucracy, army and judiciary), “tended to belong to the dominant class”.

In his analysis of *the Western system of power*, Miliband discusses the genesis of Marxist thinking on the State and outlines how it came to shape this particular aspect of his work. Speaking about the beginnings of Marx and Engels ideas on the State, he shows how their perspective shaped his, suggesting the State was above all the coercive instrument of a ruling class, defined in terms of ownership and control of the means of production (1977, p.5). Miliband’s quest was not one of determining whether the dominant class in society wields decisive economic powers but to question whether such a class exists at all. This is because “the ‘ruling class’ in society is that class which owns and controls the means of production and which is able to, by virtue of their economic power thus conferred upon it, to use the State as an instrument for the domination of society” (Miliband, 1977, p.23).

Instrumentalism is arguably the most common approach within State theory and a notable ‘problem’ is the assumption that the State acts an instrument of class rule (Jessop, 1990, p.27). There are also important factors that potentially threaten the thrust of the instrumental framework. Miliband (1970, p.57), suggests he should have paid more attention to the structural character of the State in his ‘earliest’ interpretations. In the classic *Marxism and Politics*, for example, he takes this further through the admission that “the question is not one of the purpose or attitude of the State elite, but of

‘structural constraints’”. According to Das (2006, p.66), this relates to the fact that the wider socio-economic system provides the context for the political system; and this is of conceptual and empirical importance: conceptual importance, because it suppresses the strength of others’ conceptual criticisms of his works (primarily structural theories) by placing a renewed emphasis on the structural character of the State. Empirically, as it places renewed emphasis on the wider picture which is important for the analysis of organisations in today’s economic climate.

The debate on the autonomy of the State which looked promising when it was launched partially ended with a sense that its problems had been exhausted rather than resolved (Abraham, 1977). Abraham further adds that by the mid-1970s, Miliband was urging political sociologists ‘from a Marxist point of view’ not to dissipate their energies in further studies of speculations about the State. He advised them to embrace an alternative issue couched in wider and differently conceived processes and relationships of domination. Meanwhile, Poulantzas moved from the conclusions of his struggle to clarify a Marxist theory of the State. The only established agreement emerging from the debate being that of a “mutual recognition of a number of important features of the presumed relationship of State and society which could not, as yet anyway, be adequately demonstrated” (Abraham, 1977, p.60). However, the way in which differences between Miliband and Poulantzas are perceived, thus primarily as a controversy between ‘instrumentalism’ and ‘structuralism’ may be a mistaken way of situating the discussion, at least with respect to the application of the latter term to *Political Power*

(Poulantzas, 1969). At all points through the review of State theory, one must try and reflect on the argument relating to what either argument can and cannot offer the framework of legitimacy. Indeed, part of the issue here, is that the argument is not new. Yet for the purposes of this research, it is proposed the instrumental narrative may be useful in its analysis of State power and practice; and to develop advocacy insights into the State and labour relationship which is important to advocacy work.

More recent structural work

WISD (2014) gives an excellent outline of recent structural work. In the document it is highlighted that, perhaps more than any other Marxist theorist Therborn (1982), attempts to develop a framework for elaborating a structural account of the class character of the State. Following the work of Poulantzas, Therborn (1982) insists the State should not be viewed as a State in capitalist society but understood as “a capitalist State”; in other words, that the State is a State in which capitalist class relations are embodied through its institutional form. Arguably, Poulantzas and other theorists’ make these claims and leave them at a very abstract level, whereas, Therborn (1982) develops a comprehensive and concrete template of class characteristics of aspects of State institutions. This enables him to map out the ways in which these institutional properties of the State vary across a variety of different kinds of States: the feudal, the capitalist State of competitive capitalism, the monopoly capitalist State, and the Socialist State.

However, the theorist who may have the richest portfolio of works is Bob Jessop. Jessop is one of the most important theorists of the capitalist State over the previous 30 years (WISD, ED, 2014). His work falls within a distinctly Marxist framework, yet equally, he is critical of many Marxist authors; none more so than those of the instrumental persuasion. In his book, *The Future of the Capitalist State*, Jessop (2003) frames the problem of the trajectory of the State in terms of a general, abstract understanding of the logic of the capitalist State and its place in the reproduction of society. This is a very important contribution because other authors' within and before this time have not offered as detailed an analysis of how they see the State evolving.

Drawing on the work of Poulantzas and Gramsci, Jessop's work attempts to reconstruct the central ideas of structural Marxism by combining it with strands of social theory to produce a general approach to understanding tendencies for transformations of the State. Jessop's major contribution to State theory is in treating the State as social relation with differential strategic effects. His earlier work, *State Theory: Putting the Capitalist State in its Place* (1990) and its companion book, *Beyond the Regulation Approach* (Jessop and Sum, 2006) adopt a critical realist, strategic-relational approach.

Marxist approaches characteristically anchor analysis of the State in terms of its structural relationship to capitalism as a system of class relations (Wright, 2002). Often embedded in economic activities, they highlight distinctive patterns regarding the organisation of the production and examine how the

State can, in different capacities, exploit others, including migrant workers, for its own ends. Karl Marx never attempted a systematic study of the State. Indeed, by concentrating on the economic level of the mode of production, he did not specifically deal with other levels of analysis- such as the State, as these were examined through their effects on the economy (for example, in the passages of *Capital* on factory legislation) (Poulantzas, 1969, p.68). This raises a particular point about the superstructure and economic determinism which other Neo-Marxist scholars like Gramsci built upon.

Gramsci also does not understand the form and function of the State in a narrow sense, like government, as this thesis does. His Prison Note Books (1992, p.160) advise 'the State' incorporates the *political society* of entities such as the police, army and legal system. It includes civil society, broadly understood to incorporate 'non-State' actors and institutions. Gramsci (1992) accepts the division is conceptual and suggests they often overlap. Strinati (1995), commenting on Gramsci, advises there is value in Gramsci's analysis, in particular, through its emphasis on the agency of groups that are inherently understood to be constrained by economic factors. This agency is something missing in Marx directly, although Marx did arguably understand the relation between the State and workers.

Marx's legacy, in this respect is defined by a wide and unsystematic collection of philosophical reflections, political forecasts, histories, notes in different outlets and many general remarks (Jessop, 1990, p.1). The State is, however, a key theme throughout his works evidenced by many references

to States across different types of societies (Miliband, 1969). In summary, Marx is regarded as one of the founders of the sociology of the State (Badie and Birnbaum, 1983). Therefore, the conception of the State offered, whatever the difficulties of operationalising it, are arguably well-founded (Abraham, 1977, p.61). They are useful for this study because his work underpins more recent accounts that understand the relationship between workers and the State; a backdrop to the advocacy work forming the empirical focus of the research.

Weber and State-centred theory

Whereas Marxist theories emphasize a class dynamic, 'State-centred' theories accentuate ways States constitute autonomous sources of power by considering how they operate on the basis of 'institutional' logics through interaction with sources of power in society (Pressman, 2006). The essence of the approach is outlined by Mann (1984; 1979), who uses the expression "organisational materialism" to capture its underlying logic. Perhaps the main rival to Marxist interpretations and occasionally intertwined with them are Marxist State-centric theories. Theories within this tradition often treat the State as a formal organisation with specific powers underpinned by forms of autonomy.

Whilst Marxist theorists often pursue issues of capital or class dominance, State functions are given more importance as empirical and theoretical objects of investigation. This does not imply the State is unaffected by

economic conditions, or underline their unimportance (WISD, 2014). Rather, it suggests class dynamics do not hold a privileged role in the interpretation of why States act the way they do. A Weberian analysis may be useful in getting to grips with the form and organisation of State activities, but because of its organisational dynamic, the approach is less able to draw concerns to the level of society.

Part of the rationale for the interest in theories within this domain is their ability to capture the workings of the State. As while strands of the previous body of theory may allow consideration of the link between the autonomy of the State and immigration policy, State-centred theories are able to build on this or work with key 'propositions' by examining the nexus between organisations and high government.

As the original theorist of institutions, the connection between organisation and society has considerable meaning for Max Weber. He understood the historical singularity of modern organisations and their material and cultural importance (Ackroyd, 2000, p.90). Abraham (1977), the historical sociologist, argues the sociology of the State is best represented by Weber's observations. Like Marx, however, these insights are often fragmentary; hence, he did not develop an exhaustive theory of the State. While remarkably different, the thoughts of Max and Alfred Weber and other members of the *Verein fur Sozialpolitik* are shaped through their confrontation with Marxism (Giddens, 1986, p.17). *The Society for Social*

Policy was both anti-socialist and anti-free market, in the vanguard of social reformation (Zweig, 1980).

His classic definition of the State is by its distinctive means of political control through which 'politics' is understood as the sharing of State power between groups (Warner, 1991). 'The State', or States, are therefore neither understood purely as a series of complex social relations nor a manifestation of class rule, but an entity or organisation with the ability to draw upon the legitimate use of force. In Weber's analysis of *Government and Administration*, he suggests government must have a legitimate basis for its own jurisdiction. Meaning, "legally that it is regarded as resting on authorization by the constitutional norms of the State" (1978, p.644). Jessop (2003, p.223) suggests this understanding is consistent with the idea that the State is an apparatus making decisions that are binding and justified for members of society, thus in the name of public interests and public good.

A feature of Weber's political sociology is its analysis of complex systems of class politics with little or no provision for the State as something separate (Abraham, 1977). Weber (1978) analyses the State as a kind of compulsory association that successfully monopolised the legitimate use of physical force as a means of domination within particular regions and geographical base. As discussed in the legitimacy chapter, in his definitional foundations, Weber paid particular attention to forms of action guided by the belief in a legitimate order, or in other words, a set of determinable maxims regarded as obligatory (Reuf and Scott, 1998). The State's characteristics being an administrative

staff, organised coercion, and a distinct territory where coercion could be exercised (Weber, 1978); thus built on “professional administration, specialized officialdom, and law based on the concept of citizenship” (Weber, 2003, p.313).

His basic tenet, on an ambitious level, is that an understanding of economic relations requires grasping all cultural contents and their meaning. This was applied to a vast conspectus of historical facts, from which he abstracted his famous Ideal Types (Zweig, 1980). According to which, there are three ‘pure’ types in which validity claims of legitimacy are based and as these are covered in the legitimacy framework in chapter two.

Ultimately, “Max Weber’s life and thought are expressions of political events and concerns” (Gerth and Mills, 1948, p.32), and as Gall (1986) highlights, one of his major anxieties was for the future of a strong Germany in view of a possible political vacuum following the resignation of Bismarck in 1890.

Weber was also intimately involved with State politics; he helped draft the Weimar Constitution before his premature death in 1920, and ran (unsuccessfully) for election in the Reichstag. Hence why, one could argue that Weber’s views should be principally understood in relation to German political issues. Indeed, for some, this renders much of his conceptual apparatus (like the ideal types and ‘authority’) problematic, particularly as it elucidated his concerns within a particular place and time. For example, Turner (2009), with specific reference to the sociology of knowledge, suggests Weber’s conceptual apparatus is meaningless once divorced from

the political issues which he sought to address. However, the relative dominance of Weber in State theory research suggests this is not a major problem.

Post-Marxist theory

Theda Skocpol (1979; 1985; 1992), an American sociologist and political scientist is most identified with this line of enquiry, because of her work on *States and Social Revolutions*. Skocpol is associated with an approach combining elements of Marxist and Weberian theorising. A leading advocate of institutional and comparative approaches, Skocpol bases her arguments on elements of both sociological giants. For Skocpol (1979, p.31), “States are... organisations controlling (or attempting to control) territories and people” and for her, they must operate within the context of class-based socio-economic relations (1979, p.29).

The focus for Skocpol is a clearer explanation regarding the roots of particular social revolutions. In this sense, while intellectually stimulating, the subject matter may not be of empirical similarity. However, her statist approach is useful for countering the society-centrism visible in other theories of the State as it stresses State actors can act autonomously (Das, 2006). Skocpol’s suggestion that bureaucracies of the State have the ability for self-directed autonomy has been a key debating ground with theorists who are more society-centric. Indeed, within the context of the State-centred work through advocacy insights into UK immigration policy, this will be scrutinized.

A common feature of 'post-marxist' theories is their belief in the non-correspondence between the economic and the political. In this setting, it means that theorists (in polarity) believe that there is no necessary relation between the class character of society and the nature of the State (Wood, 1996, p.52). The empirical analysis of the thesis will suggest, however, that there is an important link, yet the discussion will argue that it is out with the boundaries of this research project to fully consider.

In contrast to classical Marxism, emphasising the pursuit of bourgeois interests by capture of the State, Skocpol (1979) argues the basic and necessary task of the State is not to serve the long-term interests of the powerful, but to maintain order and compete with other actual and potential States. Within this grouping, Mann (1993) also plays a pivotal role. More than any other organisation-analytic theorist, Mann attempts to integrate a specific account of the State into a more general framework for the study of social power and social change. The central idea is that power in all its manifestations depends upon the characteristics and objectives of organising and organisations.

For Mann, "Political power" (the distinctive power linked to States), is based on the development of organisational infrastructures and in its administration. Importantly, unlike many Weberian theorists, Mann distinguishes the political power of States from military and coercive modes of power. This approach provides an array of categories in which to analyse and debate power. Part of its strength is that it shies away from abstract theoretical arguments or

models. Generally, the explanations offered are formulated at a concrete level of abstraction for explaining specific historical events and processes (Pressman, 2006).

A critique of the theories and summary of conceptual framework

Society-centred traditions of Marxism, as well as the more recent neo-Weberian State-centred approaches, tend to present a one sided focus on their subject, and their dispute has historically focused on the casual relationship between the State and the economy (Jessop, 1992; 2003). Leading some commentators to suggest that neither 'approach', in the strictest of senses, really provides a conception of the State; nor an understanding of the relation between the State and society as politically constituted (Bertstramsen, 1991, p.96). This is not a thesis about Marx or Weber, however, there are criticisms relating to both approaches and others that relate to works of key authors that need to be reflected upon within the context of this thesis. The discussion now reflects on the drawbacks of the different approaches, articulates how instrumentalism is embedded in the framework, and summarises the conceptual framework of the study.

In considering purely Marxian interpretations and the thesis that Miliband (1977; 1979) proposes, one could argue there are problems with the foundations of his analysis in which the State is understood as an instrument of the dominant class. Whereby instrumentalism, as Ollman (1978) suggests, attempts to reveal how capitalists control the State in order to promote their interests. Vincent (1987, p. 151), for example, a foremost authority on State

theory, suggests that Marx does not establish a precise connection between class and political power, “except in the overly simplistic *The Communist Manifesto*”. He argues that it would be surprising to find a recent work on Marxist State theorizing arguing that “‘The State is not regarded simply as an instrument of the ruling class ... Who rules the State is an important issue , but few, if any, current writers claim that that the ruling class controls the State directly’ (Carnoy, 1984, p.250)”. Jessop (1982) also suggests that understanding the State as an instrument of class rule can be attributed to economic reductionism, because of the assumption that the economic base determines the balance of political forces in the struggle for State power, as well as the institutional form of the State.

However, going back to the analysis of the State provided in the chapter, this is not only what the State is limited to. Indeed, the analysis to this point, particularly that provided by the discussion relating to Harvey’s (2005) definition, reveals that the State is not only a mechanism for ‘class rule’ in public policy, because there are other essential properties and functions. Nevertheless, bearing this criticism in mind, the study will consider Miliband’s thesis and the autonomy of the State in the organisational connections between the State and the four NGOs engaged in the study through analysis of the managers’ analysis of State policy. Miliband’s approach is arguably useful here because it allows the thesis to consider who manages the State, which is different to the structural focus. The legitimacy framework is of course fundamental to this analysis. The second chapter of the thesis conceptualises legitimacy and offers a particular framework based on four

related concepts that may prove useful when examining the interaction between NGOs and the State in labour migration advocacy work. Building on the legitimacy framework, the literature review develops a broad picture of the relationship between NGOs and the neoliberal political economy. This articulated the uneven and geographical way which neoliberalism is understood and began to consider issues of organisational legitimacy in the broadest sense by reviewing papers which considered NGOs and neoliberalism. These papers offer this study the chance to reflect on relationships which potentially shape advocacy work and management and the need for legitimacy. They form the link to the context of the research.

The focus was then narrowed to the context of the UK and the economic history and infusion of neoliberalism into UK Public Policy. It is suggested the thesis has made a contribution to introducing some conceptual clarity regarding what neoliberalism actually is through the critical analysis of the orthodoxy.

Neoliberalism is the backdrop to which the thesis is set and the discussion introduces the State as a key actor in labour migration advocacy work. The discussion then focused on how it is becoming more difficult for labour migrants from out with the EEA to migrate to the UK for work because the British State has a recent history of diverging from its neoliberal ideals in immigration policy. This is measured in the net cap on immigration which is a more restrictive approach to the overarching focus of UK immigration policy. Immigration change, however, is the empirical, not theoretical focus of the study.

Together these elements provide a holistic analytical device which can be used in other contexts. The conceptual framework is one for examining the legitimacy of advocacy work, within a neoliberal political economy, with the State as the key actor. Building on legitimacy and the macro analysis of the State and labour in advocacy work under neoliberalism, the multi-layered architecture of the thesis is pulled together with a realist social ontology which is discussed in the methodological approach of the thesis. This is because realism projects the idea that being concerned for others' wellbeing is a crucial property (Archer; 2000), which aligns strongly with the normative foundations of advocacy work. In addition, a realist social ontology provides the foundations for clarity when considering the agency of the managers and their organisations and their complex advocacy regimes which often aim to improve wider structural arrangements and conditioning.

At this point, the review and framework has conceptualised legitimacy for advocacy work, conceptualised the State, and offered some reflections on how the literature suggests the shifting immigration policy context and wider neoliberal political economy may shape the work and legitimacy of advocates. However, after the methodology, these resources are pulled into the empirical analysis where the discussion continues and the findings of the study are outlined across four empirical chapters. At this point it is felt important to say that the empirical chapters are ordered in such a manner as to allow the thesis to consider the big picture, organisational issues, and then to reflect on broader discussions happening in organisations, which draws the analysis to a macro social level. The final empirical chapter

articulates why an instrumental narrative (like that discussed in this chapter) is fruitful for considering labour migration advocacy work.

Chapter 5: ‘A real and qualitative methodology’

Introduction

The previous chapters develop and conceptualise the framework and this chapter explains how the empirical chapters are explored. The framework of the thesis is geared towards exploring legitimacy in State interaction within a changing neoliberal political economy and the discussion outlines and justifies the methodological strategy to do so. As noted, a realist social ontology is vital to the framework of the thesis, and this position is made clear. This chapter breaks down the sample groupings and empirical phases of data collection and discusses the strengths and weaknesses of the research design. The following discussion works back from the level of ontology through clarifying the object under study, to a discussion about reflexivity and research design.

Ontological and epistemological position

To speak of philosophy is to speak of personal systems of beliefs, which are best described through agreement and tension with alternative belief systems (Sayer, 1992). In suggesting realism explicates personal beliefs about the nature of the social world, this includes what is being studied and how it is analysed. The research draws upon realism in a manner that acts as a

theoretical underlay throughout the course of the study and this underpins the thesis.

Critical Realism (CR) emerged in the early 1970s as an alternative to other dominant philosophies in the social science disciplines (Easton, 2010). The term 'realism' is used differently in contexts as widely as art to politics, and to be a realist, "minimally, is to assert that many entities exist independently of us and our investigations of them" (Ackroyd and Fleetwood, 2001, p. 6). CR is a philosophy of science that prioritises ontology of the study of being or existence over epistemology, or the way knowledge is obtained (Fleetwood, 2009). A fallibilist epistemology suggests our knowledge is flawed, demonstrated by our "experience of getting things wrong, through having our expectations confounded" (Sayer, 2000, p.2). There is a vital link between theory and philosophy here too, as the study considers legitimacy in a sense that is more fallibilist than actualist. This relates to the context under observation and the ability of the sample to see that they do get things wrong. In other words, while it is argued that there may be concrete sources of legitimacy; these are tied into the stakeholders and regimes under study; their personal opinions, and even biases.

CR derives from the work of Bhaskar (1989), although has been developed by thinkers like Archer (1995), Sayer (2000), and more specifically in management and organisation studies, by academics like Ackroyd (Ackroyd, 2004; 2009; Ackroyd and Fleetwood, 2004). Bhaskar (2008, p.30) critiques the empiricist ontology for being comprised only of the category of

experience, arguing: “The possibility of our knowing is not an essential property and so it cannot be a defining characteristic of the world”. He (1989) argues for a general philosophy of science. The debate, here, relates to his cohabitation of transdental realism and the philosophy of social science, critical naturalism in forming critical realism.

In differentiating between mechanisms, events and experiences Bhaskar (2008) highlights three different and overlapping domains of reality: the real, the actual and the empirical. The empirical zone consists of what we experience directly or indirectly and is detached from the actual domain where events happen whether we experience them or not. This sphere is separate from the real domain, which is comprised of the mechanisms that produce events in the world. The observation of the third domain is what distinguishes critical realism from other forms of realism. These domains are typically out of phase with one another which means one cannot connect a power or a causal mechanism to its manifestation at the level of events and perceptions, easily or securely by simple inspection as social patterns and relations cannot necessarily be seen (Bhaskar, 1979); only identified and examined through effects (Bhaskar, 1989). Hence, it is essential to make “a leap... from manifest phenomena to generative mechanisms” (Danermark, et al, 2002, p.163). However, how does this study account for these principles?

The Object: NGOs, the State, and legitimacy in labour migration advocacy

In a paper examining migration, Bakewell (2010) suggests concepts become interesting from a 'realist' perspective when they are shown to possess emergent properties, moving them beyond aggregates of individual behaviour. The test for which is whether an object has what is known as a 'generative capacity' to modify the power of its constituents (Archer, 1995). Easton (2010, p.120) notes, "Objects, or more generally entities, provide the basic theoretical building blocks for critical realist explanation and can be things as organisations, people, relationships, attitudes, resources... They can be human, social or material, complex, or simple, structured or unstructured". The object, here, refers to the management of advocacy work in four NGOs and manager's understandings of what makes advocacy claims with the State legitimate. There has been much written on legitimacy and the State, but the study takes these conceptual resources and considers them in the life context of managers in the organisations and their advocacy regimes. Vitally, as will be discussed in due course, any claims (primarily policy) that are made are cross examined through a broader expert sample, to critique the manager's claims and avoid a polemic argument.

Another important distinction to make is that while the organisations are considered 'units' of analysis the advocacy engagement between organisation and the institutions of State and the polity is the focal point. This includes the relationship and dialogue between the coalition administration, ministers and politicians with interest or portfolio for immigration and the UK

civil service. After the first broad empirical chapter, the discussion narrows the advocacy platforms between the NGOs and the State and applies the legitimacy framework. Building on this, the ethical dimensions of legitimacy are considered, and these are drawn out to a broader social level, whereby the empirical discussion ends with an analysis of the State and migrant labour relationship; a key feature of advocacy work.

The role of the State in labour migration advocacy and the connection between organisation and government can only be 'real' if it possesses a collective emergent property based on the aggregate of casual relationships. As indicated in the empirical chapters, the managers and their organisations have adapted to a new coalition. The nature of their work has changed, as have advocacy strategies and the role legitimacy plays. Yet there may be more at play here than one could first imagine.

This 'object' embeds in the study an ability to reflect on the agency of the workers and their organisations in relation to the structures of the State. When the term 'agency' is used it refers to human choice and the choices individuals perceive they have. Agency refers to an ability to act: that is, the capacity individuals and groups have to make choices and decisions that structure or shape their lives (Castree, et al, 2004, p.160). Placed within the political reality of migrants' rights activism, the object suggests concern for others is a crucial property "which develops through practical action" (Archer, 2000, p. 50).

Messy advocacy regimes

In addition to presenting a frame for the empirical, actual, and real dimensions of change in labour migration advocacy, realism allows us to place organisations and their people in a wider social context and to interpret what they say against an external reality that is interconnected. This is partly why it has been chosen for overarching guidance and analysis. Reality within a positivist paradigm is created via a number of interlinked mechanisms, which are separable, often closed, and knowledge of the world is gathered through reasoning by way of observation, measurement, and testing. These factors are important in approaches where quantification is the analytical guide. In its purest form, positivism maintains that a single objective reality exists independently of what individuals perceive as a real, concrete, unaltering structure (Hudson and Ozanne, 1988). Nevertheless, the study rejects the idea that organisations can be understood through replicable and closed means, and suggests organisations- like people- have 'relationships' and are best understood within this context. On a high level, for positivists, causation is about regularities among events whereas a cause from a critical realist perspective is different from statistical co-variance.

To consider advocacy work, it is therefore vital to question what causes it; 'to ask what "makes it happen", what "produces", "generates", "creates" or "determines" it, or more weakly, what "enables" or "leads to it' (Sayer, 1992, p.104). However, realism allows researchers to consider the mechanisms and structures surrounding phenomena and people (Danermark, Ekstrom,

Jakobsen, and Karlsson, 2002, p. 206). And in time, the study will show why the organisations and advocacy regimes are “complex and messy” (Sayer, 2000, p.19), which is a key justification for a qualitative research design.

Methodological overview

CR views philosophy as operating at a methodological level (Dobson, 2002), and compared to positivism and interpretivism is compatible with a wide range of research methods (Sayer, 2000). The study adheres to the requirements of a realist methodological strategy, where an intensive design is adopted which allows the study of a few ‘cases’ where participants involved make up a causal group, studied in context (Ackroyd, 2009).

For clarity, an analogy from case research is firstly drawn upon to explain the focus of the study. Yin (2003) describes the ‘unit’ of analysis as a critical concept within case study research and provides eight examples of case study research where the focus of analysis is a range of organisations providing assistance to health agencies. Unlike Tellis (1997), who puts forth groups, organisations, or countries as examples of units of analysis, Yin’s (2003) focus is different. The specific focus for the cases is neither the organisations nor the agencies; rather, each case is interested in a specific technical assistance engagement between the organisations and agencies. Similarly, this study is interested in work and management within four advocacy NGOs, where managers, managing directors and organisations make up the casual group. While the people within the NGOs and the NGOs

are of importance, the management of work with institutional actors, in this case the State (Lewis, 2005, p.9) is the focal point.

Interviewing technique and rationale

The empirical data collection methods are thematic interviews with managers and other stakeholders, and this is supplemented by a research diary, and document analysis of the four organisations publications and publically available materials, like extracts from their respective websites. A majority of interviews were conducted face-to-face although where it was not possible (primarily because of the employee time constraints) telephone interviews were conducted. Webb (2002, p. 121) suggests interviewing is an approach “which uses extensive probing to get a single respondent to talk freely and to express detailed beliefs and feelings on a topic”.

According to Stokes and Bergain (2006), interviews allow for circumstances of unique applicability, especially those involving sensitive topics, like, in this instance, analysis of government relations and the tensions arisen from working with a new government. Interviews also “yield rich insight into people’s biographies” (May, 2001, p.120), important, as there is very little research considering the managers or their organisations. When taken as a collective picture, the contribution is not only a front line account of what they do, but one which connects personal backgrounds to labour migration activism.

Berent (1966) suggests interviews give respondents an opportunity to explain their perspective, and more crucially, a feeling of being listened to, which together with anonymity may develop insight which could otherwise remain unknown. This depends on the researcher's technique, however, choices were taken regarding question formulation and efforts were made to foster an atmosphere conducive to open and undistorted communication (Holstein and Gubrium, 2009, p.26). This was managed through an active approach to interviewing that encourages interviewees, to a certain extent, to share their thoughts with respondents (Silverman, 2010). The mixture of core themes and sharing gave the discussion a consistent line of thought and an essential flexibility.

The interview questions and guides are structured by the gap in the literature, the conceptual framework, and to a lesser extent the researcher's experience of charity work. They are also developed through a process of document analysis focusing on the publications and communications of the organisations. Combined with the research diary, written after each interview and key points in development, this provided a useful way to question findings. As Gummesson suggests (2007, p.230), qualitative research not only requires skills to access analyse and interpret data, "It requires that you are critical to the data offered by your sources, but constructively critical". The central findings of the research are therefore also compared and contrasted with a broad expert sample grouping to address validity concerns.

More objective than Constructionism, but subjectivity and language important

When actually questioning 'findings' a focus was placed on the language. Realists often take a 'gnostic' view of reality, which proposes truth is both hidden and subjective (Fisher, 2010, p.16), and this has implications for research design. Hence, in suggesting the study's analysis is more objective than constructionism yet that subjectivity and language is important. It is proposed that language plays a "performative" (Burr, 2003, p. 176) role in the research. This is because importance is placed on what the participants say, how they say it (i.e. with dialect and tone), and what they do not say. Where, for example, are the managers quiet? What does this suggest about the nature of work in NGOs and the power dynamics between the NGOs and the British State?

Sample Composition: Organisations, people and phases of empirical data collection

In total 39 subjects are interviewed once. However, where particular points and research notes needed clarification, or proved to be particularly interesting, further discussions were held. For example, one participant was interviewed 3 times and 7 others twice. Interviews were generally followed up by informal discussions and all interviews from the primary NGOs are transcribed. The following discussion describes the key phases of empirical data gathering and the study's sampling approach.

The study adopts a 'judgemental' sampling approach as depicted by (Wilson,

2006), where people and organisations represent the types of experience of interest. Cooper and Shindler (2006) suggest the test of a sample design is how well it represents the characteristics of the populations it purports to symbolize. It is the active “process of selecting a fraction of the total number of units of interest to decision makers for the ultimate purpose of being able to draw conclusions about the entire body of units” (Parasuraman, 1991, p. 473). Hence, the screening process asks the following questions relating to workers and their organisations:

1. *Does the person work within an advocacy NGO?*
2. *Does the organisation have advocacy departments or managers with remits for advocacy work?*
3. *Are they managers or managing directors within advocacy organisations, or do they manage advocacy projects i.e. research, development, or actively organise on the part of migrants or labour migrants?*
4. *If not, are they actively involved in policy analysis, or the political process, relevant to the NGOs’ work?*

Phase 1: Pilot interview with representative from each primary organisation

In May 2011, four pilot interviews were conducted to test the sample of organisations and refine the interviewing technique and focus. They were with directors from Poverty Development, British Crisis Intervention, Anti-Repression International, and Migrant Link (the names of the organisations have been made anonymous). While limited numerically, this confirmed the

organisations were operating in similar and often overlapping contexts. These early discussions emphasize the importance of immigration policy, the State, the coalition administration, and government relations in advocacy management. From this empirical starting point it also was clear the organisations often work in networks with other NGOs, Trade Unions, and policy experts and commentators. Further, that a comparative organisational/policy analysis would be important because of the critical nature of the discussions, and the position of the researcher. The four interviews were conducted by telephone and lasted between 55 minutes and 1 hour 45 minutes, and were recorded with permission.

Phase 2: Interviews with workers from Poverty Development, Anti-Repression International, Migrant Link and British Crisis Intervention

Between July 2011 and October 2011 interviews with the remaining representatives from the four NGOs were conducted. While their natural order (generally from a senior managerial/director level down the organisational chain) suggests senior workers are of the greatest importance to the study. This is more of a coincidence than an active choice, as they were arranged through word of mouth, phone calls and email exchanges. An emerging pattern was that with seniority came time pressure; generally workers in less strategic roles share their time more willingly and are responsive with arranging second discussions or returning ethics forms.

These interviews form the empirical core of the thesis. They were split between the London and Glasgow offices of the organisations. When face-to-

face contact was unmanageable telephone interviews were conducted.

There are drawbacks in the method, like building rapport, developing bonds, and seeing the respondents in work contexts, however, gaining access to these senior managers was a challenge.

The interview materials were then collated into a single organisational focus and compared and contrasted with phase one interviews and primarily, across the NGOs. What shone through this layer of collective analysis is the importance of the neoliberal political economy and the changing immigration landscape supported by the new administration. These interviews lasted between 43 minutes and 1 hour 46 minutes.

Phase 3: Interviews with similar organisations and wider stakeholders

The final empirical data collection phase began when clear themes – further questions and patterns of anticipated policy outcomes were coming to light. As seen from the sample table below, representatives from similar organisations with a ‘migrant’ advocacy speciality, in practice or policy or policy research, were consulted. As were trade union representatives and others with a labour market and immigration focus, like workers from think-tanks, with recently published public policy work in UK immigration policy and migration to the UK more generally. A politician with a particular interest in immigration policy also agreed to an interview. It is important to declare that 4 interviewees in the extended stakeholder group are connected with two NGOs in the primary grouping. They attend events together, are part of

joined networks and have related organisational objectives and relationships with the institutions of the British State.

The following tables break down the sample into workers from the primary 4 NGOs and similar organisations and policy experts. In order to protect the identity of the respondents, their gender is not disclosed. However, there is a dominance of female interview respondents across the sample, particularly in the central group of NGO interviews. In total there are 25 female respondents. There is also a skew towards a white, middle class demographic more generally. The latter is an important development point for the sector as NGOs are criticised for over representing “better resourced people, as people with greater education and higher incomes are most likely to be NGO activists” (Warren, 2004, p. 15). Indeed, as will become clearer once the empirical chapters unfold, this critique is linked to the narrative which links NGOs to the centralisation of power in society; something more profound in poorer regions of the world.

Table 1: Sample: 4 primary NGOs

Person	NGO
<ul style="list-style-type: none"> - UK Programme Director - Head of UK strategy - Head of UK Government Relations - Advocacy and Policy Manager - Equalities and Labour Rights Officer (and) Economic Justice 	<p>Poverty Development</p>

<ul style="list-style-type: none"> Policy Advisor - Development Manager - Development Worker - Asylum Officer 	
<ul style="list-style-type: none"> - Chair - Director - Advocacy Worker - Researcher and Coordinator 	Anti-Repression International
<ul style="list-style-type: none"> - Director - Policy Director - Parliamentary Affairs Officer - Network and Innovation Manager - Communications officer 	Migrant Link
<ul style="list-style-type: none"> - Chef De Cabinet - Refugee Services Manager - UK Services Manager - Director of UK Services 	British Crisis Aversion

Table 2: Sample: other stakeholders and policy specialists

Person	Organisation	Organisational type
Development Manager	Migrant Voice	NGO
Director	The Northern Refugee Centre	NGO
Research Manager	The Refugee Council	NGO
European Policy Officer	Trades Union Congress (TUC)	Trade Union
Research Officer	Unite Union	Trade Union
National coordinator/ Commissioner for Racial Equality	GMB Union	Trade Union

Head of Strategic Organising	UNISON Migrant Workers Participation Project	Trade Union
National Organiser	UNISON Migrant Workers Participation Project	Trade Union
Organiser	UNISON Migrant Workers Participation Project	Trade Union
Director	Institute for Public Policy Research	Think Tank
Senior Policy Analyst	Institute for Migration Policy (Washington) & Formerly Prime Minister's Strategy Unit (Tony Blair)	Think Tank
Researcher	CentreForum	Think Tank
Campaigns Assistant	Compass	Think Tank/Pressure Group
Junior Shadow Cabinet Minister (Civil Society)	Labour Party	UK Political Party
Manager, forced labour	Joseph Rowntree Trust	Trust (migration)
Manager, Migration Policy	The Barrow Cadbury Trust	Trust (migration)
Professor, Associate Director	Centre on Migration, Policy and Society (COMPAS) - Oxford University	University
Professor, Director	Glasgow University Refugee Asylum and Migration Network (GRAMNET)	University
Manager	COSLA Strategic migration Partnership	Convention of Scottish Local Authorities

Sample and limitations

At this point it is felt vital to highlight the role that telephone interviews played throughout the data-collection phases. As will be discussed in the limitations section of the thesis, there are drawbacks associated with any method and interviewing through this medium is no exception. In total, two-thirds of the sample was spoken to face-to-face, and for the other third (the majority of the extended sample), they were interviewed over the telephone. It is important

to recognise the limitations this poses the study. For example, building rapport which is an essential means for good quality discussions may be more difficult than usual. Within this context trust is a vital factor and it would not be unfair to argue that it could be more difficult to open up to someone over the telephone as opposed to speaking to a researcher directly.

However, as discussed in the limitations section, interviews over the telephone were not often limited to one conversation. More often than not, there were a handful of discussions with participants.

As a researcher interested in labour migration advocacy work, the work context of individuals in the sample grouping are important as well, yet speaking over the telephone rather than face-to-face does not allow one to get to grips with offices, work environments, and the organisational context of the interviewee. This is an important drawback to consider firstly within the context of the access that has been granted; and secondly, through the rationale for the extended sample: they are drawn upon to offer another level of analysis in policy terms, through their understanding of government policy. Hence, for the broader grouping, it is not their work contexts that are vital.

There is a broader analytical reason for the extended expert sample, too. Writing about the perspective of a single organisation or group of NGOs has an inherent drawback in that one could argue that the conclusions drawn may be limited, numerically, and empirically. The literature review highlights that in policy change contexts the work of NGOs is often commented on as being motivated by their ideologies. Therefore analysing immigration policy and State activity from the perspective of four organisations and the broader

sample grouping is felt to offer the study an ability to draw conclusions that are more objective and resistant against arguments of bias in research. Not only have other similar NGOs been consulted, trade union representatives, workers from thinktanks, key academics, and trusts managing or funding similar research have too. While one could suggest that the extended grouping of the sample may be representing one side of a wider argument regarding policy, the State and to a certain extent, capitalism. This is not the case, nor an aim of the study.

For example, the three thinktanks offer different interpretations of policy, as the IPPR develop ideas within a socially democratic 'centre-left' framework whereas CentreForum are a liberal thinktank. While the former are often drawn upon for ideas for the Labour party in the UK, the latter develop thinking for the Liberal Democratic Party. Thirdly, the thinktank based in Washington is not affiliated with the political process and offer a more academic analysis of policy. To try and gain a fuller interpretation of policy (policy development and the State) an email was also sent to the previous Conservative immigration minister, Damien Green. He personally responded to an interview request, however, was unable to make time for a discussion.⁸ The trusts and academics involved in the research also add another layer to the conclusions and analysis in the empirical chapters, as does the discussion with the opposition Minister with keen interest in immigration policy.

⁸ Please see the appendix for a copy of the email correspondence between the researcher and minister.

In future, equal emphasis could be placed on policy makers and different analysts of policy; however, as it stands, resources (both economic and time) made developing a broader analysis that is equally driven by policy-makers and those working in NGOs impossible. Ultimately, the study is about the perspectives of those working in NGOs, and hence, it is the use and analysis of policy that is vital, not its development.

Ethical considerations

As part of University procedure for research, before entering the field, the study design and content went through an ethics application at university and was approved after year one of the PhD process. Throughout the design phase of the study the Department of Strategy and Organisation also hosted a research ethics seminar training session. This encouraged PhD students to question what is, and was regarded as appropriate in terms of standards expected in the field, in dealing with people, of research design and transparency, and with regards to the storage of information, and so forth.

The discussion raised several dilemmas that informed the research design. As a researcher engaged in labour migration advocacy, it was clear that potential issues could arise from engaging vulnerable workers throughout the process of fieldwork, which may not have been dealt with robustly. Therefore a discussion on the ethics of fieldwork with vulnerable groups was felt to be necessary. Hence, it was decided to contact a Professor at Glasgow University who has experience of directing a network of researchers who encounter connected issues on a daily basis. While the study is not aimed at

vulnerable workers, this discussion enriched the way which participants were given information and placed emphasis on potential cultural differences.

Before interviews and contact and after interviews

Before interviews participants were also given a background on the study and information regarding who they could contact should they wish to verify its legitimacy, and how to complain if the behaviour of the researcher was unsatisfactory. In the field, the approach was guided by concern for the participants, in terms of ensuring they made active choices about being part of the study. The information sheet provided to participants before the interviews voiced what would be expected of them and highlights their rights within the process, i.e. that they can leave the discussion at any point and ask to have their opinion removed from the study. Moreover, it was underlined that when it comes to public representation in any format that they will be contacted again to ensure clarity and anonymity.

At the start of each interview participants were asked if they had received, read and understood the information sheet. These were sent via email to the participants. At this point the rough format of the interview and its topics were described and participants were asked again if they had any questions. They were also reminded of their rights within the research process. The table in the appendix adapted from Christians (2000) which covers the issues of informed consent, deception in research, privacy/confidentiality, and the accuracy of reporting further informs the ethical stance of the study. Further,

the consent form for the study is provided in the appendix, which does not provide the background to the study the participants received, although it indicates how consent was documented.

After every interview respondents were emailed in order to see if they had further questions or points of information that they would like to add. In addition to this, the interviews were transcribed and kept in a password protected folder on a University computer and all recorded conversations are kept in locked cabinet in the university department.

Reflexivity and the interest in NGOs and advocacy work

Scheurich (1995) observes that the interviewer is a person who is historically and contextually located, who carries conscious and unconscious motives, desires, feelings and biases. If we therefore “proceed with the belief that neutrality is not possible then taking a stance becomes unavoidable” (Lincoln and Denzin, 2005, p. 696). With this in mind, the following discussion changes tense and deals with the issues of potential bias in the research.

I became interested in labour migration and migration advocacy management when I worked in development research, and more recently as a development worker in an action research project working with Edinburgh’s Black and Minority Ethnic Communities. I worked closely with people in the community and became aware of some of the wider policy debates that were changing around them and my organisation. My role was dedicated to gathering the perspectives of people in the community and collating this body

of evidence in a bid to help NHS Scotland redesign the integrative care pathway for depression among BME groups. Throughout the year in Edinburgh I became aware of the demographics and national characteristics of people accessing the services at the organisation. They were often young Polish and Eastern European males, international students, and more evenly distributed groups from a range of African and South East Asian countries. Taking the international students aside, the people generally came to Edinburgh to work.

Through working with the charity I developed an interest in the factors that developed these outcomes. This job also solidified the importance of organisational legitimacy and State interaction when trying to change them. Thinking specifically about the outcomes, for some people, it was bad luck, in that a series of events worked against them, while others had a history of ill-health and older issues resurfaced. For others, it related to their employment relationships and a lack of pay and conditions, or the pressure of no work, or poor quality work. In addition, for those people who were unwell, the prospect of losing different benefits was also a major factor. Important parts of the work were the networks, agencies, and governmental decision-makers who could improve the policy landscape, just like the focus here. This is believed to be an important point for transparency; another of which is academic presentations and discussions.

Throughout the course of the PhD, an overview (and parts) of the study has been presented at departmental seminars and conferences at the European

Academy of Management and the recent Work, Employment and Society conference. Both conferences and the Department of Strategy and Organisation seminars helped develop the study, although, the latest WES conference was particularly developmental. It is a shame that the Department of Strategy and Organisation has not maintained clear sociological roots.

Summary

The philosophical component of the thesis prioritises ontology over epistemology. It argues there are three domains of reality: the real, the actual, and the empirical; which are understood to be out of sync with one another. The empirical is what is experienced directly or indirectly. The actual is understood as being where events can happen whether experienced or not. The real domain is comprised of the mechanisms that produce events. Importantly, the empirical findings chapters and discussion chapter draws on all three modes of analysis. Realism suggests that researchers cannot easily or straightforwardly connect a power, or powers, to mechanism and events, or in this case, State power and practice to labour migration outcomes and different modes of legitimacy work and management. However, going forward, there is an emphasis placed on what the manager's experience first-hand. This keeps the study largely in the empirical and actual domains; although, in an effort to get to grips with understanding the role of the State in labour migration outcomes, the empirical chapters push into a discussion which touches upon thinking in the third, real domain. The interaction between organisation and State can only be 'real' if it possesses a collective

emergent property, which is a key focus. Crucially, the changing political landscape at a UK level is something which has incited mixed emotions and different work approaches.

This philosophy and subsequent methodology was chosen because of a number of interlinked factors and arguments, relating to the study's analysis, framework, and overarching focus. Vitrally, realism acts as an under labourer for the empirical chapters. Going back to the commentary on Archer (2000), where a concern for others was described as a *crucial property* and one understood through practical action, which in this case is labour migration advocacy work. Hence, it lends itself tightly to an emancipatory focus which binds with the aims and objectives of the study and, of course, the manager's work objectives in the organisations. As previously noted, too, Thompson and Broek (2010, p.9) highlight an inherent danger in focusing on "practices" and "mechanisms" in isolation from their contexts and conditions that build their meaning. Therefore, analysis is driven by the individual empirical 'units' of the four NGOs, which are understood primarily through thematic interviews, conducted face-to-face in offices and over the telephone. To develop the empirical introduction to the organisations (start of forthcoming empirical chapters) an analysis was also undertaken of resources available on each of the organisations.

Other methods could have been combined with what is used here. For example, if the focus of the thesis was changed, the sample enlarged, and a number of hypotheses developed, these could be tested along the lines of a

mix methods study. This could, alternatively, relate to extending the findings of the current study. On a more supplementary level, the empirical chapters take the reader to places where the managers actually engage in labour migration advocacy work. While observation of these key events may have been very useful, they did not take place throughout the course of the fieldwork. Moreover, an ethnographic focus, while it may have developed a very rich insight is unsuitable because of the time demands of the managers. In brief, judging by their availability for interviews, an organisational ethnography would have been impossible.

The proceeding chapters begin by offering a brief background to the four NGOs, the types of advocacy work each organisation does, and their 'general' overarching advocacy approach. The first part deals with NGOs under neoliberalism and argues that to understand advocacy work we must place it and the organisations within a wider political economy. From this point, the advocacy context between the organisations and State are the focal point. This discussion makes inroads into the researching the State-centred contexts where manager's work to improve their advocacy agendas. This leads to analysis of the interaction between groups in different organisations and State administrators, which allows the study to apply the legitimacy lens.

Chapter 6: 'Advocacy organisations under neoliberalism'

Introduction

There are four data chapters in total. The first gives the reader an insight into the work and advocacy approach of each organisation under neoliberalism. This chapter provides an overview of the work arrangements and approach of each of the four organisations in the study and an understanding of how neoliberalism shapes their work orientation. Building on this, the second empirical chapter moves the analysis to the advocacy regimes and policy context between the group of organisations and the State. The focus of the discussion is then the interaction between the organisations and State administrators; which leads to an application of the legitimacy framework of the thesis. In getting to grips with the similarities and differences in the interaction between the managers and State administrators, in comparison to the previous administration, the study examines the nature of legitimacy and the dimensions of legitimacy in advocacy work. A key finding is that legitimacy has a strong ethical and normative dimension, and this is examined in light of a broader expert sample. As a quadrant of empirical chapters, they provide a multi-layered analysis of labour migration advocacy work within a neoliberal political economy, with the State as the key actor.

Anti-Repression International

Founded in the 17th century, Anti-Repression International, hereafter ARI is the World's oldest human rights organisation. Of the four NGOs, they advocate on the part of society's most vulnerable workers. Visiting their offices in central London offers insights into the type of organisation they are and how they manage advocacy programmes. Interviews are split between senior management and a middle manager. While each worker has their own office space, for a prestigious human rights' NGO, they do not spend their income on luxurious organisational headquarters. Rather, diary notes focus on the functionality of the space and emphasise where the organisation prioritise. "An industrial inside" (Note 4); "Basic office space" (Note 6); "Set up for lots of engagement with media and briefings"; and "Busy organisational headquarters" (Note 14) are key examples.

The interview with the Director, Dr. Hawtin reveals a particularly political analysis of his work, and that he believes the economy is responsible for far reaching change in the sector. In our discussion covering the history; structure; coordination of the organisation; its relationships, and his understanding of national immigration policy, among other topics, one thing shines through. As an organisation, ARI like many other NGOs are working in a challenging operating environment:

“When I started my role in 2006 I inherited an organisation in major financial difficulty, and as a result the last 3 or 4 years have been about attempting to make the organisation financially stable. It’s only really now that things are stable; but that isn’t easy because of the worsening economy, lower incomes, and on top of that, the government has reprioritized funding. A lot of our funding previously came from Ireland, too, and the financial catastrophe has had a massive impact; it’s dried up donations. And many have it worse than us in the sector.” (Director, ARI)

His concern is that fewer organisations, like his, are now able to challenge national and world institutions because of the economic restrictions prohibiting advocacy work. “This is what makes our legitimacy essential”, said the Chair. ARI’s advocacy strategy consists of working with local partner organisations in the UK and more widely on joint projects to tackle forms of modern slavery including, debt bondage, forced labour, forced marriage, child slavery, human trafficking and descent-based slavery. It involves carrying out and publishing research on the topic and advocating for changes in policies and behaviour which will contribute to its eradication. In doing so, ARI work with a broad coalition of national and international organisations, including the Trades Union Congress (TUC), many local and global NGOs, and lobby inter-governmental fora (e.g. the United Nations, the European Union, the African Union and the International Labour Organisation).

The Chair suggests ARI’s method is best described as a “basic advocacy approach” of “engaging policy-makers, talking through policy options and proposing new ideas and ways of working to improve outcomes for

vulnerable labour”. Giving a powerful insight into this work, the Director suggests that,

“The advancement of all human rights issues relies in large part, on hard political work. Not in rhetoric. Not in well-meaning. But hard political and social work - particularly as supply chains are becoming ever more globalised”.

Among many projects, ARI are currently investigating and campaigning against ‘cotton crimes’ in Uzbekistan where men, women and children are forced to work harvesting cotton. This involves building and maintaining connections with the political establishment- at UK and European levels and wider campaign efforts to urge consumers to act against retail organisations such as H&M who have been found to have cotton connections. ‘Cotton connections’ is a fairly straightforward concept, and what ARI suggest is that the retailer have been found to tap into the cotton supply chain where people are kept under poor or illegal conditions. In itself, this is worthy of academic attention because of the links between academic research and positive governmental change. However, it is not the focus of this study.

Their advocacy work is diverse yet it starts with a number of research and development projects (most of the staff are academically qualified researchers), whereby ARI work with local organisations in a bid to eventually change governmental legislation and organisational and

governmental misbehaviours. Not as a definitive rule, however, often these concerns are then often raised with stakeholders and legislators, through means ranging from discussions, to press briefings, to the release of reports (which are handled by senior staff and those skilled in public relations and media). The type of issue, its stakeholders, and the sensitivity of the overarching problem determine how public they make their advocacy work. For example, the public nature of their strategy within the cotton trade is linked to the lack of movement on the part of the fashion industry and particular governmental stakeholders. Thus, it is driven by the sensitivity and power of consumers, as “People don’t want to be associated with modern day slavery” (Advocacy Worker).⁹

The importance of the organisation stems from their ability to positively change public policy and recent breakthroughs include: persuading the International Labour Organisation (ILO) to adopt a convention on Decent Work for domestic workers, a campaign leading to the UK government signing up to a new EU anti-trafficking law. In December 2012, they also convinced Members of the European Parliament (MEPs) to reject a proposal to extend a trade deal with Uzbekistan. While all of these successes are important, convincing the ILO to adopt the convention on Decent Work is of particular relevance for the study, as it has a number of implications for UK government immigration policy.

⁹ Discussion immediately after this clarify that the Advocacy Worker was speaking specifically about the role of the business sector in the UK in dealing with human trafficking and forced labour.

ASI interviews as a whole develop, several key themes relating to what is understood as neoliberalism. Of particular importance to the organisation is the protection of vulnerable labour, and more broadly, human and labour rights, which can run against what Jessop (2006) suggests are key planks of neoliberal economic strategy. The topics that feature in the interviews relate to liberalization of the economy, deregulation of labour markets, and the growth of the private sector as a major employer. As a combination, the trio are understood as being particularly influential in developing outcomes for many groups of migrant workers (Director; Advocacy Worker). Privatisation of key industries in the UK where migrant labour are vital to the workforce was also a key theme throughout the discussions with the workers in ARI. Yet, while the interviews reveal a deeply rooted critique of the dominant economic framework it would misrepresent the organisation to suggest that their employees were always critical of the UK State. For example, in a discussion with the chair of the organisation he suggests that “privatisation can be a red herring”; his rationale being that it is not privatisation per se, but rather unscrupulous employers that develop negative labour market outcomes, and this, for him, was often driven by other means.

The discussions across this NGO also pay specific attention to the changing nature of immigration policy at a UK level. They underline a concern about restricting workers from out with the European Economic Area who may wish to migrate to the UK for work.

Poverty Development

The second NGO is Poverty Development. PD is an authority on international aid and humanitarian response with links to local, national, and international levels of British and European politics. Taking a rights-based approach to development and campaign work, they focus on tackling the causes of poverty, from life's basics - food, water, health and education – to questions around aid, climate change and human rights. They believe all people are entitled to decent work, fair labour rights and income security. PD's research and managers pinpoint particular sectors and instances where these values are not on the top of the agenda. Visiting the organisation three times, their professionalism and willingness to share time shines throughout the fieldwork process.

Interviews are split between Programme Policy, Senior Management, and Advocacy, and these are skewed towards senior management, policy analysis, and advocacy strategy. Much of the discussion with PD employees is fixed on the UK coalition government and how they, as an NGO, work with them. According to PD's Head of UK Government Relations,

“The majority of what we're doing with the UK government is challenging policy and providing evidence about what the impact of their policy is going to be, but there's a tension”.

As examined in due course, the emphasis on evidence is contrary to much of what is written about NGOs. Yet continually providing evidence through research and practice with political decision-makers presents management dilemmas rarely written about. “In the current economic climate,” a Director explains, “managing enablement and empowerment is harder” (Director, PD). Putting this into context, the organisation suggests particular groups in society are heavily squeezed by the global recession and that this is a development they have “expelled a lot of energy towards” (Labour Officer, PD).

When asked for an example of how the recession and weaker labour market outcomes are linked to his work, the Labour Officer explains that people in his team needed to do more tasks, like planning executing development, making calls, conducting meetings; and often working longer hours. It also amplifies the importance of organisational legitimacy and the legitimacy of organisational action in advocacy contexts as “this way, in the current climate, you’re going to maximise how effective you are as an organisation” (Head of UK Government Relations).

An important manifestation of push and pull, here, is the emphasis on the financial nature of their work at the expense of social and political objectives. As the Advocacy Manager from PD pinpoints,

“We’ve always placed emphasis on measuring our results, but there’s definitely an added emphasis in the UK- as DFID attach more strings to applications, and this has made our life harder”.¹⁰

Interestingly, an accepting attitude towards more tasks, meetings, development and organising campaigns with lesser time seems to be accepted. Perhaps more importantly for PD’s managers, this raises questions about their ability to work at a global level and is understood through a broader understanding of what she terms as the *economic climate* and *model* of neoliberalism.

“The situation in the UK isn’t looking rosy. We need to work harder and this is driven by the wider system. There’s a tension here because of the financial position in the UK is extremely tight and it’s only looking as if it’s going to get tighter, but there’s a desire to invest and build capacity elsewhere in the confederation. The economic climate and model [geo-economic] at the moment are making it... bloody tough” (Director).

¹⁰ The Department for International Development (DFID) leads the UK’s work to end extreme poverty. As a governmental agency, they are responsible for the following goals: Honouring the UK’s international commitments and taking action to achieve the Millennium Development Goals; Making British aid more effective; Targeting British international development policy; Improving the coherence and performance of British international development policy; Improving the lives of girls and women through better education and a greater choice on family planning; Preventing violence against girls and women in the developing world and helping to prevent climate change and encourage adaptation and low-carbon growth.

The mention of geo-economics raises a number of important points. The quote illustrates the way in which the individual thinks about politics and work, in that the mention of geo-economics shows an understanding of trends in international political economy, trends which pervade the external environment, her place of work and her work. It indicates a particular attitude towards wealth creation, capitalism, and globalisation.

Notes taken after the interviews with PD managers highlight a strain on their budget and real time cuts in the Dutch affiliates' budget. They raise concern about work intensity, particularly in 'advocacy management'. Diary notes describe and examine the tone and content of conversations relating to "Budget cuts and development". The notes reveal a change in the ability of Northern affiliates to aid the development and capacities of organisations/affiliates in less economically developed States. Thus, because of the cut backs in scale and scope of operations, direct services and advocacy and development work in less prosperous regions suffers. In short, while PD is an influential advocacy NGO, their ability to hold institutions to account through their practical experiences may be under threat.

Yet it is not only in international contexts that this is a feature. Ingrained throughout the course of the interviews with Poverty Development workers are their understanding of the economy in the UK and orthodoxy of neoliberal economics and politics which are understood to impact on their organisational form and work/ advocacy interests. In each interview with workers, there was a discussion relating to a project that they have funded

and researched into developing new measures for a greener and fairer economy. Through the course of these discussions it became clear that there was a general perception, best represented by their argument that the economy and the current economic model is “not working for the whole of society” (Head of UK Government Relations).

For the organisation, their aims and objectives are broader than developing a new way to measure and benchmark how well, or not so well, the economy is doing as their work organisation and strategies are aimed at challenging the economic orthodoxy of neoliberalism itself. In several respects, the organisation displays beliefs and tendencies that counteract liberal and neoliberal ideas with those that are economically and politically more social.

The following quotation from the Advocacy Manager is representative of the broader views gleaned across the organisation. In our discussion, we spoke about her educational background and how this may have shaped her worldview and career choices (she was awarded her PhD on the subject of marginalized Aboriginal communities). We discussed the impact neoliberalism has on her organisation and the influence the body of political-economic ideas have over the State, and hence people in society for whom they advocate and develop on the part of. This is a heavy hitting yet insightful comment:

“Quality of work has emerged as being really important so not, it’s not about having or making lots of money, it’s about having enough money. The phrase that I use is that people are becoming akin to just in time inventories,

so like a factory would send off for nails when it needs nails, well, send off for staff – we need them today – kick them out tomorrow. There just like any other ingredient in the production process – there's not that relationship that there used to be. So that's problematic for people's social assets, for their security, for their State of mind, for their view of work; about what's quality work, their expectations are shot through. They think, 'god, if that's the only type of job that I can get', so there's all sorts of problems there. But I also think that the shifting in the way the State provides what used to be core activities of the State, they're now being contracted out. The private sector is increasingly providing these activities and so is the third sector as well. What scares me at a fundamental level though is the more things that are contracted out, the less they're seen as 'core business', the less they're seen as rights of citizenship almost."

Similar to the perspective of Anti-Repression International, Poverty Development is concerned by the current economic orthodoxy that is understood to be driving outcomes for people in the community and in labour markets. Importantly, privatisation in lower ends of the labour market is a theme too, particularly when speaking about migrant work, and labour migration advocacy strategy.

Migrant Link

The third NGO studied is Migrant Link. Since their launch in 2006, they have worked to create the foundations of a UK civil society movement by through a network model of advocacy. ML brings together activists and support organisations, think-tanks, academics, faith groups and other public sector representatives to advocate for a rights-based approach to migration. As a NGO promoting policy analysis and debate, their work is primarily at a UK

level. Their overarching strategy has several key components, including: developing their network across sectors, sharing information and expertise, building knowledge and skills across different communities; keeping communities informed with news and up-to-date policy analysis, and supporting local and regional debate. In the interview with the Director, he gives a broad overview of the policy issues the organisation deals with day-to-day and why the NGO was set up:

“I set up the **** back in 2006 when I took on the job from my position for the *****. I was seconded to the ***** to map out what a new organisation would look like that had a networking role with migrant’ groups. When it started it was literally just me, to roam around the country to talk to a lot of groups and to try and come up with suggestions about how we can improve coordination between groups and identify common issues and concerns. There was a possibility of us bringing together projects that would unite groups. It was and is about synergy, even though there was lots of evidence that there were many groups around the country working with migrants, the learning process didn’t really go beyond the confines and realms of each of those groups. We wanted to see what could be done there” (Director, ML).

Their management activity aims to change or improve issues like employment rights in the UK labour market, citizenship, integration,

irregularity, access to public services, and to increase migrants' voices- in parliament and publically. Like the other organisations, they collaborate with trade unions and communities to improve legislation. ML suggest, like ARI, that migrant workers populating roles in low pay sectors where union representation is not a given part of the political-economic structure can face substandard working conditions, de-skilling and under-employment. In their advocacy practice, they tie these considerations into wider debates regarding UK immigration policies. In an advocacy sense, the manager's recognise the value of presenting the 'business case' when trying to change policy (and the factors above). According to the Policy Director,

“Our main focus has to be on the economy and the impact the immigration cap's going to have on the economy and the kind of policies the business sector needs and the private sector needs”.

This, for her, is connected to the likelihood of the current administration being sensitive to debate which could potentially improve the ailing economy. “It speaks about the importance of the market in the State's mind” and “It's a win-win situation”, says the Network and Innovation Manager. While the economy is understood as a powerful concept in their advocacy work, it also places emphasis on the manager's control of funding; something which has experienced its own revolution in terms of expectations through different hard measures.

According to the Policy Director, “Over the last few years we’ve become busier in the applications department, it’s just about manageable”.¹¹ And being “just about manageable” is a perspective supported by the Parliamentary Affairs Officer, who in reference to his year within the organisation suggests, “Time really is of the essence”, before pausing... and explaining that, “Things are pretty hectic. It’s got worse, there’s just more of it [work]. Sometimes there isn’t a lot of time for other stuff, but it needs to be like this”.

When attempting to get to the bottom of the reasons why the organisation and its managers are very busy, it is clear that they are a growing organisation that has diverse policy interests, and a relatively small team. In this case, the organisation may be a little stretched, but their collective analysis is clear: there is a growing marketization in the expectations of funders, where attracting vital funds is understood as being part of a continued competitive marketplace.

In addition, immigration policy, from the perspective of Migrant Link, throughout the course of the empirical data collection phases, at a UK level, is placing renewed importance on the economic value of labour migrants as opposed to the rights of migrants. While controversial, it is no surprise given that the economic and normative foundations of liberal States generate demands for governments to admit immigrants, while political demands often

¹¹ ‘Applications department’ is made in reference to the process of applications, not an operational department.

associated with protectionism, drive restrictive policy-making (Hampshire, 2013).

In our interview, the director, similarly to Hampshire, suggests that studying labour migration advocacy work could be a tricky task because it was contradictory to consider immigration policy in the singular, as it is connected to a wider picture of international immigration flows which involve multiple points of policy input and instruments. The director warns that “the business of being a migrant doesn’t easily lend itself to a single identity or a single set of interests”, going on to explain that, “It’s more a moving point in which the sole constant is that the other person is not a ‘citizen’ and for that reason relationships with things like the labour markets and points of services and political democracy and so on is mediated by that fact. So the nature of the ideas that drive State policy is a vital part of the jigsaw.”

Ultimately, ML’s analysis of the State is understood as one which holds key elements of the neoliberal thrust as examined through Harvey’s (2005) definition, however, there are also elements that raise further ethical questions that will be examined in due course. And these strongly align with the instrumental analysis of the State and shape the very foundations of legitimacy in the NGO’s interactions with the State.

British Crisis Intervention

The fourth NGO the study engages with is British Crisis Intervention. As an organisation, BCI are less focused on advocacy issues relating to national

immigration policies or migrants' rights. More broadly, they are volunteer-led and help people in crisis, whoever and wherever they are, and this extends to migrant workers' experiencing destitution in the UK, a risk in low pay sectors. The organisation emphasizes that they aim to help people regardless of origin, nationality, or religion. BCI manage a broad range of programmes, nationally and internationally. In the UK, their work covers emergency response to humanitarian crisis, supporting refugees, helping people seeking asylum reconnect with family, and services in the health and social care arena. Interviews are focused at a senior level in the organisation. They highlight a very diplomatic element to their advocacy management and a 'quiet' approach to 'strategy' work more generally. According to the Chef de Cabinet, a very senior manager,

“How we operate in advocacy arenas, for the vulnerable communities or people that we work with, will probably look and feel different to how say another major campaigning organisation might work, or how, eh, another organiser like ***** might put its message out. We need to do things in a certain way – a different way. It's much more quiet diplomacy. And because of our special status we have opportunities for access that maybe other organisations don't. So a lot of our work is around quiet diplomacy rather than big campaigning, we do come out, but if **** comes out and says, you know this is not right, it should not be happening, it will not be from an ideological point of view - it will be from a humanitarian point of view. Do you see there's a certain difference?”

Their overarching approach to working with government, no matter who is in power, is one which values dialogue behind closed doors, rather than public campaigning. As the comment above indicates they are motivated by an overarching humanitarian instinct, perhaps more so than the other organisations, and this is believed to shape how they work with governments and State administrators. Like the other management teams, however, the BCI's is subject to similar political-economic conditioning. Across the organisations, these conditions are arguably felt most strongly by operational managers or front line-workers. For example, when examining the transcript from the interview with the Refugee Manager, phrases like "fire-fighting" and "keeping afloat" are common. This gives an indication of his perception of work and experience as a manager, as the phrases have connotations of acting to suppress something overwhelming. These terms also present the issue of control as an important one.

From the outset of the first interview with the manager his role and work focus is understood as "reactive and responsive" (Diary note 6, BCI). Sitting across from him in BCI's Glasgow office, in a shabby, functional room-littered with papers, he explains why the economy and the "fast moving" State-driven legislative environment can be difficult to control:

"Our priority is to keep up with government and the changes to the economy. Government changes in policy create a huge amount of fire fighting for us. I don't think there are many sectors that have felt the levels of change that we

have, where legislation has changed so fundamentally in such a short space of time. I mean you're talking 12 years and there's been 5 or 6 acts; additionally, there's been many smaller changes in policy. A challenge for anyone working in the sector is the frequency to which you get changes in legislation, to try and keep up with it, and to try and respond to it... it's difficult. I think the issues like a loss of the right to work has been a major issue for us as an organisation. They [the government] put people in a situation where they're unable to contribute to the society that they've come to. They've disadvantaged people as they don't have the resources to live effectively in the country. All of that causes us to have more people coming into the service. If you're forced to live on a very small amount of money each week, then you're more likely to require the assistance of services. You're more likely to seek support. And we're not government funded, so we're having to find the resources to respond to this need."

His role on the frontline has a reactive capacity and the comment suggests this is firmly driven by the external landscape of policy decisions. Perhaps this is a shared characteristic of services within third sector organisations that channel energy towards governmental action, yet do not receive funding from the State? Throughout our interview he makes several references to the organisations' managers being stretched to capacity. Typically, these are represented by comments like, "if changes in policy affect clients negatively then we need to absorb that and we're not government funded, so we have to find the resources to respond to this need".

What makes this stand out is the material tone of his argument: being unable to contribute, having inadequate resources or limited access to formal working opportunities reaffirms the economic nature of his advocacy work.

Unlike the other organisations in the study, too, BCI have a strong focus on service delivery in addition to their advocacy and humanitarian arms. As well as State policy that affects important client groups, neoliberal values are understood by the organisation's managers as being played out via the shrinking of the UK welfare State (Baines, 2008). This is through restrictions in forms of social support for their client groups.

This is felt to be significant as it not only was spoken of in terms that highlight the connection between policy and outcomes for migrants, but through the argument that government policy (such as the Big Society plan) actively sought to change the role of NGOs in society. In comparison to the three other organisations, BCI are experiencing a bolder drive from State sponsored powers to solidify their service offering, particularly in England.

Summary

The purpose of this discussion was to give the reader a background to what the organisations do and to present key findings relating to the relationship with the neoliberal political economy in order to compare and contrast these with those examined in the framework of the thesis. What this introductory empirical chapter has shown is that each organisation's experience is different. However, there are important comparisons that can be drawn between these four NGOs and more broadly- between this collective voice and the framework's analysis of the relationship between NGOs and neoliberalism. Like Kamat's (2004) paper, the four organisations managers'

situate their understanding of neoliberalism in the tension between social and liberal or capitalist arguments; and the encroachment upon social organisational interests. Their analysis indicates that neoliberalism is something which directly affects the work arrangements and the role of their organisations in society. It has a broad geographical quality.

For British Crisis Intervention, State policies and particularly those geared towards their client groups are fast-paced and have recently been understood as problematic. In particular, State-driven welfare and immigration reforms not only have subjective, socio-political consequences that could weaken the ability of the organisation to hold the State to account, but quantitative impacts such as the number of people now requiring different forms of support in the community. Yet this will differ across alternative regions in the UK.

The framework of the thesis and particularly the element examining the papers on the links between organisations and orthodoxy holds a salient message for BCI in this respect. An argument that will be developed deeper into the study is that this is a risky way to direct organisations because this has the potential to become a negative bearing on the organisation being able to hold the State to account over important policy changes and practices. In brief, it clouds the connections between organisation and State, for example, through State funding for projects and services. In a broader way, delivering services at the changing edge of welfare where the State stands, or in this case withdraws, is argued to be a key facilitator of neoliberal

action. This speaks directly to, and builds upon, Wallace (2009) and Magazine (2008), who articulate that NGOs can become caught up in what they may oppose.

For Anti-Repression international and indeed all the organisations, the economy is currently a key driver of events as are three of the 'planks' (of the six) of neoliberalism that are essential to the continued strength of the neoliberal political economy upon which the organisations rest (Jessop, 2006). In this case, the economy and neoliberal strategies affecting labour migrants are understood to underline the importance of being a legitimate operator and negotiator; and to reiterate, the sentence used was "This is what makes our legitimacy essential".

For Poverty Development and Migrant Link, this is similar because of their advocacy interests. For example, Migrant Link workers' suggest that recent changes have further enhanced a market mentality over policies affecting migrant workers; they believe specific changes within the immigration system at a UK level have grown to embody extensive economic elements.

Similarly, Poverty Development is concerned with the strain of capitalism that the State prioritises; however, they believe that clear argumentation and working with the State in domains where progress is possible should take priority. Vitaly, each organisation presents a consensus of some description relating to neoliberalism and outcomes for client groups and more broadly, the people they advocate and develop on the part of. They also display a

strong wish for diplomacy and respect in work arrangements with the State. Neoliberalism is understood rather abstractly, in the broadest of manners, but as something which has an acute effect on organisations.

Collectively this acts a primer or a background context to the types of projects and approaches undertaken by the four NGOs engaged in the PhD. The empirical work highlights that it is an important context and backdrop to theorising legitimacy. Building from this separate organisational focus, the discussion now considers the specific advocacy platforms where the NGOs engage the State and other political parties in the debates affecting them, their clients, and of course, wider advocacy interests.

In this sense, the first empirical chapter has outlined how the political economy of neoliberalism continues to shape the concerns and work of labour migration advocacy organisations. The discussion will now, therefore, consider the interaction between the organisations and the State and examine how the shifting immigration policy context shapes advocacy work and management in the NGOs engaged in this study.

Chapter 7: 'Advocacy regimes, interaction, and the coalition administration'

Introduction

The previous discussion gives a background to the four organisations and an empirical insight into the approaches to advocacy work. Like the organisations, the approaches and opinions are diverse, yet there are similarities visible. For example, the economy is playing heavily in the minds of the managers because it has restricted advocacy work. There is also a deep concern about the wider political economy and orthodoxy that underpins it. Narrowing the focus, this chapter examines the interaction between the NGOs and the British State. While the previous chapter gives insight into the connection between organisation and neoliberalism whereby the State is a key actor, this chapter explores the connection between the organisations and the State within the wider neoliberal context. It builds towards the examination of legitimacy by considering the contexts and interactions upon which legitimacy is built. As articulated in the contextual chapter of the thesis, the managers have found themselves working with a regime that has transformed immigration policy in the UK from one of the most liberal in Western Europe to one which places greater emphasis on capping the number of non-EEA/EU migrants. This, as will be discussed throughout the thesis, plays a role in shaping advocacy work and management in the NGOs.

The following discussion builds on these themes by turning to the policy context and advocacy regimes of the managers and organisations. The chapter deals explicitly with the interaction between the four NGOs and the State and the human connections between the two broad groups. When the term 'regime' is used it is done so in the context of the prevailing political turn towards the coalition government in the UK. When the term 'coalition administration' is used it refers to the two politically-governing parties within the wider institutions of the State and the politicians, civil servants, and other non-elected officials with interest or portfolio in policy areas of interest to the NGOs.

In getting to grips with the interaction between organisation and State in State-centred contexts. Skocpol's (1979) approach is potentially useful which because it combines elements of Marxian and Weberian thought into an analysis which counteracts the problems of society-centric theories of the State (Das, 2006).

But there are key elements of her thesis that are problematic such as the belief that there is no necessary relation between the class character of society and the nature of the State (Wood, 1996, p.52). To reiterate, the core focus of the instrumental thesis is that the State is an instrument of the dominant class or classes on society (Das, 2006). This understanding takes premise in the research and is supported by Miliband's (1977, p.69) instrumental thesis which argues there are several mechanisms through which the State embodies instruments of capital. While traditionally taken to

mean that State action is under the control of the capitalists (Meckstroth, 2000, p.56), the thesis will eventually point towards a link between State policy and dominant groups in society.

Key State advocacy platforms

“Work’s changed” said the Chief Executive of Anti-Repression International. A similar narrative is expressed by the Director of Migrant Link, shared again by the Head of Government Relations for Poverty Development. The cluster of organisations has by virtue of their mandate, scale and scope, many relationships with the institutions of the State but similarities are visible as there are key ways they communicate and work with State administrators. The obvious channels are the All-Party Group on Migration ¹² and the All-Party Group on Human Trafficking. ¹³ The recent focus for the All-Party Group on Migration has been diverse. They held a meeting at the 2012 Conservative Party Conference, in Birmingham, with the Work Foundation and the Barrow Cadbury Trust entitled, “Is the UK attracting the global talent we need to boost growth?” More recently, important issues raised include a discussion regarding the impact of immigration across the UK with the purpose of considering, “How do we ensure no-one is left behind?” In

¹² The All-Party Parliamentary Group on Migration was set up to support the emergence of mainstream, progressive policy debate on migration in the UK parliament. It aims to provide a discussion forum for parliamentarians and act as a source of well-evidenced and independent information on key migration issues. According to the APPG (2013), the group’s mission is to provide an opportunity for evidence-based political debate about contemporary migration flows in the UK.

¹³ The APPG's task is to raise awareness of the extent and dangers of Human Trafficking in the 21st century; encourage parliamentarians throughout Europe to take action; identify and push for practical solutions; foster parliamentary cooperation across borders; spearhead new initiatives; and, ensure victims of trafficking have the proper support measures as outlined in the Council of Europe Convention on Human Trafficking.

addition, an enquiry and Oral Evidence Session was held at the House of Commons in February, 2013. The All-Party Group on Human Trafficking founded by Anthony Steen M.P., in 2006, comprises of members from the key political parties and allies and partners. All-Party groups are regarded as important but informal means of communication compared to other cross-party bodies like select committees.

Through the period of data collection and at time of writing Poverty Development are also engaged in a series of discussions with the International Development Committee regarding the government's continued commitment to international aid; and in relation to specific welfare reforms, intertwined with labour market policy, like the role of Jobcentre Plus. Further, the four organisations either are currently or have been involved in 'oral evidence' sessions to Parliament Committees. This includes conferences and 'one off' events that workers from the organisations attend.

Throughout the interviews these platforms are significant. ARI, for example, play a prominent role within the Human Trafficking element of the States work while ML is frequently affiliated and now chair the All-Party Group on Migration. These are the key "forms and forums" (Thompson and Broek, 2010, p.9) of State-centred contexts where the advocacy managers and their organisations interact with the political process on behalf of their clients and wider advocacy interests.

The discussion now considers how the NGOs and their managers think the interaction has changed between their organisations and the newer coalition and State administrators within these platforms. While there are vital differences in the management of labour migration advocacy work because of the coalition, which is a key theme, there are also similarities in the manager's perceptions relating to the approach and sympathies of the State. The similarities and distinctions are both essential to understanding the management of work activities and have been mined through analysis of the manager's recent memories of how and why this context is now different.

When the government comprised of the Conservative party and the Liberal Democrats entered their agreement to govern the UK, the organisations in the study were cautiously optimistic about what could be achieved. However, an emerging pattern developed throughout the time of the study: the newer government is more complex to manage because of the two-party coalition; its power dynamics; their individual and collective policy wishes; and the broader range of civil servants and administrators involved in policy implementation and consultation processes. This is reflected through the testimonies of the workers and makes an important contribution to understanding the newer managerial 'state of affairs' – and the extent to which these organisations manage 'outwardly'. This analysis also highlights the complexity of advocacy work.

As indicated above, the NGOs managers feel the interaction has changed between their organisations and the newer coalition administrators, and

none-more so through their behaviour with regards to the All-Party Group on Human Trafficking. Through the All-Party Group on Human Trafficking the Conservative-led administration are felt to offer less ground in debates on human rights which take a liberal or at least a socially liberal character while their analysis often retains a Conservative strain. A key issue in managing the interaction with the State, here, is the attendance of government representatives and civil servants at meetings.

According to the worker with responsibility for the group within ARI it is becoming increasingly difficult to engage coalition administrators, as they occasionally do not turn up. Hence, when examining the interaction between organisation and State, a lack of connectivity is a theme. “Since I’ve been managing our work with that group, political engagement’s been tough”, explains the advocacy coordinator from ARI, who was not only speaking about Conservative or Liberal representatives, but what is known as cross-party consensus and attendance. This is surprising given the importance of Human Trafficking and David Cameron’s membership of the group, when he was leader of the opposition.¹⁴

Comparatively, the All-Party Group continues to enjoy good levels of governmental cooperation which is reflected in the presence of several politicians and regular cross-party meetings in different regions of the UK. Chaired by Jack Dromey, M.P., for Birmingham Erdington, the group’s previous parliamentary liaison officer now works with one of the organisations

¹⁴ Please see the appendix for an open letter from RT Hon David Cameron, Leader of the Opposition, on the APPG.

(ML). This is believed to speak directly about the differences in the State's priorities, as the All-Party Group on Migration represents a broader range of socio-economic and political interests. "There's a lot going on with this group" suggests the Director of the MRN; the remainder of his transcript focusing on new relationships, pressures, and of course immigration policies, that shape the group, and to an extent, the interaction between his organisation and the State.

Speaking about the changing State dynamic, the Head of UK Government Relations from Poverty Development suggests that with the new administration followed change in her daily interactions and management of work with the government:

"**** have a lot of different relations with the UK government. We have different people related to the UK government in a range of different ways. My role, from a lobbying and advocacy perspective is to manage our relationship with the political dimension of government. So ministers, their advisors, and then in my team, we have parliamentary advisors who work on relations with MPs and peers. I mean obviously just working with two different parties as part of government is a change. The result of that is there are more relationships. You have the deputy prime minister as well as the prime minister, and the dynamics are different. You have different levers to press. So that's changed a bit. As well as the special advisors, their role has changed in some departments too."

When asked for further details of change and through reflecting on the taped and transcribed conversation the representative finds it problematic to articulate how her organisation's relationship with the State had altered course. While the above point indicates fluidity in the conversation, the broader discussion was not. This is believed to be highly symbolic and is represented by pauses, hesitation, and the lack of a definitive, detailed answer. However, the above highlights, strategically, that there is more to manage, that there are more relationships, and this underpins different dynamics and "new personalities to contend with" (HOGR, PD). The observation regarding "different leavers" also indicates something new in their work and that new strategy is essential in advocacy work. Asked again, yet this time as part of our discussion about planning advocacy work in light of State policy and the shift in its top managerial team, she opens up and suggests,

"In that sense, we've had to respond....the parameters of lobbying and our advocacy work has changed. A lot has changed... in terms of relationships with civil servants and parliamentarians, all of a sudden the people have changed – the context has changed..." (Head of Government Relations, PD).

Repetition of the word 'changed' and the use of the word 'parameter' are interesting. Research diary notes suggest this was an open and fluid point from an individual who tries to articulate what the coalition administration meant for her organisation a number of times, and could not. They indicate

the large extent to which the discussion was felt to be “diplomatic”. Perhaps this relates to the sensitive theme of interest and her answers reflect a wish for a discussion limiting any potential for damage between the organisation and governmental administration. Nevertheless, her point highlights some of the human and managerial changes that have occurred which is a similar experience to the other organisations.

Throughout the course of analysing the interaction with the State and its changes there are several key features yet an essential component that runs through all of them is “dialogue” (Manager, BCI) and a willingness to exchange (Director, ML). That is why the lack of communication with regards to the trafficking group is felt to be a problem in an advocacy sense.

Moreover, when the managers are asked about the essential properties within this interaction the concepts of honesty, reciprocity, and directness shine through as being very important, as each underpin the development of trust. According to a representative from PD, the quality of the interaction is vital because good relationships often led to greater policy gains and an overarching understanding.

This understanding was mentioned by different organisations in the study. Yet under the previous administration communication and interaction was often tense but “open” (Economic Justice Advisor, PD). An important trend spoken about here, however, was that there were new considerations, thus primarily linked the coalition administration’s priorities. For example, whereas previously, PD generally communicated directly through the identified

channels or put their case to strategic union forum. Now the Director suggests,

“what we need to do is work with the business sector to make the business case. So if poor enforcement of labour rights is undercutting legitimate business, we very much need to present our case to them. So it’s a different way of trying to achieve the same objective because of who is in power”.

This indicates the power of the business lobby within the advocacy regime. What the point suggests, too, is that the market may have a greater prominence within this administration, than previously. In addition, her analysis suggests a newer relationship between the State and a particular sector exists which speaks directly about the autonomy – or lack of it on the part of the State. While this voice represents a perspective from one individual, the person was responsible for PD’s UK government relations throughout the course of the third Labour term and a majority of the Coalitions reign. The organisation is bipartisan, in the sense that they do not align with any political party. However, this individual was responsible for her organisation’s work with the State throughout this period of change, hence, her opinion is qualified.

Another key theme developed with respect to this interaction – in addition to the new importance of the business lobby – is that of particular policies that are discussed within the above groups and more broadly. While it is not the

place to examine key policies here, the net cap on immigration is a policy framework that has altered the work of Migrant Link and Anti-Repression considerably. Reflecting on his organisation's development and management in the context of this change, the Director suggests that

“It is harder to create change, although at the time when the Labour government was in power we were smaller and less geared up towards... to lobbying on specific policy changes. So it's not as if we were having a large impact and now we're not. We've been developing our approach, but there are lots of changes in terms of the relationship; the setting has changed and that has been the case across different sectors. Things have been done quickly, though, and with the coalition government having such a clear mandate for reducing net immigration, that forms a lot of my focus.”

The first coalition government since the post-war period was going to experience difficulty in reaching an overarching consensus on how to work with non-profit political activists. The quotation may indicate this is a challenging time for the relationship. It illustrates his specific job focus within the wider regime of organisational action has altered course and characterises the newer connection between organisation, government, and the wider institutions of State. His point reinforces the suggestion that the work of the NGO is geared towards recent administrative change. “We're working a lot on the new immigration rules”, confirmed his colleague (Network and Innovation Manager). The Policy Director from ML, similarly suggests that this is “due to the coalition government putting in their

manifesto pledge to bring down net migration, as a target through the term of their parliament and, as far as we see it, that can only be achieved by restricting people's rights".

Therefore, a key finding is that, within the neoliberal political economy, the State's immigration objectives also shape the work and strategy of the organisations engaged in the research. In this setting, there is arguably a link between the character of the State and the wish to restrict what are often understood to be less affluent individuals and groups from coming to the UK (Migrant Link worker) (Wood, 1996, p.52).

The pace of change and Labour's reflection

Another factor that shaped the earlier stages of the interaction and human connections between the organisations and the State is the belief that the coalition administration could have been subtler and listened more to the concerns of the NGOs and the broader sector. Particularly when the administration was in its infancy and both the managers in the organisations and State administrators were unfamiliar with each other.

The consultation processes that are designed to 'float', enhance or diminish legislative proposals within the groups mentioned above, and more broadly, were often understood as one sided, in the sense, that the organisation's believe the State rushed key developments. However, importantly, while this is the centre of the 'onion' in terms of the relationship it is understood as

similar behaviour to the previous Labour administration. As now discussed this is not the only similarity with the previous regime either.

“When they got in they rushed things in a bid to get policy changed as quickly as possible. The usual time period for change and reflection just isn’t there”, said one participant (Policy Director, ML). This is important because the sample feel the relationship between organisation and Home Office officials and policy administrators had become less consensual, at the core of which was an identifiable inadequacy of consultation in planned, proposed and implemented policy changes. Research notes raise the issue of control or a “lack of control” as a potentially important factor in the work of the organisations and a symbol of the early stages of the relationships. With the new administration’s eagerness to change previous policy the processes of consultation or “give, take, and debate” (Communications Officer, ML), vital to policy organising is seen as diminishing. This is important within the context of the study “because any relationships require essential properties to grow, particularly in the beginning” (Network Manager, ML).

The following comment from a senior State-focused worker provides an interesting comparison between her organisation’s experiences of State administration, past and present, and more particularly, the process of policy development under both administrations. Speaking directly about her experience of consultation processes, she suggests that,

“I think they were being used for the development of policy under the last administration [consultation processes], under this administration they’re being gone through as formulaic, bureaucratic processes to be gone through. I don’t think it is worth us investing as much time as we were doing in responding to formal consultations because it feels like a tick box exercise to me. With the previous labour administration we built strong links, and it’s increasingly a whole new ball game now, it’s a completely different way of engaging government, completely different arguments that need to be made. We think it’s been reduced to protecting the situation rather than getting ambitious about improvement” (Director, PD).

While difficult to generalise there is a consensus available between the NGOs that are specialist labour and migrants’ rights advocates (ML; ARI) and the larger State-focused PD. When the majority of the empirical fieldwork was conducted, the administration was a new one and across organisation the coalition in its youth was viewed as purposefully trying to process legislative changes as quickly as possible. Sometimes in timeframes barely within the confines of what was legally required by statute. “You know, this form of timetabling offers little in the way of development”, mentions one participant (Advocacy Manager, PD); described by another worker from BCI, as “a new dynamic we’ve got to contend with” (Director, UK Services).

Political preference and more particularly the political of the State is thought to be a means to understand at least some of the rationale for this approach. However, when the question of the philosophies of the Con-Lib Coalition was posed to the participants, it is surprising to hear little criticality. Even though the organisations may “feel less comfortable” (Anon) with the new dynamic in

advocacy work, and perhaps the levels of input they have in their development because they are offered fewer chances to meet and discuss problems or opportunities, the generality of their collective analysis shines through.

For the four NGOs, the rush to implement the net cap on immigration and quickly restructure elements of Labour's modernising agenda do not relate to political ideology. When asked if the ways policy work unfolded, reflected or is linked to the administration's immigration policy; policies within both advocacy platforms; broader welfare reforms; or specific alterations affecting the immigration and employment context for labour migrants in the UK. The workers respond with a multitude of perceptions and points- pointing towards 'no'. The following three points capture this:

"No, I don't think so." (Head of UK Services, BCI)

"I'm not sure. On weight I doubt it." (Labour Officer, PD)

"We think it's about being new." (Network and Innovation Manager, ML)

It is what these opinions suggest that is important. When the question of philosophy was posed to a manager from BCI, he offers further clarity and suggests the pace of change and lack of dialogue (in certain cases) is "probably related to a Blairite attitude of getting what you want to do in as a

new administration fast". For him, and a senior pair from PD, changes in State behaviour in consultation process are not directly attributable to political preference in an ideological sense. "For us it's not about that", says the Director of PD. While one can observe that State administrators are keen to reverse previous policies that are not within their vision, the managers are keen to highlight that it is the pace of change that is problematic, in a bid to refrain from placing allegiance to any political party.

What this allows the study to articulate about the nature of the relationship between the four organisations and the State is thus: it can be argued, with relative strength that there are differences between the previous Labour administration and the current coalition, however, certain similar features of the State, its policies, and behaviours remain. Although the vital difference in the minds of the manager's relates to the idea and policy that is intended to restrict certain categories of workers from outwith the EEA coming to work, often temporarily, in the UK.

As was discussed at length in the introduction to the study, the comparison between the Conservative-led coalition administration and the Labour Party and New Labour's governance is peculiar. As Hall (2003, p.19) indicates, the New Labour regime valued a social democratic variant of neoliberal policy. What this means for the immigration and employment prospects for labour migrants and the Labour government's relationship with the NGOs in question is for this study is important. As previously articulated, policy has changed from one which valued a "liberalizing" and "modernising" agenda

(Flynn, 2005, p.463; 465), to a situation where restrictions are understood to be a key strategy of the State. This is because liberal elements of the immigration strategy of the UK State, has faded. However, there is a perception that the underlying political economic orthodoxy remains: “We’re working with a similar economic ideology now,” suggests the Advocacy Manager from Poverty Development, and this of course is neoliberalism.

There are key managerial differences in actively working with a new administration with a broader range of policy workers and different immigration interests. But the rush to change policies in the early stages of the relationship between the organisations and the State is still remembered, albeit not for political reasons.

Summary

While the previous chapter gives the reader an insight into the connection between organisation and neoliberalism whereby the State is a key actor, this chapter explores the connection between the organisations and the State within the neoliberal political economy. In trying to ascertain what is new and unique about the interaction between the organisations and the State, the prevailing turn towards the Conservative and Liberal coalition administration provides many interesting measures of change. In examining these contexts and the manager’s experiences of State interaction within them, a number of prominent themes have developed that require further analysis. Key themes include: the differences and similarities in the interaction, the autonomy of the

State, and the revived importance and changing dynamics of organisational legitimacy in labour migration advocacy work.

The managers have new relationships and personalities to contend with and their work with the Con-Lib administration has underlined the importance of legitimacy because they feel like the chances for discussions are weakening, and more importantly, that the State's policies can occasionally impede upon the rights' of migrant workers.

Importantly, while the Labour administration grew towards a liberalisation of immigration, where the interest of the business establishment was a prominent feature in policy, the current administration is arguably under different pressure. This provides a theoretical hook in which to consider the sociology of the State, which will be examined through immigration policy in the fourth empirical chapter. Essentially, the conclusion that is drawn in examining the interaction between organisation and State is that legitimacy has become a more necessary feature because of State policy.

In trying to understand the way organisational action unfolds in response to recent developments, the sensitivity of the topic, the manager's diplomatic tendencies, and the weakening grip of the managers over the advocacy regime with the institutions of State are clear. From the perspective of the organisations, the pace of change and space for critical reflection and policy refinement, from the first draft of Bills, through to amendments of final Acts is also a concern. Yet 'I don't think so', 'I'm not sure', and 'We think it's about

being new', suggests the managers' believe there is no link between values and the way the governing parties and Home Office administrators approach and organise their relationships with their organisations.

This chapter examines the interaction between the NGOs in the research project and the State. Building directly on the previous chapter that considered how the wider neoliberal political economy shapes advocacy work, the chapter examines the shifting immigration policy context and interactions between key players.

While the changing nature of the interactions between these actors is an important research finding, perhaps the key message to be taken from the chapter is that there is a background to the restrictive approach to immigration policy that is essential to understand. The forthcoming chapter details findings from the application of the legitimacy framework to these discussions. The proceeding chapter considers the State's ability for self-directed autonomy in immigration policy. In essence, it draws the legitimacy findings of the thesis into a broader discussion about advocacy work, ethics, and legitimacy.

Chapter 8: 'Legitimacy in the nexus of administration change'

Introduction

The previous discussion perhaps indicates a feeling of ill-will between the organisations and the political instruments of the State. This is not a polarised discussion, however, as much communication and negotiation is conducted behind closed doors and it is a fresh relationship. At the time when fieldwork was the central focus of the study, policy was new, and major funding streams to the sector were cut. Therefore, it is important to indicate that what has been written above (and below) comes at a particularly complex time for the organisations, and it is a snapshot of that time period. Moreover, the managers in these organisations are very diplomatic in their analysis of policy and the changes they have experienced. They wish, more than anything, to maintain and build positive working relationships with administrators who are regarded as important.

While the review conceptualises organisational legitimacy and the State, and the previous discussion examines how the shifting immigration context within the neoliberal political economy shapes the work and interaction between the NGOs and the State. This chapter focuses exclusively on legitimacy and considers how it is practiced in advocacy work. The discussion explores a prominent resurgence in the need for organisational legitimacy; considers

different trends in working arrangements, and begins to raise deeper questions about the relationship between the nature of legitimacy and the State. It explores the different dimensions of advocacy work that shine through the interviews.

At the beginning of each interview participants were requested to reflect on their understanding of legitimacy in the focus of their advocacy work. “What does legitimacy mean?” they were asked. Throughout the course of discussions many topics were raised and six core themes emerged. These interviews raise the following as being core to legitimacy: having moral authority and developing the right to act; being trusted (by accurate reporting and in organisational relationships) and staying within the law (regulatory frameworks for charitable and lobbying organisations); ensuring what is proposed in an advocacy sense is justifiable, qualitatively and quantitatively and based on sound logic; developing projects locally, collaboratively, in partnership; and ensuring that advocacy work is rooted in accountabilities to communities.

Embedded in the context and conditions that build meaning (Thompson and Broek, 2010) i.e. in their advocacy relationships, these elements highlight that legitimacy in labour migration advocacy work is more than a procedure designed to meet donor’s needs (Hilhorst, 2003). In this sense, the manager’s show that legitimacy is an active process as the verbs ‘having’, ‘being’, ‘developing’, ‘ensuring’, and ‘working’ indicate they are attempting to transform certain social features (Al-Amoudi, 2005). This insight highlights

richness and an emancipatory element to the work of the managers that relates to the focus of work activities and the aims and objectives of their organisations. However, there are particular barriers to meeting legitimacy and emancipatory objectives in NGOs.

One issue that shines through the review and conceptualisation of legitimacy is the importance of what is termed as the third party conundrum. This can be explained by highlighting that NGOs often do not have members in the conventional sense. It is, therefore, a fair assumption to suggest that they face challenges in establishing legitimacy for, and through, representing people who are not organisational members. What is different to various observations in the available literature on NGOs is that NGO legitimacy is not as strongly tied into comparisons with how States are granted and develop their legitimacy. There are, for example, elements that both groups of actors (NGOs and States) must adhere to in democratic and law abiding societies, such as staying within the legal framework of the country. However, the review of legitimacy articulates that the concept of downwards accountability may be a useful concept for considering the general thrust of labour migration advocacy work, and this rings true empirically.

In considering the four organisations, it is clear that accountability is a very important concern. The manager's frequently highlight that the accountability regimes between their organisations and the communities they work with are of vital importance; as indicated through the key theme of ensuring advocacy work is rooted in accountabilities to communities. The discussion now

considers the changing nature and process of accountability between the NGOs engaged in this study and the communities they work with.

Turning away from advocacy work?

In 2010 Baines asked the question: “what’s new about austerity?” Based on a study of recent restructuring of the non-profit sector, she proposed that non-profit social services were being pulled more fully into pro-market affairs which develops a homogenising force and removes the differences between non- and for profit services. Grounded in the dilemma advocacy NGOs and their managers’ face, this discussion proposes Baines’ argument is not only applicable to social care organisations and the climate of austerity, but driven by David Cameron’s vision of fuelling a more systemic role for the Third Sector (Kisby, 2010). NGOs have traditionally and continue to play an important role in delivering services to communities and in raising their concerns to States on the part of those communities. In statutory areas of social work, mental health, asylum, criminal justice, housing, and so forth, they are vital links in and between local and national administrations.

However, there is strong opinion amongst the managers that working indirectly with the State, or delivering services to communities rather than directly advocating to the State on their part, is fast becoming a sensible managerial option. What is interesting about this finding is that, within the nexus of administrative change, there has been a shift in thinking, particularly

from the larger two NGOs in the study, because delivering services is an effective way to be directly accountable to people in the community.

In the case of this study, questions of service delivery are important for Poverty Development and British Crisis Intervention, in particular. The former has a very active advocacy unit and are less focused on direct service delivery, but support local organisations to doing so. BCI, while active in an advocacy sense, are particularly prominent in health and social care arena in the UK and in supporting communities who are in crisis.

The first voice below gives an overview from a director with PD: it captures the dilemma the organisation faces in walking this path and points towards an interesting justification for potentially changing the organisation's focus further away from advocacy work. The second quotation is from a discussion with the most senior worker engaged in the study from BCI. It touches on a rationale about why her NGO may be better placed and a more legitimate actor in developing and delivering services. This, of course, can be thought about more broadly as well.

According to the Director from PD, the organisation is currently weighing up the pros and cons of strengthening a service delivery element and placing less emphasis on advocacy work:

“We’re a rights-based organisation, so we say that poverty is a denial of basic human rights, and we work to improve the capacity for people to claim those

rights. Now, we're currently making a judgement call about whether becoming a direct deliverer of services is the best way of enabling people claim their rights and exit poverty, or whether we can be more effective in helping populations hold their State to account, for better longer-term change" (Director, PD).

The comment is significant because it cuts to the core of the issue. As a rights-based organisation, they argue that poverty is a denial of basic rights and work towards improving the capacity of communities to claim their rights, in order to move out of poverty. This is interesting because it shows where the organisation's legitimacy comes from i.e. their constituents and in her mind, by strengthening their voice and "bargaining power" (Director, PD) within the reaches of the State.

By developing a consistency between professed missions and behavior (Saxby, 1996), the accountability between NGOs and communities, in this instance, is not the elusive notion as once suggested (Edwards and Hulme, 1996). Rather than government the term State is used too and this suggests the debate relates to the actors' affecting the well-being and welfare of people in the community.

What we can see from the quotation is that, as an NGO who primarily work in an advocacy sense, PD is weighing up the possibilities of further service intervention to maximise the voice and security of different fragile communities. In making a judgement about becoming a direct deliverer of services, the Director proposes PD may be able to help people hold "their

States” to account, which is significant. In this sense, legitimacy is granted like Suchman (1995, p.574) suggests, through a “system of norms, values, beliefs” underpinned her belief that the organisation is playing an empowering role in society.

Similarly, the Chef de Cabinet from British Crisis Intervention suggests that her organisation is well placed to deliver services. In fact, the undertone of her analysis is that British Crisis Intervention could deliver and develop services more effectively than many public and private bodies, which is significant. Giving a brief background to her role, she highlights that,

“I’m responsible for the Chief Exec’s Office and specifically for working with him on his contribution to our external communications and engagement. This role is very much a corporate role. So I’m involved in strategy development for the organisation, looking at the overall picture of how we fit into the **** family. This constitutes the political environment that we work with in the UK and how best we can meet our mission within that. In a sense, it’s very much an overview. In this time, well, over the past ten or eleven years, the government have been keen to develop the third sector to be much more involved in delivering what were services formally delivered entirely by the statutory sector, and the previous government as well. They’re keen to do that for a variety of reasons: in some instances the sector is better placed to deliver those services, often because they have more flexible or innovative approaches with people that find it hard to access traditional services. And we may be perceived as being more cost effective and more efficient, particularly in the way we’ve developed but also by wanting to bring about more choice and competition, certainly this government is keen to take that forward. In England there’s been quite a bit of change in the health service recently and part of that is bringing in new

providers, so for us there are opportunities to develop our role. From our point of view, our fundamental point is that people should get the support they need whether they need it from the people they are best placed to receive it from, and sometimes we are the best placed” (Chef de Cabinet, BCI).

This is a wider issue here for NGOs as service delivery offers a chance to see and do first hand whereas campaigning, lobbying, State relations, comparatively, are a step, if not several steps removed from the community. Philips (2005) explains that the challenge in retaining policy roles is often reliant on NGOs being subject matter experts who have direct experience of the policy issues they are examining. Therefore, there is a link between practical experience and credibility because, “this way advocacy is anchored in real experience and messages transmitted have a power and legitimacy which is difficult to ignore” (Edwards and Hulme, 2002, p.63).

When examining her point, that the ‘voluntary’ sector may be better placed to deliver services effectively and efficiently, it is proposed it is natural that many NGOs because of their history, capacities and specialisms are well placed to develop front line services. It is also recognised that some argue “only governments can do these things effectively and equitably – that any attempt, for example, to privatise services is bound to result in declining access to quality care for the poor” (Edwards and Hulme, 2002, p.56). Indeed, in the case of BCI, they have a history in broadening services and

access to important social care for people who may be hard to reach or difficult to engage, often in channels where the State is not.

Further, Edwards and Fowler (2002) suggest systems of the State cannot be changed at will and when progress is achieved it is slow. They argue that, NGOs must commit themselves for long periods to advocacy projects and strategies. In this study, it has been documented how the relationship between the organisations and the State has evolved and issues such as a lack of connectivity have been mentioned. Therefore, this raises the proposition of turning towards service delivery as a means of being more accountable to constituents, by effectively bypassing State administrators.

As highlighted in the introduction to the thesis, the sector has experienced reductions in public funding and increased competition for resources which has led to questions about sustaining advocacy and social change roles (Milbourne, 2013). Hence, when Baines (2010) asked what was new about austerity, it is unsurprising to learn that PD is making a judgment call about becoming a direct deliverer of services. What is a surprising, but, is the terminology used by the representative from BCI, and specifically, the mentioning of the words 'competition' and 'choice', as these are words not often associated with charitable, non-profit organisations. The terms 'flexible' and 'innovative' may characterise many third sector offerings, but are also often used in other domains. In this case, their use is significant because of their symbolic properties as they are arguably words used in market contexts.

In a climate of austerity being efficient and effective is important. However, this change points towards a deeper marketisation of the role of NGOs in society. Again, this finding provides an interesting comparison with the papers examined in the literature review because it holds a similar warning that for the four organisations in this research.

In the paper which is considered under the heading 'Raising an important point', Wallace (2009) examines the ways donors make demands, overview budgets and create systems of accountability in organisations. Delivering services can be problematic for the legitimacy of NGOs because the work and advocacy agendas of organisations may not therefore adequately reflect the concerns of advocacy groups. Rather, the focus of organisations can reflect the types of activities or services that donors are willing to fund (Farrington and Bebbington, 1993).

In the case of BCI, the Chef de Cabinet's comment highlights that her organisation could be blurring boundaries of responsibility for different aspects of societal governance, particularly when intermeshing rationale from the commercial private sector (Jegers, 2009). In addition, her analysis and understanding of accountability takes on a more economic character in comparison to that espoused from workers from Poverty Development. Arguably, this has also has the potential to ignore debates relating to possible democratic channels of legitimation processes (Gray, 1992). It underlines the importance of meeting donor's demands, and depending on the nature of funding streams (i.e. does the State contribute?), it can also

enforce the idea that upwards accountability is the lifeblood of managerial advocacy work. When, debatably, advocacy work retains its legitimacy through its ability to connect and represent communities, through downwards accountability.

Collaboration, knowledge and representation in advocacy work

In addition to ensuring clear accountability regimes between their organisations and the communities they represent, the manager's highlight the benefits that collaboration and local knowledge brings to advocacy strategies. Across the four NGOs, they suggest there has been a gradual movement towards collaborative advocacy work, where their individual organisations actively engage broader coalitions in advocacy partnerships. These partnerships are State focused and often revolve around the immigration agenda, although can incorporate broader organisational interests. They are often seen and understood through the platforms discussed in the previous chapter.

Migrant Link is a network NGO where partnership is at the core of their organisational structure. However, the other three organisations report an increase in partnership work, and the trend appears to be partly explainable through the interaction between the organisations and the new administration.

According to the Advocacy Manager from PD, they, as an advocacy NGO, "need broader participation from different players to make things happen".

British Crisis Intervention and Poverty Development, similarly, in interviews, highlight the benefits of working alongside a broader coalition of expert organisations attached to local contexts. Interestingly, this extends beyond labour migration advocacy work (in our discussion the Advocacy Manager shares three recent examples of working alongside other specialised allies in different fields of public policy).

In an interview with a senior representative from BCI, it was highlighted that partnership work has been “a vital tool in advocacy strategy” (UK Services Director), but that there is a focus on working with Grass Roots Organisations (GROs) within the UK. Grass Roots Organisations are locally constituted organisations that are often embedded into communities and social movements. And they are important within the context of this study for a number of reasons, but namely increasing the voice of communities, and the legitimacy that brings: “It’s about voice, really,” suggests the Director from ML. Similarly, another representative from BCI points towards the “impact” of local representation. While a third suggests that, “When you’re managing advocacy projects, it’s great to have that first-hand experience in your network. That’s what localised-participation gives you” (Advocacy Manager, PD).

According to the Asylum Officer from PD, who has managerial responsibility for several labour themed research projects, his NGO have always placed emphasis on partnership work because of the challenges of changing State policy. “You’re much stronger together in trying to achieve a voice”, he

suggests, which underpins the benefit to collaborative work. In the interview, he often actively thinks about the differences between the Labour and post Labour era and suggests, “I think there’s always been a recognition of the importance of partnership working and if you look back to ***** in 2005, partnership working was a key part of that and it still is an important part of the model.” In this sense, partnership may have always been important to the organisations in the study, although there is a perception that it is now more essential in labour migration advocacy work. This is because working in partnership increases the participation and voice of the communities which the organisations aim to represent, in a neoliberal political economy, with a regime that espouses different ideals in immigration policy. Where interaction has become more challenging.

By placing emphasis on collaboration with GROs, BCI, ML, PD, and BCI, are actively harnessing the voice of specialised, local organisations. The GROs that are mentioned in the interviews, invariably work in very particular public policy areas that make even Migrant Link seem very general in their approach and objectives (Migrant Link are especially focused on immigration policy and migrants’ rights). Partnership work, in advocacy work, appears to be built around what the larger and often more influential organisations stand to gain. Yet, when this is probed in interviews, reciprocity was mentioned as an essential component in these relationships, because the four NGOs, invariably wish to help develop the capacity of local actors. In sum, the relationships between the four NGOs engaged in this study and the GROs

are mutually beneficial. By working together they strengthen the legitimacy of each group.

In the interview with the Advocacy Manager from PD, she explains that her organisation and other NGOs have placed emphasis on working with new partners in different State-orientated policy projects. This is attributable to the developments in interactions between the State and her organisation but can also be attributed to the weaker UK economy. In the interview, it was posed that a renewed emphasis on collaboration and partnership may be linked to the fact that many organisations are experiencing reductions in funding and increased competition for resources (Milbourne, 2013). However, while this is a factor (it was mentioned in 14 core interviews), the overarching analysis points towards a pragmatic "What works best" (Director, PD) attitude in managerial advocacy work. Invariably, this pragmatic zeal is embedded in the abilities of those working in the NGOs. It is something that has resulted from the new relationship with different administrators in their search for legitimacy in a neoliberal political economy.

Evidence in advocacy work: the key performance measure?

One of the key debating grounds about the legitimacy of NGOs is organisational performance. The development and international development literature is broad in their analysis of performance. However, there seems to be little room in the discussion about the abilities of managers beyond a functional understanding of what performance constitutes. The review of

legitimacy highlights that during the course of the 1990s and early 2000s, a defined set of critiques on NGOs appeared (Reimann, 2005). A dominant narrative within these discussions suggests NGOs are underperforming organisations (Nyamugasira, 1998), that spend more time on fanciful ideas about participation and development than on the nuts and bolts of management (Dichter, 1989). This literature argues that they are characterised by a commitment to values and an inability to manage and measure complex objectives (Smillie and Hailey, 2001).

In the context of advocacy work with the State, the workers display a managerial edge and an insightful academic quality to their analysis and interpretation of performance. This richness and depth is not something that is captured adequately, as of yet. However, the functional, managerial critique remains strong, which is surprising because there is little quality empirical research on the topic. The critique, while holding an important warning for the NGOs engaged in the study, appears to hold little weight because of the ingrained professionalism and skills the manager's bring to advocacy work.

When the managers were asked, what does legitimacy mean? A key theme is that legitimacy grows from proposals and arguments that are justifiable, "qualitatively and quantitatively and based on sound logic". This does not lend itself to the critique in the wider critical literature, at least in the narrow sense of advocacy work and management.

“We talk about evidence based advocacy and wanting to back up our approaches either by the evidence we get from our own work with beneficiaries or the evidence we’ve developed through working with other organisations,” suggests a representative from BCI (UK Services Director). “I think you’ve got to be able to get to the core of an issue; it’s political, social, historical... and in the current climate, it’s economic parts, and be able to break it down and present it in a way that’s really thinking about your perspective and theirs,” suggests another (Labour Officer).

Both of these quotations underline the importance of gathering and synthesising particular kinds of data; they highlight the need to break down complex arguments for administrators in their work. The quotations illustrate that managerial advocacy work draws upon specialist kinds of information and experience and demonstrates that negotiation and diplomacy is at the heart of proceedings.

The experience across the sample, in immigration policy advocacy, is vast, as is educational attainment (both in relation to policy fields and university qualifications). Hence, Thompson and Warhursts’ (2006, p.787) understanding of knowledge work, which is understood to draw upon special types of understanding under conditions of relative autonomy applies to advocacy work. Arguably, one cannot generalise from a single account. Yet part of the structure of managing advocacy is developing successful outcomes based on a clear and effective analysis of social and public policies

or planned State activities. This involves an up-to-date and comprehensive understanding of policies and the ability to design and conduct high quality research into Public Policy (Director, ML). Moreover, NGOs often have no single bottom line to measure their performance as they work in situations where attribution and causality are often complex and dynamic (Edwards and Fowler, 2002). This underlines the importance of drawing together objective and subjective elements into the strategy and analysis of advocacy work. As a block, both objective measures and subjective interpretations are of equal importance to NGOs, because they help to develop persuasive cases based on specialist knowledge.

Speaking about the strategic thinking behind their development work and how they develop strong advocacy cases, a representative highlights the difficulty in developing persuasive advocacy cases:

“It’s something that is not easy, which is the first answer. It’s not easy and it’s something that we struggle with, the same as many organisations struggle with. Trying to demonstrate not just what you’ve done is key. So counting the widgets but also highlighting what the impact has been that really demonstrates that you’ve made the difference that you wanted to make” (Chef De Cabinet, BCI).

When asked about different performance related elements to advocacy work, a manager with PD suggests that the “bottom line” is what they, as an NGO, care about. Hence, actually changing Public Policies in ways that favour

labour migrants and other demographic groups is important. This is rooted in an ability to compile objective and subjective elements into advocacy work, and is akin to the perspective gleaned above.

Similarly, the quotation below captures the role that real life experience plays in developing influential advocacy cases. In the discussion with the UK Head of Strategy for PD, the importance of developing both harder and softer evidence is highlighted. When the questions of “How is this managed and developed? Can you give me an example?” was posed, she draws breath and pauses... before suggesting,

“Well, it’s a combination of things really, it’s a combination of qualitative and quantitative and we talk about poverty and power as very closely intertwined concepts. So what you’re actually trying to do is measure changes in power, either at the absolute micro level. For example, how much control does a woman feel she has over assessing the household finances? Or how much influence or ability does she have with influencing decision-making? At that level, what you’re doing is using questionnaires and talking to people. You’re creating a baseline at the beginning of your time in that community, which tracks issues at the household level; you know what’s going on and then actually asking people what’s going on and how things have changed.”

The example given above does not relate to the immigration regimes under study, but it gives a great example of how objective and subjective elements are drawn together to create persuasive advocacy work. What is interesting about the above quotation is the manager’s emphasis on measurement

alongside more subjective interpretations. In our discussion, the manager highlights the relationship between legitimacy of advocacy analysis and the ability to draw upon both elements. This requires an ability to conduct research or at least understand research methods.

One of the trends that are important within the context of these conversations was the idea that management within the NGOs were becoming required to conduct their advocacy work and analysis along scientific lines. Across all four organisations, the interviews highlight that there is an increasing emphasis on the quality-expectations of their advocacy analysis. Speaking about this, one participant highlighted, “It’s becoming expected of us that we can operate in a scientific way” (Chair); and this perspective is shared by others in the study. What this chapter finds is that the managers believe in the value of developing their analysis through both objective and subjective evidence and this is based on first-hand experience. However, the managers share an analytical capability for capturing and developing different performance measures in the advocacy work which build legitimacy.

Summary

This chapter has examined NGO Legitimacy in the nexus of administration change. The findings illustrate how the shifting immigration policy context in the UK within the neoliberal political economy continue to shape advocacy work, and labour migration advocacy work, more particularly. These findings can be understood through the changing dynamic that has developed

through the course of the implementation of new policy under a new administration; and the nature of legitimacy management that has unfolded in the chapter.

Building on the previous discussion focusing on the interactions between the NGOs and the British State, this chapter considered legitimacy within this changing interaction and broader geopolitical landscape. Analysis was supported with the review and conceptualisation of legitimacy; however, there are important empirical findings that are not directly covered by the broader literature, but are explainable.

The first and most obvious is the drive to deliver services. A valuable finding within this context is that the manager's suggest they are considering service delivery- as opposed to advocacy work- because it will hopefully make them more accountable in the eyes of the communities they work with. Although generalisations cannot be made as the sample is small, this does not detract from the argument that a further weakening in the interaction between the organisations and the State may solidify this strategy. The importance of this finding is underlined by the profile and standing of these NGOs in UK civil society. The conceptualisation of legitimacy, in this respect, captures the importance of downwards accountability, but the examples given above add fresh insight into how downwards accountability, and hence legitimacy, is managed in NGOs.

Other key findings that are not themes in the available literature on advocacy work and management in NGOs are the ways that partnership work and collaboration in labour migration advocacy work has grown under the current administration. Throughout the interviews the manager's highlight that a key strategy is to work with broad coalitions of partners and collaborators in advocacy activities. Now, the thesis asserts that this drive may be, in part, because of the changes in relationships, broader alterations in immigration policy, and the on-going effects of the great recession. Nevertheless, the emphasis on localised partnership work is a key way to ensure the voice of local communities is strongly heard, which has a strong legitimising role in the work of the NGOs. Its importance has been underlined recently.

Alongside the increased focus on partnership and collaboration is the finding that advocacy work is a specialist kind of work that requires a very detailed knowledge of public policy. The chapter demonstrates how the manager's develop arguments through their appreciation of research design and analysis which ensures both objective and subjective, or qualitative and quantitative dimensions are drawn into their advocacy work. NGOs often have no single bottom line to benchmark their performance because they work in situations where attribution and causality are complex and dynamic (Edwards and Fowler, 2002), but these are the underlying elements drive managerial performance and legitimacy in advocacy work. Looking back, it was highlighted that organisations need more than material and technical resources to remain viable: they require an enduring cultural endorsement

(Scott, 1995; Ridgeway and Berger, 1986). These elements help to create this.

The central finding of the thesis in relation to organisational legitimacy is that, across organisation, there is an inherent similarity in the ways they develop legitimacy in advocacy work with the State. These are underlined by the shared experience of managing legitimacy in advocacy work with the previous administration and are focused strongly on being actively accountable to migrant groups. However, legitimacy is not as heavily tied into the narrative which compares the legitimacy of NGOs with States, as discussed in the review chapter. In the development literature, there is a strong observation about being able to represent the interests of different groups in society. While the comparison may frame why NGO legitimacy is a precarious concept in comparison to that of an elected State administration, the empirical analysis, thus far, underpins the uniqueness of legitimacy in NGO contexts.

The changing context of a new administration has directly affected how legitimacy is managed in the four organisations engaged in this study. One of the distinctive elements of NGO legitimacy that was spoken of through the interviews was an ethical and moral interpretation or developing moral authority in advocacy work. An important part of this picture, yet to be discussed, is the relationship between the State and migrant workers: a relationship that drives advocacy work and management in the neoliberal political economy.

Chapter 9: 'The State-labour relationship'

Ethical concerns, legitimacy, and immigration policy: A comparative analysis

Introduction

Within the neoliberal political economy of the UK, the State and migrant worker relationship is of fundamental importance to labour migration advocates in non-governmental organisations. In the context of this project, a surprise has been the extent to which the relationship drives the work patterns between the NGOs and the State. Immigration policy under the current administration has broadly turned from one of the most liberal in Western Europe, towards more robustly capping the total number of non EEA migrants coming to live and work in the UK. However, any normative discussion about immigration policy also needs to consider the trade-off between migrant numbers and rights. This includes the consequences for all sides involved and the impact on migrants and their countries of origin' (Ruhs and Martin 2008, p. 250); a balance and cross check that extends to advocacy research.

Advocacy work has ethical and normative foundations (Stone, 2002), and a criticism of advocacy research is that it tends to focus on single cases and offer prescriptive and even prejudiced analyses (Clarke 1998; Stewart 1997; Najam 1999; Lewis 2004). Hence, the chapter is split into two parts: the first

part considers the advocacy concerns of the managers and shows how the State has shaped their ethical apprehensions with a particular focus on the net cap on immigration. The second part contrasts their views with the broader expert sample, including representatives from other NGOs, a political party, trade unions, thinktanks, and managers from immigration and migration funding bodies and trusts in the UK. Together, these perspectives highlight the embedding of the ethical nature of legitimacy management in organisations and form the basis for a broader discussion about the State-labour relationship.

The two bodies of work covered in the conceptualisation and review of the State highlights the cleavage between instrumental and structural accounts. In structural interpretations, the State's character and functions are examined not in terms of who manages the State (like instrumental accounts), but rather, through analysis of the State within wider structural arrangements. This discounts the use of structural theory. In developing his argument, Ralph Miliband places emphasis on the ways in which the State embodied instruments of capital where personnel such government officials, tended to belong to the dominant class (Miliband, 1977, p. 69). Rather than emphasising the connection between dominant groups and the State elite, the late structural theorist Poulantzas (1974), alternatively argues that the State performs differently in relation to different groups or what he terms as dominated and dominating classes in society. A common feature of 'post Marxist' theory is also the argument that there is a tenuous relationship, if any, between the character of society and the nature of the State (Wood,

1996, p.52). However, the discussion will suggest there is an empirical link worthy of further attention because the State is arguably not following employer or capitalist interests in immigration policy.

Moral authority, legitimacy and immigration policy

One of the important factors coming to light through the research is that the managers are principled people, individually and collectively. Their personal and collective belief systems are not political. Rather, as illustrated in the empirical overview, they are concerned with the rights' of migrant workers and people in society. Within the neoliberal political economy and under a restrictive immigration regime, the normative foundations of labour migration advocacy work are clear. Thus because a more restrictive immigration strategy raises concerns about the wellbeing of particular groups of migrant workers and draws attention to what the State values.

For example, throughout the course of the interviews, the manager's raise concern about the implications of the net cap on immigration in the UK. This directly restricts the overarching number of people who are able to migrate from non EEA countries to work, and is enforced by a broader rhetoric on the skills and labour shortages. It runs against the humanitarian and human rights agendas the organisations uphold.

According to Anti-Repression International, a side effect of the net cap on immigration could be that it forces the hand of particular groups who may wish to come to the UK because of conditions in home countries, but now cannot. "The danger of the cap is that if you cap the number of people who

can come in to do low level jobs then you are going to place emphasis on illegal immigration and the problems that coming with that”, suggests one participant (Chair of ARI). The chair advises that by restricting the flow of movement for what he terms ‘low level jobs’, the State may be accentuating illegal immigration from out with the EEA and the “human rights implications” that come with it. The Chief Executive of the organisation adds, “If workers can’t get in to do particular jobs, our assumption is that the burden will be carried by someone.”

Speaking about the State and the net cap on immigration, a Communications Worker from Migrant link suggests, “They are on a collision course with The Human Rights Act and human rights interests”.¹⁵ Similarly, his colleague advises that the net cap clashes with Human Rights Act and highlights his concern which cuts across several immigration issues:

“There’s an argument that suggests the cap is illegitimate, the cap says that you’re not allowed the right to a family life. Look at the EU consolation on family migration – on settlement – it says you have a right to family life – so, on a level it is illegitimate and clashes with people’s life and right to a family here. Morally I do not think that the government has the grounds to impose such a thing because it is unclear how it’s going to assist them in meeting their target which seems to be their concern. As far as I’m concerned the

¹⁵ The Human Rights Act 1998 (also known as the Act or the HRA) came into force in the United Kingdom in October 2000. It is composed of a series of sections that have the effect of codifying the protections in the European Convention on Human Rights into UK law. The Act sets out the fundamental rights and freedoms that individuals in the UK have access to, and includes the right to marry. Although the government is able to restrict the right to marry, it must not impose limitations which impair the very essence of the right (Equality and Human Rights Commission, 2013, online).

government has grounds to be tough on immigration, as they have been given a public mandate of sorts to do this, but how they're going to implement it might be and perhaps should be challenged in courts" (Communications Worker, ML).

Interestingly, his analysis focuses on two areas: one is a human rights argument and the other is about the practicalities of meeting the overarching policy objective of reducing net immigration to tens of thousands per annum. Both come back to the issue of legitimacy and the normative foundations of legitimacy in labour migration advocacy work. Both are tied into State activity.

In their bid to make immigration work, the managers from Migrant Link suggest the State may have focused efforts to reduce net immigration at the expense of workers from out with the EEA. In considering the first element, what is particularly insightful is his argument's foundation: he challenges the policy's legitimacy on moral grounds. Migrant Link suggest that by making numbers a defining characteristic of immigration policy, the State is emphasising a preference for high skill – high capital - workers within the EEA. Even in this one quotation there are a number of important issues raised with regards a whole host of immigration changes under the current regime.

While the State are arguably acting within their mandate, Migrant link point towards the possible effects of this movement for non EEA workers wishing to come to the UK and those already here. They raise a particular concern

about the net cap on immigration being challenged in courts. According to the Innovation and Network manager, the cap is “a major shift in policy because it makes numbers the most important thing”. In our conversation, where she passionately spoke about the implications of the policy, she added, “people can argue that it’s been like that in the past – at least now, publically, it’s the most important thing.”

In a sense, there is a similarity between this and broader analyses of immigration policy, like the work of De somer (2012) and Guild (2011). De somer (2012, p.4) advises that the categorising of workers is a defining feature of EU legislation. Guild (2011 p. 218) similarly criticises the nature of broader EU policy for taking a “market approach” to human beings.

The Policy Director of Migrant Link believes there are similarities between both administrations in their respective approaches to immigration policy. However, in the interview she makes it clear that there is a difference in relationships between employer groups and the current and the previous administrations with employer organisations.

According to the Policy Director of Migrant Link,

“The cap is symptomatic of the fact that immigration policy for a long time has been driven a lot more by the public concern, by politics, than it has by what is achievable. Under the last administration there was the introduction of the points based system and it made sense in principal that you encourage labour migration to fill skills shortages in the labour market. That

having been said, the points based system became incredibly complicated. I think the ministers in the new government are looking for a quick fix solution, something that's readily understood by the public. I've not really come across anyone who supports it- employer groups are really opposed, because it makes it much more difficult for them to recruit."

While the above point is far reaching, the important elements of the comment can be broken down to categories of differences and similarities between the current and previous administrations approaches. She suggests immigration policy (specifically referring to immigration control and economics) are driven by public concern and "by politics" i.e. politicians' attempts to meet public concerns. This, for the advocates, is something which both administrations have historically fallen foul to. Indeed, the mismatch between immigration reality and rhetoric was highlighted through the discussion on Thatcher. What it underlines, in a labour migration advocacy sense, is the need for a proper debate about immigration in society. One that takes account of the normative foundations of migrants' rights and possible effects of immigration, as mentioned in the introduction to this chapter.

The manager's believe there is a need for a debate which takes account of quantitative, macro-regional trends of labour migration, in and out of the UK; which considers local diversity and the qualitative differences of immigration within regions, towns, cities, and rural localities. "This is what we're missing", suggest one participant (Labour officer, Poverty Development), when

speaking about the usefulness of the net cap on immigration, and the State's wish to appease certain influential actors in society.

Migrant Link and Anti Repression, in particular, articulate that the net cap on immigration may place pressure on the relationship between the State and employers who rely upon workers from out with the EEA. The mentioning of employer groups is important because they often have capitalist or at least pro-business interests. Interests accepted, but challenged by the NGOs in this research; interests that highlight the gulf between the State's Conservative policy and capitalist thinking on immigration policy.

In this sense, the thesis argues there is a link between the people the State wish to restrict from working and living in the UK and the character of State management and administration. This is significant because of the differences between those who manage and control the State and the relatively weaker position of labour migrants from out with the EEA. Further, it exposes the difference between mainstream capitalist thinking and restrictive immigration policy; the former evidently places more value on this very broad group of possible employees.

In the context of this study, the State's self-determined autonomy is under question in immigration policy because of the dominance of Conservative thought which is seen to act against the wishes of the broader neoliberal interests. At a time when businesses are relying upon State support through legislative measures, under recession, it is ironic to hear labour advocates

raise concerns regarding the possibility that, the State may not “have enough people who want to take up particular types of work” (Development Manager, PD). “It’s like I said,” suggests a manager from ML, “they’re not listening to every economic Nobel Laureate there is at the moment. We said to them that if you cap net migration this way then you’ll weaken the economy, just like the business minister” (Network and Innovation Manager, ML).¹⁶

Summarising the managers’ perspective: legitimacy and the State-labour relation

The focus on human rights in immigration policy underpins the manager’s advocacy concerns of being downwardly accountable to labour migrants. As can be seen from the discussion, workers across the organisations display a normative orientation towards concerns of migrants’ rights and human rights more broadly. They argue that the net cap on immigration may restrict the rights of migrant groups (primarily non EEA) and this extends across different immigration issues: from temporary work, to settlement, to outcomes in the labour market, and a possible increase in informal immigration because of the restrictive policy.

Clifton-Brown and Robinson (2013, p.3), of Liberty ¹⁷ also suggest the Home Office has recently declared a series of changes that could have a further

¹⁶ In 2010, Vince Cable, Business Secretary announced his parties difficulty with the net cap on immigration; both for the economy and society more generally.

¹⁷ Liberty (The National Council for Civil Liberties) is a civil liberties and human rights organisation. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research (Source, Liberty, 2013).

“profound impact” on non-EU nationals.¹⁸ Jeremy Hunt, Minister for Health, for example, has announced changes to the structure of payments regarding migrants’ access and use of NHS services (Con Online, 2013). This includes charging visitors and irregular migrants for NHS treatment to primary care settings, like seeing a GP. These are ethical concerns that paint the legitimacy of the NGOs in strong ethical colours, and underpin broader policy issues associated with non EEA migration to the UK.

This shifting immigration policy context has a profound effect on how managers manage legitimacy as we can see through the strong ethical dimension to their analysis. However, when considering the shifting immigration policy context more broadly, in recent historical terms, the Labour party originally introduced the Points Based System (PBS) as a means of controlling immigration from out with the EEA. This is also significant in the growth of the ethical argument against the State in immigration policy.

The PBS was phased in as a means of a tighter system of regulating non-EU labour migrants. In brief, this arguably is the start of the recent trend of restrictionism in labour immigration from out with the EEA to the UK. The

¹⁸ The following points are the key facets in a broader analysis of policy change. They specifically relate to an income threshold that has been increased since the previous administration. People wishing to join or remain with close family members present and settled in the UK are now subject to the following financial rules: 1. Introducing a new minimum income threshold of £18,600 for sponsoring the settlement in the UK of a spouse or partner, fiancé, proposed civil partner of non-European Economic Area (EEA) nationality; 2 making this threshold higher for any children sponsored (£22,400 for one child and an additional £2,400 for each further child); and 3; allowing adult dependants to settle only where they can demonstrate that, as a result of age, illness or disability, they require a long-term personal care that can only be provided by a relative in the UK.

framework was developed with five key tiers, each dealing with particular groups and categories of workers. The first tier is designed to manage particularly 'valuable' workers, including those with the highest level of 'skill'. Hence why, "those who qualify for this category don't require an offer of work" (Policy Director, ML).

Tier two is known as employer-led, which targets medium-to-high skill workers. This, for example, could be a university professor at a public university or a skilled nurse working in the NHS. Under this tier there are four categories of routes into the UK's labour market, including sportspersons, religious leaders, intra-company transfers and the shortage of occupations route.

Tier three concerns 'low skilled' migration, which according to the five year strategy is to be phased out in response to the number of workers available from the newly enlarged EU. While tier four is concerned with international students, and the final tier – tier five - relates to individuals that help satisfy non-economic objectives, like youth mobility and temporary workers. The roll out of the PBS and the overarching net cap, suggests Migrant Link, may have made the immigration system and labour market more challenging to "enter" and "navigate" (Policy Director).

From both ML and ARI, the implementation of the PBS (and the cap) has led to an underestimation in the value of low skilled work, or work and workers which are often linked to the tier three category of 'lower skilled' migration.

In abstract terms, the capital-labour relation operates through workers' exchanging their capacity to work for a wage by accepting capital's attempt to control their labour-power in the production process (Jessop, 2003, p.13).

This relationship is based on the interaction and exchange between the capitalist class- who are seen to own the means of production- and the working class, which sells its labour-power to capital (Kotz, 2007). Under both administrations, there were, and are, ethical concerns relating to the State's approach to immigration from out with the EEA which affect the capital-labour relation.

The manager's display the view that, by developing improvements in policy at the level of the State, or the superstructure, they will be able to increase the likelihood of people gaining access to the economic base of UK society. In essence, it is argued that by restricting access to economic opportunity in the UK, the State are not only weakening relationships with employer groups and industry, but restricting people's opportunity. Importantly, the manager's caution that there were ethical concerns with the previous administration's immigration agenda. Yet under the current administration, there is a perception across the NGOs that the work of the sector is increasingly focusing on issues of labour power, migration, and human rights more broadly.

What a broader sample think about NGO advocacy work, immigration policy and the role of the State

“There’s a general trend in all of the developed countries, particularly the OECD: everyone wants skilled workers and nobody wants unskilled workers. Whatever the economy needs, now it might need ‘unskilled’ workers, but the political classes don’t want them and this could potentially push vulnerable workers underground. You have employers who want migrant labour, but the higher the hurdles you have the less people get in” (European Policy Officer, TUC).

This discussion builds on the overarching theme of NGO advocacy work through comparing and contrasting the manager’s perspective with that of a broader expert sample. In line with the objectives of the thesis, the aim is to consider the manager’s arguments, their orientation, and to reflect on them in light of other stakeholder groups at a UK level. To increase the transparency and rigour of the research, a decision has been made, not only to consult a broader sample, but to name them publically. The extended group have agreed to this and will be reminded again, if or before, any publications are developed from the thesis.

As discussed in the methodology, the broader sample consists of workers from similar NGOs, including organisations that specialise in labour and immigration issues and policy. These interviews reveal the extent to which the great recession has negatively impacted on the ability of non-governmental organisations to advocate to the State in labour migration work. When comparing and contrasting their opinions the similarities in

experiences are striking. For example, the organisations articulate that their key concern for actively managing legitimacy in advocacy work is harnessing the voice and representation of different migrant groups in organisational decision-making and strategy development.

Interviews with the Development Manager from Migrant Voice, The Director of the Northern Refugee Centre, and the Research Manager with The Refugee Council, highlight a collective disapproval of the net cap on immigration and raise concern about neoliberalism. In the interview with the Director of the Northern Refugee Centre (which has experienced major cuts to budgets and services and experienced an increase in demand for services), he voiced concern about the combination of a neoliberal political economy and a restrictive immigration agenda. Both for his organisation and the groups of people in society which he develops advocacy work on the part of.

Like the NGOs in this study, he highlights how the relationship between his organisation and the State has changed course within the setting. Firstly, in his mind, the orthodoxy of neoliberalism has impacted on his organisation's ability to operate whilst State restrictions have placed further emphasis on the uptake of the services and advocacy offered. The literature review highlights that neoliberalism, as a political economic orthodoxy, is something which was endorsed before New Labour, throughout its heyday, right through until after the Labour administration ceased control of government. The criticism about operating is a complex and interconnected argument about globalisation, risks, banks and the housing market in Europe and more widely

the role of the State. In the Director's mind, the neoliberal attitude to risk has created tremendous problems in the economy and more broadly. This, of course, is a complex and interconnected argument about globalisation, risks, banks and the housing market in Europe and more broadly. Hence, it is accepted that it cannot be adequately dealt with within the confines of this chapter or thesis. However, this acceptance does not undermine the Director's viewpoint.

Indeed, what was troubling about the interview is the realisation that his organisation does important work with migrant and refugee communities in the North of England, and that he predicted a rise in the need for his organisations' services because of a broadly more restrictive immigration regime. Less capital to operate his organisation, combined with a more restrictive immigration policy, in his mind, will arguably place increasing demand on the services that are offered. This pressure is predicted to become more problematic because of the alterations to immigrants' access to the NHS. Restrictions are now more intertwined with other areas of health and welfare, too. They do not only pertain to access to the UK's economy and labour market.

Across the additional interviews with other NGOs, the cohabitation of a weak economy, whereby many institutions and important actors' value neoliberalism and a State that has actively restricted labour migration has fundamentally altered advocacy work and broader managerial strategies. In examining these three interviews, they too share similar fundamental principles about legitimacy in labour migration advocacy work. For them, as a

tripartite, legitimacy is something that is gained first -and- foremost through efforts and histories of representing labour migrants and migrants more broadly. Like Scott (1995) and Ridgeway and Berger (1986) suggest, organisations need more than material and technical resources to remain viable, they require an enduring cultural endorsement; and this is developed through presenting “analytical case work” (Director, Northern Refugee Centre) which has the advocacy interests of migrant groups at heart.

In the neoliberal political economy, they (the other three NGOs) are subject to similar performance measures in their advocacy work and share similar ethical concerns about the nature of State policy and practice in labour migration advocacy work. The difficulty in drawing broader conclusions based on these three additional NGO interviews, however, is that the number of supplementary interviews is small. Therefore, it was decided to consult organisations who understand the relationship between NGOs and the State in labour migration advocacy work.

In speaking about the changing role of NGOs, the State, and other Third Sector groups in the UK, the Migration Manager from the Barrow Cadbury Trust confirms changes associated with the weak economy are currently being felt strongly across the sector. The Barrow Cadbury Trust is an independent charitable foundation committed to bringing about social change. According to the organisation (2013), they provide grants to grassroots community groups and campaigns working in deprived communities and work with researchers, thinktanks and government to overcome the structural barriers to a more just and equal society.

Speaking about the work they do with NGOs and the State, the manager suggests,

“We do a lot of policy work and continue to work on policy objectives regardless of who is in power. Our perspective is that policy must be rooted in the idea of equality and social justice. We want to encourage policy that is fair and socially just which means not only for migrants and migrant workers, but also for communities in which new people in the UK often live. We support voluntary sector groups working at grass roots level – with newly arrived migrants or vulnerable groups, particularly undocumented migrants who don't have recourse to any State, statutory support. Undocumented people, workers, are a key concern because they don't have recourse to public funds and they are particularly vulnerable, so we try to work there. A lot of academic evidence suggests work is one of the ways people move out of this kind of situation.”

This feels like a significant point solidified by an individual out with the sample grouping of the four NGOs and additional NGO voices. In analysing the quotation, the Migration Manager suggests they wish to remain impartial because of the advantages this has for them as a trust. What she articulates is the belief that any normative debate about the implications of immigration policy must consider the effects, as well as the positive aspects of the movement of people for work to the UK.

In the interview with the Barrow Cadbury Trust Manager, it was clear that her perspective was slightly different to the sample grouping of the primary four

NGOs. Not least because she was willing to talk about the implications for host communities and the pressures that immigration can have on the public system in the UK. But the mentioning of the issue of undocumented migrants within the context of discussions about the net cap on immigration is important. This is because of the potential for increases in undocumented work and immigration in the UK.

Similarly to the perspective gleaned from the interview with the Barrow Cadbury Trust, the manager from the Joseph Rowntree Foundation was keen to not get into the politics of public policy and immigration. Rather, what was espoused in the interview was the important role she believed the Third sector, including NGOs play, in ensuring the voices of migrants are heard at the high government level of State administration.

In our discussion, she spoke of the increased pressure on her organisation's ability to fund excellent research projects (many from organisations like those in the primary sample of NGOs); which resonates with the findings from the 7 NGOs consulted in this research. Several times, the manager highlights the increased competition which NGOs' face in attempting to secure funding and the increasing expectations that their managers' face in developing robust outcomes that satisfy funders, like her organisation.

What was especially important within the context of the interview was the view that some NGOs are beginning to put into place the foundations for delivering services directly to communities. In the discussion two examples

were given of large development charities (not those in this study) developing a stronger community and partnership arm to work with local organisations and deliver services to different groups in the community.

In the context of this research project, her observation is important because it aligns with the views of the managers across the four primary NGOs, when they speak about turning away from advocacy work with the State. If one considers this finding from politically leftist or socially democratic, the State should be delivering core services to communities. Under this very broad umbrella there is a belief for a strong public sector. Alternatively, if the trend (if it can be called a trend) is considered from the current administration's perspective, the State will continue to see NGOs as revitalised and, playing a more systemic role in society by strengthening the delivery of services.

In the former, the four significant papers examined in the beginning of the contextual discussion of the framework hold a warning about becoming part of the neoliberal capitalist ideology which NGOs often oppose. In the latter, they are arguably organisations that are providing services where the State and governmental administration need to slim down.

Out with discussions with the core sample of NGOs, other NGOs, and managers from trusts were interviews with representatives from three thinktanks with expertise in UK immigration policy. These interviews invariably had quite a political and economic focus which perhaps speaks about the orientations of the employees and the aims and objectives of the

organisations consulted. The interviews were with representatives from the Institute of Public Policy Research (IPPR), CentreForum, and Compass thinktanks and all three were conducted over the telephone.

In the discussion with the Director of the Institute of Public Policy Research, it was clear he thought the State had a strong mandate for strengthening the controls over immigration from out with the EEA. In the interview, he spoke about the role that the Third sector plays and was keen to find out which organisations had been consulted. Speaking about the net cap on immigration he suggested, “These are legitimate policy objectives”, yet went on to detail an extensive critique of the economic implications of the net cap (like possibly damaging the higher and further education sector).

His perspective was intriguing because he simultaneously questioned the implications of the net cap, while at the same time suggesting the State had a right to restrict access to the UK’s labour market. He argued that the State was within its “rights” to ensure it attracted what were understood to be high calibre migrants to the UK’s labour market. For him, the clamping down on non-EEA/EU immigration was part of the broader State drive to attract what are known as the ‘brightest and best’ workers for the UK’s labour market.

In the interview, the issue of the role of NGOs and other charities in immigration policy work was raised, and his assessment was rather blunt about the ability of organisations in the sector to change the State’s approach. As a previous advisor to Tony Blair’s administration, the Director

had a strong grasp about the relationships between the Third Sector and the State at a UK level. He cautioned that advocacy work in NGOs would continue to change as a result of the State's agenda and foreseen a deeper clash of personalities and interests on the horizon.

The Director also articulates that he thought there may be new issues surfacing in the relationship between the State and employer groups, who, as previously noted, have raised concerns about the net cap on immigration and their ability to hire workers who reside out with the EEA. This again, is a shared perspective from the representative who writes about immigration policy at the CentreForum thinktank. Indeed, it highlights how the State's autonomy is under question in labour migration advocacy work because employer and capitalist interests are not being met.

In the interview with the CentreForum representative, the relative merits of restrictive and open immigration agendas were discussed at length, and the representative espoused the values of free trade, liberty, and the role that immigration policy plays in helping economies prosper and grow. In this sense, he was not entirely concerned with the perspective of advocacy organisations or human rights yet did raise issue with the State and the economic implications of the recent cap on migrants from out with the EEA. This is perhaps to be expected from a highly individualistic and economic orientation.

The IPPR is a centre left thinktank and CentreForum is liberal and economically liberal in views of immigration policy. However, the representative from the Compass thinktank did not share the view that the State had a legal mandate for this immigration agenda. Compass, like the IPPR, often produces ideas that aim to impact on the policy making on the left and increasingly the centre in the UK. In the interview, the representative was quite critical of the recent immigration developments. His organisation is currently (at time of writing) campaigning across several public policy developments in light of administrative policy changes that have seen the thinktank support the governing party to the opposition administration.

The interview with the representative from Compass revealed a more radical interpretation of how policy should work and the role that NGOs could play to make it more effective within the vein of the migrants' rights agenda in the UK. His opinion varied from that gleaned from the IPPR and CentreForum interviews because he held the belief that NGOs and charities working on immigration policy could still set the tone of the debate, and not only respond to policies that they were unhappy with. He argued that more should be done to challenge the policy, not only in economic terms, but through raising awareness of the consequences of a more restrictive immigration regime for migrants wishing to enter the UK's labour market.

In most high-income countries, immigration policies are characterized by a multitude of types of immigration status. Anderson and Ruhs (2010) suggest that each status (such as work-permit holder, student, working-holiday maker

and dependent) is associated with different rights and restrictions in and beyond the labour market. They argue that these restrictions which cannot be imposed on citizens may give rise “to a specific demand for particular types of migrant workers” (2010, p.45). Their analysis also points to the fact that citizens are often reluctant to take up jobs that have come to be seen as low status. In reaching back to Tannock’s (2013) argument, there is an emphasis in academic debates regarding the extent to which migrant workers are perceived to be good workers, reflecting cultural differences in their approaches to work. The European Policy Officer’s point at the very beginning of the chapter is an important one in this respect, because it highlights that the State’s actions are broadly in line with other advanced economies.

However, with the commitment to bring the “brightest and best” to the UK (Con, Online, 2013), the “State runs the risk of excluding important groups from the UK’s labour market”, suggests a representative from the Unite Union. In our discussion, he affirms his organisation works with broad coalitions of NGOs and charities in labour migration issues and highlights a concern about a restrictive immigration regime and continuing to fill important jobs and work roles in the UK’s labour market. Another union representative confirms this and suggests that, “Lots of workers might want work but can’t actually get into the country” (European policy officer, TUC).

Normatively, the perspective gleaned across the interviews suggests the State *ought* to place more emphasis on grappling with the different scenarios

and implication that can or will arise from restriction in immigration policy.

What the extended group of interviews bring is a shared perspective into organisations that are currently experiencing cuts to their operating budgets, difficulties in funding the sector so well, and a more objective analysis of the net cap on immigration. However, through the course of all interviews, an overarching synthesis of ideas about the role of the State in labour migration advocacy work is best provided by Lisa Nandy MP. Lisa Nandy is a Labour party politician and has a keen interest in immigration policy. She is also a passionate advocate for the Third Sector at a UK level – being the shadow minister for Civil Society. The following narrative developed from our interview draws the empirical work of the thesis to a close:

I think most people accept, including the coalition, that there's a role for the State in regulating markets and delivering public services, but the question and debate is about the extent to which that is acceptable. About how can this improve the situation for the people in the labour market, in their jobs? My own view is that there is a strong role for the State in doing so. What you have to do is argue that there's nothing inherently wrong with the idea of the State and suggest there's something inherently right about the idea of the State delivering public services and protecting people.

One thing that really struck me, when I first got elected, was that when new MPs of all sides were making their maiden speeches, was just how profound an impact Thatcher has had on people, both negative and positive. A number of the Conservative MPs who are similar ages to me said they become conservatives MPs because of Thatcher, the same reason I became involved with Labour, well, one of the reasons that I'm now an MP for Labour. Looking back at that time, Britain was divided. It was an angry and divisive time, and it's a parallel to now. Their ideology is about the individual rather than the collective, so individualism rather than solidarity, an acceptance that greed's OK. What this does is create a minority of winners and a large amount of losers. What about the other side of it? There's much less consideration of the social implications of market excesses, and peoples' considerations for one another. That's where I think we should focus our energies. For me, a lot of the disadvantage in the labour market depends on the skills that people have and stems from the route that people have taken to get here; it's about their personal circumstances. There's a huge issue there about professional

*qualifications from other countries and recognition. It's quite expensive to do that, particularly for engineers, doctors, and for nurses, you've got to re-qualify. Often your paper work isn't recognised here or you don't have any paper work as you have had to leave without it. So getting proof of those qualifications can be quite difficult, and their translation is quite complex. New migrant groups are certainly one of the primary losers here.*¹⁹

Summary

This chapter has considered an important factor in labour migration advocacy work and management: the state-labour relationship. Building upon the first three empirical chapters considering the legitimacy of advocacy work in a neoliberal political economy, the purpose has been to examine what the changing nature of legitimacy management in State interaction suggests about State policy, the State, and further, to examine this within the context of wider opinion. What has been found is that, in advocacy work, legitimacy has normative and ethical foundations. However, these ethical dimensions are arguably linked to State policy and practice in the immigration arena. They underline concerns regarding possible contraventions of the Human Rights Act by the State and have come to form a deeper ethical focus post Labour administration. Moreover, they highlight a connection between the policies of the State and attempts to try and keep particular groups out of the UK. In this respect, Conservative immigration interests are understood to drive policy that employer groups disagree with because they are concerned about recruiting non EEA workers into the UK's labour market.

The thesis therefore argues that there is a cleavage between the Conservative-led administration and capitalist interests relating to non

¹⁹ This is a narrative constructed from key points in our interview.

EEA/EU labour migration. What this does is push the thesis past a post Marxian argument because Conservative policy can be linked to the character of society or at very least, the State's wish to retain its character and demographic profile. In this sense, the autonomy of the State is called into question by the managers, not only in a Human Rights sense, but economically, because of the damage the net cap on immigration is perceived to have on the economy of the UK. They, the manager's believe the State is acting against capitalist interests in immigration policy by restricting access to the economic base of society for new labour migrants. They believe the State or the dominant class, under Conservative control, are pursuing Conservative class interests in the process of this control.

When looking at the groups in the extended sample, there are other NGOs, Trades Unions, academics, a Labour politician, thinktanks, and migration funding bodies and trusts included. Generally the body of the extended sample supports the argument that the legitimacy of the NGOs may have taken on a deeper ethical character because of issues like the net cap on immigration.

Unsurprisingly, many of the issues raised through the empirical work in the previous four chapters are similar to those experienced in other NGOs who work with the State in advocacy contexts. These organisations also report that the shifting immigration policy context and the neoliberal political economy continue to shape their work arrangements and their advocacy concerns. The Rt Honourable Lisa Nandy's point is important within the context of this study because it highlights the vulnerability of newness when

deciding to migrate to a new country and it underlines the gulf between the thrust of the two key parties at the State level of governance in the UK.

The chapter affirms that the relationship between the State and labour migrants is of vital importance to explaining and understanding advocacy work. The next, discusses the legitimacy of advocacy work with the State in a neoliberal political economy, and offers a reflection of the study's framework and key research findings. It will not introduce any new data and is the discussion chapter of the PhD project.

Chapter 10: ‘The legitimacy of advocacy work with the State in a neoliberal political economy: A discussion’

This chapter examines the key findings of the research project, reflects on the multi-layered conceptual framework and outlines how each chapter corresponds with the objectives of the PhD project. It explores the legitimacy of advocacy work with the State in a neoliberal political economy. At this stage in the research process, Sayer (1992) suggests we should imagine a triangle, whose corners are method, object and purpose, and argues each corner must be considered in relation to the other. The conceptual framework of the thesis and the rich qualitative interviews across four organisations and a broader expert sample, are brought together and underpinned by a realist social ontology.

In the introduction to the thesis, it was highlighted that all non-governmental organisations need to manage work activities across three key areas. These were: the organisational domain of internal structures and processes; development activities, like projects, campaigns or services, and the management of work with institutional actors (Lewis, 2005, p.9). This study has advanced an understanding of the third element of what is known as the NGO management debate by empirically examining the legitimacy of advocacy work with a key institutional actor: the State.

The framework of the thesis was brought together through a review of the literature on NGO legitimacy, primarily in the fields of development and international development; a review of neoliberalism and immigration policy; and an instrumental conceptualisation of the State. Together, these elements form a multi-layered conceptual framework for understanding the legitimacy of labour migration advocacy work with the State in the UK's neoliberal political economy.

The legitimacy conceptualisation was underpinned by Suchman's (1995) seminal definition and the concepts of downwards accountability, representation, performance and a specialised knowledge. This definition was chosen because it fits with the idea that what is proposed in advocacy work needs to be desirable within particular systems of "norms, values" and "beliefs" (Suchman, 1995, p.547).

The legitimacy frame allows for a close analysis of advocacy work. However, the work of NGOs is often driven by political economic conditioning and broader relationships like those between the State and labour migrants. Hence, the thesis finds that, one cannot understand legitimacy without a broader appreciation of the factors that shape the day-to-day work and strategy of NGOs, and this is reflected in the focus of the first objective of the research.

Building the overarching framework, the literature review develops the link between advocacy NGOs and the neoliberal political economy and shows why it is an important relationship for understanding legitimacy. The four papers critiqued in the discussion consider issues of legitimacy in the broadest sense and build a bridge to the context of the UK, where this study takes place. The discussions articulate the uneven and geographical way neoliberalism is understood and critique what is understood by the term 'neoliberalism'. They illustrate that the State is a key actor in neoliberal materials on NGOs.

The review of neoliberalism and the critique of the papers highlight some of the ways that the legitimacy of NGOs and their advocacy work may be called into question. Whilst the thesis suggests NGOs in the UK are operating in a neoliberal political economy, the neoliberal theory of the State cannot comprehend the idea of restrictive immigration policy which arguably shapes the strategy and work of labour migration advocates and organisers. The third chapter therefore traces the economic history of neoliberalism. The discussion highlights its infusion through Labour as well as the Con-Lib coalition administration and argues there is an important divergence between the inherent openness of neoliberalism and the restrictions of the net cap on immigration that is important in advocacy contexts.

This divergence underlines why the study introduces an instrumental understanding of the State into the overarching frame. The thesis drew upon wider sociological literature which would allow the PhD to consider the nature

of this policy and to raise advocacy questions about control/restriction and the relationship between the State and labour migrants. Moreover, by considering a Marxist theory of the State, this advocacy research can make recommendations about potentially changing the political process, or key elements of the superstructure on behalf of groups wishing access to the base of society and the UK's labour market.

The objectives of the PhD were developed in a way so that the research could place emphasis on bringing concepts together with fresh empirical insight to examine labour migration advocacy work. The following table illustrates the breakdown of each research objective and how that objective, in its entirety, was examined through the course of (a), the three review chapters and the development of the overarching framework or (b), through the course of the four empirical chapters.

Table 3: Correspondence between objectives and chapters

Research Objective	Elements of objectives & how they were developed and considered
1. To review and conceptualise organisational legitimacy and the State and consider how the neoliberal political economy and shifting immigration policy context in the UK shapes advocacy work and legitimacy management in NGOs	<i>Development of conceptual framework and review:</i> <ul style="list-style-type: none"> • Review and conceptualisation of legitimacy for advocacy: chap 2 • Review of neoliberalism and immigration policy in the UK: chap 3 • Conceptualisation of the State: chap 4 • Summary of framework: p.125 <i>Consideration of neoliberalism and immigration policy context and how it shapes advocacy work and legitimacy:</i> <ul style="list-style-type: none"> • Chapter 6 and 7 (Advocacy organisations under neoliberalism/ Advocacy regimes, interaction, and the coalition administration)
2. To examine the interaction between	<ul style="list-style-type: none"> • Interaction between the NGOs and the

advocacy NGOs and the UK State and the nature of legitimacy in labour migration advocacy work	state is considered in the 2 nd empirical chapter. The 3rd empirical chapter considers the legitimacy conceptualisation based on this advocacy interaction
3. To reflect upon the nature of legitimacy management, examine advocacy insights into the State-labour relationship, and consider what this could suggest about State policy and practice	<ul style="list-style-type: none"> Chapter 9 explores the nature of legitimacy management, considers the manager's advocacy insights and draws potential conclusions regarding State policy and practice
4. To compare and contrast findings from the third aim with a broader expert sample	<ul style="list-style-type: none"> Chapter 9 compares these findings with a broader expert sample

Objective 1 is to review and conceptualise organisational legitimacy and the State and consider how the neoliberal political economy and shifting immigration policy context in the UK shapes advocacy work and legitimacy management in NGOs. There are four key parts to this objective as illustrated in the table above. The first three relate to the development of the conceptual framework (bar philosophy). Chapter two conceptualises legitimacy, chapter three reviews neoliberalism and immigration policy in the UK and chapter four conceptualises the State in an instrumental manner. How these elements tie together to form the framework is summarized on page 125.

The fourth part of this objective, to consider how neoliberalism and the immigration policy context shapes advocacy work and legitimacy, is examined in the first two empirical chapters and flows into chapter eight and nine. Chapters six and seven explore advocacy organisations under neoliberalism and the advocacy regimes and changing interaction between the four NGOs and the British State. These two chapters explicitly deal with neoliberalism and the changing immigration policy context and how the manager's across the organisations believe they interact with advocacy work.

The first empirical chapter gives an overview of what each of the four NGOs do. It illustrates the divergence between the orthodoxy of neoliberalism and the interests of what are regarded, primarily, as non-capitalist advocacy organisations. These discussions and findings extend beyond the boundaries of the State to the wider political economy; they give a clear insight into the manager's collective analysis of neoliberalism and the inherent radicalism that pervades their work activities. The second empirical chapter, like the conceptual framework, moves the discussion from the abstract idea of neoliberalism, to its concrete implications and the context of the research and a more restrictive immigration regime under new State administration.

Objective 2 is to examine the interaction between advocacy NGOs and the State and the nature of legitimacy in labour migration advocacy work. The interaction between the NGOs and the State is considered in the second empirical chapter; while the legitimacy of advocacy work is examined in the third empirical chapter and is based on the interaction between the NGOs and the State. The second empirical chapter, 'Advocacy regimes, interaction, and the coalition administration' explores the connection between the organisations and the State within the wider neoliberal context. What the chapter finds is that the NGOs are surprised by the pace and extent of State reform in the immigration arena of the UK- when power transferred from Labour the current coalition administration. The chapter describes key communication channels between the coalition administration and the organisations. Drawing on the experiences of manager's across the organisations, it highlights there was a breakdown in communication between

the NGOs and State, in these channels, not just in relation to rushed policy, but also a lack of commitment from State administrators in attending important advocacy discussions.

The changing interaction places an emphasis on the management of legitimacy, which chapter three deals with. What is significant in this chapter is that the manager's highlight key advocacy negotiations feel like bureaucratic procedures that are, occasionally box ticking exercises.

The interaction between the NGOs and the State is rooted in the neoliberal political economy and is tied into a more restrictive immigration agenda, which has important implications for the management of legitimacy. As examined in the third empirical chapter, legitimacy has profound normative and ethical dimensions, which have become even stronger in advocacy work which is focused on the rights' of non EEA migrants. An important finding, in this respect, is that the manager's across the organisations underscore the importance of representing labour migrants in the strongest possible terms through the concept of downwards accountability. Whether being downwardly accountable through working with specialist local organisations, or more specifically, in actual advocacy work and analysis, it is clear the organisations value the voice of the communities they represent through placing that voice at the heart of their advocacy work and analysis.

When the managers were asked what legitimacy means to them in the context of their work, five key themes came to the fore. Saxby (1996) and

Atack (1999) suggest that moral authority and a justification for action are key themes for exploring NGO legitimacy. However, these themes were broadened out to include the following key points:

- Having moral authority and developing the right to act
- Being trusted (accurate reporting and in organisational relationships)
- Staying within the law (regulatory frameworks for charitable and lobbying organisations)
- Ensuring what is proposed in an advocacy sense is justifiable, qualitatively and quantitatively and based on sound logic
- Developing projects locally, collaboratively, in partnership
- Ensuring that advocacy work is rooted in accountabilities to communities

As highlighted throughout the empirical chapters, there are sources of legitimacy that are similar in the nexus of State administrative change. Hence, all of the elements reviewed in the conceptualisation of legitimacy can be applied to advocacy work under both the Labour and the coalition administration. This is because organisations require an enduring cultural endorsement (Scott, 1995) to ensure that their actions are desirable and appropriate within a system of norms and values (Suchman, 1995). Indeed, collaboration, having an essential and specialised knowledge and the ability to bring objective and subjective arguments into labour migration advocacy work are found to drive this cultural endorsement.

These themes emphasise that legitimacy, at least in the regimes between NGOs and the State under study, is an emancipatory concept that binds well with the concern for others that the philosophy of the thesis values.

Moreover, while these are core themes, some sources of legitimacy in labour migration advocacy work have changed because of the sympathies of the newer administration.

As discussed in the chapter focusing on the interaction between the key actors, it was highlighted that legitimacy may be an even more important concept within the confines of this study because of the differences in opinion with new administrators. Moreover, the group of organisations highlight a possible contravention of the Human Rights Act by the State in its wish to cap immigration in such a manner which has accentuated the ethical and normative foundations of legitimacy.

The challenges of managerial work with the new administration goes some way to explaining why the organisations are thinking about turning away from work with the State in advocacy contexts in order to be more closely accountable to groups in the community. As does the fact that the current administration has attempted to find alternatives to the State, which has placed emphasis on the role of charitable organisations in society (Crouch, 2011).

However, while there are numerous accountability regimes in the process and practices of labour migration advocacy work, perhaps the strongest and

most important are those mechanisms linking advocacy work and strategy to the communities which the organisations aim to represent. This push towards working directly with labour migrants may be understood through the greater challenges in the day-to-day relationships with the State and counteracts much opinion on these important organisational forms.

There is a perception that NGOs place heavy emphasis on being accountable to powerful stakeholders, like governments, boards and funders, while forgetting vital accountabilities to communities and advocacy groups. This has led some to question the accountability between NGOs and communities (Edwards and Hulme, 1996; Ebrahim, 2003; Lloyd, 2005). Perhaps there is some truth in the argument that NGOs often over extend themselves to satisfy powerful actors, because without their endorsement and satisfaction organisations may not exist. Yet a divergence exists between what is written about NGOs and what has been found.

Phillips (2006) points out NGOs should not be influential in public policy as they are undemocratic by nature. The development and international development literature also places a strong focus on the legitimacy of NGOs in policy governance, through their comparisons with elected governments and States which have mandates, developed through democratic processes. What is surprising is that neither the managers, nor the extended sample, mention the legitimacy or illegitimacy of NGOs as compared to States.

Therefore, while the review of legitimacy assumes it may be a vital comparison, empirically it is shown that it is not. This is a significant research finding because of the importance the literature places on the comparison and the unimportance manager's place on the association.

Objective 3 was to reflect upon the nature of legitimacy management observed, examine advocacy insights into the State-labour relationship, and consider what this could suggest about State policy and practice. This objective, building on legitimacy, pulls the discussion to a social level and is explicitly considered in chapter nine.

Chapter nine analyses the manager's observations regarding the implementation and possible effects of the net cap on immigration. It demonstrates how the participants challenge the policy on moral grounds and illustrates a potential contravention of the Human Rights Act. Within the key advocacy regimes under study, the policy of aiming to reduce net immigration to tens of thousands per annum is one which the manager's fear could have consequences for different groups of labour migrants in society. For example, issues associated with informal migration are mentioned as is the role that the economic base of a developed society should be playing in helping others who may be less economically fortunate.

The manager's collectively underline potential consequences of the net cap on immigration and this is why the ethical element of labour migration advocacy work shines so brightly in the findings of the research. Moreover,

there is an important perception that the State has diverged from neoliberalism towards an arbitrary cap as to retain the make-up of how society is at the current point in time. This speaks directly about class-based politics.

Objective 4 compares and contrasts the findings from objective three with opinion from the broader expert sample. This sample group includes representatives who gave informed accounts of the role that NGOs play in labour migration advocacy work and the changing dynamics of immigration policy in the UK. The purpose is to strengthen any conclusions the thesis makes. In this respect, it is important to hear that the three additional NGOs consulted faced similar economic problems, like those discussed on the part of the four primary organisations. The organisations share unease about the way in which society's important institutions value neoliberalism and provide a comparison to the organisations' advocacy regimes connected to the political process. In this sense, the thesis does not learn many new things from the consultation with other NGOs because their experiences are quite similar. However, what these interviews provide is a comparison to understand the experiences and reality of managing labour migration advocacy work with the State. They underline why the relationship between the sector and the State can be tense, particularly in relation to new developments.

The extended group, beyond the three additional NGOs, emphasise the important role of the Third Sector in labour migration advocacy work with the

State. However, the broader group are more timid in their objections to policy developments. For example, the Director of the IPPR thintank suggested the net cap on immigration was a legitimate policy objective. He foresaw, however, that the relationships between State administrators and the NGOs engaged in this study could be tricky for some time to come.

Together these elements suggest that the legitimacy of advocacy work with the State in a neoliberal political economy is changing to be stronger in its ethical foundations, but there are important elements that remain constant, which will be of value to labour migration advocates in years to come.

Final observation: advocacy work and strategy

Thinking specifically about the mismatch between the literature i.e. what seemed to be a very important comparison between the legitimacy of States and NGOs and the reality of the situation, it is important to highlight the general advocacy strategy observed in each organisation because of various assumptions that are held in the development and international development literature about advocacy NGOs.

While the discussion to this point has focused on the framework and other essential architectures of the thesis, it will now consider another element of the contribution to knowledge that the PhD makes: the advocacy strategy observed in each of the four primary organisations. Notwithstanding what has come before these chapters and the general development of advocacy management discussions (Sabatier and Jenkins-Smith, 1993; Heath, 2013;

Martinez and Cooper, 2013), it is understood that advocates attempt to develop change at a political level by influencing the decisions of the institutional elite (Jenkins, 1987; Yanacopulos, 2005). Available literature also recognises that winning policy advantage requires analysis on par with the analytical capabilities of decision makers (Clark, 1992). However, the NGO management, development and international development literature are quite vague in their understanding of what actually happens in advocacy contexts because there are few empirical studies. That is why the next few paragraphs are important.

The first organisation the study engages with is Anti-Repression International, who advocate on the part of society's most vulnerable migrant workers. The original discussion about the NGO reveals they are primarily an international organisation, however, that their work at a UK level is growing. Like many other organisations in the sector, ARI has experienced financial turmoil and the first empirical chapter raises the question of whether they can continue to carry on the important work that they do. To reiterate the Chief Executive's concern: he feels fewer organisations are now in a place to challenge what he terms 'world institutions' because of the pressure on funding streams.

It is found that ARI adopt a particularly academic approach to their policy work and advocacy management. What shines through the interviews is an emphasis on constructive, research-led strategy with policymakers. ARI's advocacy 'approach', while diverse, generally starts with a research project

and investigation with a coalition of organisations; nationally and more so, internationally. The interviews reveal their advocacy work starts with a thorough investigation into a particular issue and the stakeholders and the powerbrokers who can legislate to improve policy or raise awareness. The advocacy strategy of the organisation is research intensive and is often intertwined with other NGOs and trade unions. They are particularly prominent in State-centred contexts i.e. governmental and European level forums for policy debate and discussion on issues of human and labour rights. This ground-up academic approach is based around the skills and experience of individual managers in the organisation who are specialists in respective advocacy domains.

The second organisation is Poverty Development. While ARI operates in several international contexts, PD has a broader international profile and operation in the UK. As an international aid and humanitarian NGO, they too, are subject to similar lines of criticism and make a contribution to countering much of the debate relating to the legitimacy of NGOs. Taking a rights-based approach to advocacy work, their focus is less specifically one of issues of immigration policy, but the eradication of poverty, for everyone, including labour migrants. The managers are acutely aware of what they term “globalised power relations” (Int 6, Director). Much of their advocacy work aims to reduce the inequalities created by an increasingly globalised capitalism. More than the other organisations in the study, this organisation has the deepest links with the British State. They have a specialist government relations team with an advocacy and lobbying mandate that are

skilled in negotiation, diplomacy and strategic management. What this large NGO does, is manage networks with other smaller organisations, to harness the voice of people in the community. This is an essential component in their advocacy work.

The third organisation is a smaller NGO working at a national level. As a network NGO, Migrant Link's work incorporates a broad coalition of stakeholders that share similar aims and objectives. ML is the study's specialist organisation of migrants' rights across a range of policy issues.

As the Director advises, ML was set up to fill a void and bring a coalition of organisations' together who worked on similar topics. From an NGO of one individual in 2006, they have grown to be an artery in the migrants' rights agenda in the UK. In going back to the introduction to the thesis, this NGO in particular, work to change policy proposals that are thought to encroach upon the rights' of migrants.

As a network NGO, ML is prominent across State-focused platforms for debate and analysis like the All Party Group on Migration. Their advocacy approach combines practical aspects of campaigning and awareness raising alongside harnessing their network and continued public engagement. Be it through traditional news formats like articles in newspapers, or appearances on BBC News, or modern technologies like blogging and their weekly newsletter. Their advocacy strategy is diverse, it is print and technology orientated and based on the network model of the NGO.

The fourth NGO is British Crisis Intervention. BCI is an international humanitarian NGO, managing a range of programmes in the UK and around the world. Volunteer-led, the organisation places emphasis on helping people in crisis- whoever they are - and this extends to people experiencing destitution in low pay sectors, like labour migrants. Discussions with the managers reveal a different approach to advocacy work and a new found pressure which has encased the UK arm of the NGO under the Conservative-led coalition. In considering the former, a senior representative suggests their operational work in advocacy arenas looks and feels different to other large NGOs. This is interesting because it reveals something that is not considered in the literature and counters the perception that NGOs resort to endlessly publicising concerns in their bid to change Public Policy.

For BCI 'quiet diplomacy' is important as it ensures the organisation is granted access to sensitive policy work, discussion and negotiation. This observation is believed to touch upon a semi-religious aspect and perhaps a mild conservative structure and value to the organisation. The mild conservative structure spoken of is made in particular reference to the very senior managers who portray a positive interpretation regarding a further push towards service delivery. Yet more so, it is done so after re-reading all the transcripts from interviews with their managers and is framed around their social opinions and observations about the new administration and its policies and about the very role of charities in society. This quieter, diplomatic approach to advocacy work and management, is felt to be quite unique and a key part of the organisations success. This, of course, is part of the picture of

each organisation's advocacy and legitimacy with the State under neoliberalism.

In what is argued to be a neoliberal political economy and a more restrictive immigration regime, the legitimacy of labour migration advocacy work with the State has taken on new dimensions that are particular to the relationship and interaction between the State, workers, and NGOs. By discussing these elements, the following chapter draws the thesis to a conclusion.

Chapter 11: ‘Changing legitimacies in labour migration advocacy work? Conclusion and final reflection’

This research project has broken new ground in understanding the pressures and processes of advocacy work and legitimacy management in four non-governmental organisations. The study rests within the broad category of managing work with institutional actors and is the first to examine the relationship between a group of NGOs and the State in labour migration advocacy work. It is underpinned by a multi-layered conceptual framework for examining the legitimacy of advocacy work in a neoliberal political economy where the State is the key actor. Hence, when the question of whether there are changing legitimacies in labour migration advocacy work is raised, the four data chapters show how the neoliberal political economy and a weaker economy; as well as why a broadly more restrictive immigration regime, affect the management and nature of legitimacy. This has played out through the changing patterns of interaction and legitimacy management between the NGOs and the State; is supported through advocacy insights into the State-labour relationship, and analysis provided from a broader expert sample.

What is of key importance, is that with a new administration, comes different priorities in immigration policy that shape how work and organisational legitimacy in labour migration advocacy is managed. In essence, while there may be sources of continuity in the legitimacy of labour migration advocacy,

or in the need for legitimacy, legitimacy has taken on a strong ethical dimension in the work arrangements of the organisations. These dimensions are tied into the regimes between the four primary NGOs and the State which have changed over time, across administrations.

The first aim of the study is to review and conceptualise legitimacy and the State and to consider how the changing immigration policy context in the UK within the neoliberal political economy shapes advocacy work and legitimacy management in NGOs. The first three parts i.e. legitimacy, the State, and the neoliberal political economy are drawn from different literatures and underpinned by a realist social ontology to form the conceptual framework. However, concepts become interesting from a realist perspective when they possess emergent properties that move them beyond individual behaviours or categories; the test for which is whether an object has a generative capacity to modify the power of its constituents.

In this sense, pulling the literature on legitimacy, the State, and neoliberalism into the empirical context of a changing labour migration advocacy arena has to offer more than its parts in separation in terms of explanatory potential for it to be 'real'. To consider the legitimacy of advocacy work in a realist vein, it is important to ask what causes it; makes it happen, what produces it, creates or determines it (Sayer, 1992).

Across the four primary non-governmental organisations, it is clear their managers and managing directors are facing an important choice. One thing

the organisations can do is diverge further towards directly delivering services to communities and, in the extreme, cease placing effort into advocacy work and management with the State. They can, alternatively, continue with their diplomatic efforts, or even wait until the current administration loses power in the hope of transforming policy. However, there is a deeper concern driving the work of the organisations that relates to the very core of what society's important institutions value, that has caused, made, produced and determined (Sayer, 1992) how advocacy work and legitimacy unfolds in this study.

The first empirical chapter outlines how the neoliberal political economy shapes the concerns of the four primary NGOs. In these discussions, the managers and managing directors often visualise a better and fairer society whereby the dominant political economic orthodoxy is not one that values individualistic tendencies, particularly in a time of the great recession. Indeed, in this sense, the great recession's impact on the NGO sector has been immense.

The Anti-repression international interviews reveal the extent of the effects the recession has had on the NGO. Of the four primary organisations, they advocate on the part of society's most vulnerable people in immigration and work contexts. What the interviews reveal is a concern with capitalism's inherent drive for cheap and flexible labour and the promise of better wages that actively pulls people, often vulnerable groups of labour migrants, towards the UK. The interviews highlight a wish for better policy that will protect

vulnerable groups in the UK's labour market and a key group are potential informal migrants.

For Poverty Development, the influence of the economy played in organisational affairs, shone through a majority of discussions; as did their disapproval of neoliberalism's role in creating the current economic climate. A weakened UK economy not only affected their ability for overseas developmental work, it has directly translated into longer working hours and an intensification of work in the NGO. Hence, longer working hours and a general thinning of resources are mentioned across the organisation.

Poverty Development managers are particularly critical of the political and economic system of neoliberalism and the role it plays in this thinning of organisational resources. They quite eloquently argue, as orthodoxy, that neoliberalism is not working for the whole of society as well as their NGO. Indeed, much of their advocacy work with the State, and overseas, is aimed at reducing the influence of an increasingly globalised capitalism. Perhaps the most important act against what the manager's regard as a global hegemony is the development of a new metric to benchmark and measure how well the economy is working for people in their lives and working lives. This resource is currently being embedded in policy learning circles at a Scottish level, however, its influence is being felt at a UK level and further afield. It is a new metric that supplements gross domestic product (GDP), which the organisation suggest is important, but in isolation, an insufficient measure of the economy's wealth. What is important, here, is the cleavage

between the institutions that promote GDP as an effective measure of the economy and those who argue it is insufficient. In the former, influential neoliberal actors and world institutions, such as the OECD, the IMF, and World Bank (Jessop, 2002, p.259), pursue the neoliberal dogma of growth; whereas, in the latter, NGOs and civil society organisations, argue for the need to push past a purely economic metric. They wish the economy was measured in more human terms, in ways that take account of, for example, quality and security of work for labour migrants as well as citizens.

Migrant Link interviews also confirm that a weakened economy has directly affected the work arrangements and strategy of the organisation. One manifestation of a weak economy is less donations for operating the NGO to work on bespoke advocacy projects and broader advocacy strategies. What is clear in the interviews with their employees is that they feel there has been a growing marketization of funding arrangements and immigration policy at a UK level. Through the course of the great recession, there has been a requirement for writing many more funding applications and the organisation has received funding with stricter conditions in a very competitive funding environment. Equally, the NGO add that there has been a heavier financialisation of settlement and family settlement rules that restrict the migration of less financially able groups to the UK. This arguably restricts the rights to a family life in the UK.

Importantly, the workers from Migrant Link believe they have seen, in the time of the great recession, and the newer administration, a heightened requirement to advocate on issues linked to the welfare of migrant workers; a

theme shared across the interviews with British Crisis Intervention managers and the broader sample.

Like the four works discussed in the latter part of the legitimacy chapter (Arvanitakis, 2009; Magazine, 2003; Wallace, 2009; Kamat 2004), the analysis in this research, across the NGOs, highlights that neoliberalism is alive and kicking, under recession. The discussions in the introductory empirical chapter show that the manager's perceive neoliberalism to be a global orthodoxy than runs against the grain of what are generally non-profit, non-capitalist advocacy interests. In this sense, neoliberalism, at least the kind that embodies elements of liberalization, deregulation, privatisation, and reduced State direct taxes (Jessop, 2006), pervades the work and thinking of labour migration advocates in NGOs and the Third Sector more broadly.

Equally, the interviews across the NGOs are peppered with apprehensions about the efforts of the British State to restrict the ability for migration and settlement for those out with the EEA to the UK, which has a strong appetite for migrant labour. What is particularly interesting, in this respect, is that neoliberalism values openness and deregulating markets, whilst the coalition administration (at time of writing), place value on a restrictive regime with heavier regulation of immigration control and access to labour markets.

The study finds, within this changing and complex environment, that the management of legitimacy is rooted in key concepts written about in the development and international development literature on NGOs. A key finding is that there is an inherent similarity in the way NGOs develop

legitimacy in advocacy work. Downwards accountability, performance and a specialised knowledge are essential dimensions in the organisation of legitimacy. These elements are persuasive in the minds of State administrators and this is what underwrites the essential endorsement of community and State in labour migration advocacy work (Scott, 1995).

In considering downwards accountability, there has been a trend of increased partnership work in the specific projects under question at the time of the empirical data collection. For example, GROs or Grass Roots Organisations are mentioned, as are local specialist organisations, as being central to the strategic approach of the four primary NGOs in the PhD. Harnessing the participation of local organisations deeply embedded in community contexts ensures that the voices of migrants are heard in the strongest possible terms in national Public Policy work. It gives voice and legitimacy to the advocacy work in what are larger, nationally-focused organisations through a process of downwards accountability. This finding and drive in partnership work and collaboration does, however, need to be thought about within the context of the great recession, and it cannot be solely attributed to the effects of State policy and administration.

The organisation of legitimacy in advocacy work relies upon the depth of experience, aptitude, and skill of managers, to create this important endorsement. Indeed, the advocacy work considered in the empirical chapters of the thesis requires that the managers have an intellectual ability or at least a history and background in public policy work and NGO

management. This, perhaps, is why the primary sample consists of well-educated individuals, often with postgraduate degrees from elite universities and good connections within and out with the NGO sector. As highlighted in the conceptual legitimacy chapter, it raises a concern about the ability of the group of managers to actually engage with the day-to-day challenges of being a labour migrant. Yet, it is felt the emphasis on downwards accountability, of aiming to give voice and representation to different migrant groups, suppresses the importance of the issue.

In fact, the experience, education, and networks of this small group of organisations are essential to bridging the gap in resources for the analysis of Public Policy between the State and civil society. The NGOs in the study rely on their manager's in-depth and specialised knowledge to build advocacy cases. However, it is suggested that human resource functions in the NGOs in the study, could be better at engaging groups from migrant communities, particularly those without access to the resources for a university education.

There is also strong normative and ethical orientation to the work of advocates which is an important empirical finding. However, while the development literature recognises there are normative foundations in the work and legitimacy of non-governmental organisations, this thesis points towards an even stronger ethical dimension in the legitimacy of advocacy work across the four primary organisations. The organisations collectively underline a concern about the contravention of the Human Rights Act by the

State, and raise deep concern about the implications about the net cap on immigration. What the policy framework has done, through its development and implementation, has placed a strain on the relationship between the NGOs and the State. Moreover, the arbitrary cap runs against the wishes of employer groups and capitalist interests, which reinforces the argument that the State is acting on behalf of the Conservative elite in the UK. Some of these concerns are shared with the broader expert sample and some are not, but the three additional NGOs consulted, confirmed that they share anxieties about the change from a demand-led immigration system and changing landscape of migrants' rights in the UK.

As noted in the introduction to the thesis, a dilemma of organisations supporting migrants' rights, is that migrant communities and their organisations are not equipped with an overarching strategy of what change is needed to bring about improvements at the level of larger society (Flynn, 2014). By highlighting the renewed ethical nature of legitimacy in NGOs, the study points towards a shifting emphasis in labour migration advocacy work. It is by understanding this, that the NGO sector can make stronger social and political progress. However, only by advocating to the State, or changing the elements of wider superstructure, with and on behalf of migrants, can they gain access to the economic base of society.

Further limitations, building on the study and omissions

The following discussion marks the end of the argument. It considers some further limitations of the research project, potential sources of developing the study and key omissions. Any research project must be aware of its potential limitations. These are primarily dealt with in the methodology of the thesis.

However, there are limitations relating to the choices and numbers of organisations and interviews, as well as methodological limitations regarding the differences of the organisations, and the choice to use telephone interviews. Yet perhaps the largest drawback for the study has been the choice to retain the anonymity of the organisations. This was an ethical decision to protect participants, but it may have limited the study's ability to give examples. Thinking back to the emphasis the organisations propose now exists with regards to partnership work, for example, it would have been good to talk more about the partners, and precisely what they are doing, but the study is restricted.

This is felt to be a drawback because they are part of the picture of advocacy management. However, there is another side to this, as while speaking directly about the organisations may provide a level of difficulty, the managers, through the understanding that they are anonymous, have shared what is often sensitive information. Moreover, accounts within these organisations are lacking in the literature. In future, the study would build in a mechanism – or an agreement that goes further than 'being anonymous'; something along the lines of a code of practice and arrangement between

researcher and organisation that would allow further details to be shared if the organisations were comfortable with it.

Another limitation relates to the core sample of four NGOs. Two of the organisations are large development charities and two are smaller and more specialist. Throughout the course of study, particularly as the annotation method was being deployed, it became clear there is a slight under and over representation in terms of emphasis in the interviews and at different phases of empirical writing that relates to this split. As can be seen through the chapter which examined how the NGOs may now be turning away from advocacy work, the question and tension between service delivery and advocacy work concerns the two larger organisations more than the smaller NGOs. Similarly, there are examples where the smaller organisations form the core of the focus. This is not felt to be huge limitation, but if the study was to be redesigned, perhaps the focus on the two larger or smaller NGOs could have been enough (numbers and depth of engagement permitting).

Moreover, there are approximately twenty principal participants. Therefore, when considering their claims, this must be recognised as a limitation. When breaking this down further, there are approximately five individuals in each organisation. This is an obvious limitation, as it is difficult to generalise and it places emphasis on, at times, an uneven distribution of voices within particular chapters and topics.

Another important factor that should be taken into account is the normative foundations of managing advocacy projects. Across the sample, there is a keen sense of the migrants' rights agenda. These numerically limited perspectives are felt to be valuable; however, it was decided to consult a broad external sample in order to develop a further objective layer. In addition to policy claims from a relatively small sample the study has primarily been conducted from the perspective of managers and organisations that try and change policy to suit this agenda. While there are perspectives from those who manage thinktanks, academics, and a host of trade union representatives, readers of the thesis could suggest that the research is conducted from one side of the argument. As was discussed in the methodology, an attempt was made to interview a conservative minister and a labour shadow minister in order to more clearly capture the State's perspective. Unfortunately, Damien Green, M.P., declined an interview.

Throughout the course of the fieldwork, telephone interviews are also used as an interviewing approach. This is because of the geographical diversity of the sample across the UK, and more so, because there was often a pressure to speak on the telephone. For example, in the 'pursuit' of a prominent representative from one of the organisations the researcher was reminded that she could only offer "15 minutes max" (Anon). As described in the methodology, this is felt most strongly in attempts to speak with senior representatives. There was also an issue regarding trust, too, as highlighted through the telephone interviews with union representatives. For example, twice it was requested that they telephone back on a different line, to a

mobile. If it was possible to speak face-to-face these particular discussions may have been more fruitful. This is because it is thought that telephone interviews may prohibit developing good bonds quickly. The pros and cons of this methodological approach are discussed in the methodology of the thesis.

Building on the research project

The NGO State nexus is of fundamental importance to this study. However, it has been examined through the eyes and perspectives of NGO managers, albeit with a broader expert sample. In this sense, it would be interesting and fruitful to consider the opposite end of this relationship. What the research project aims to do is to develop another sociologically informed study, but one that takes account of the actors and factors from the State's perspective. For example, how did State administrators find the handover of administrative duty and their work arrangements with the NGOs in this study when power changed hands from the Labour administration? What did they perceive to be the important elements of the NGOs' advocacy cases? In line with the limitations of the study, it is accepted that the perspective gleaned is largely from one group of organisations with a rights' based agenda. However, the conclusions could be strengthened and the central arguments of the research revisited from the State's perspective. Likewise a broader group of NGOs could be consulted about their experience of the State in labour migration advocacy arenas and the changing immigration policy landscape in a neoliberal political economy. As time goes on, the approach of the potential project would need even stronger in mining the memory of the

managers. Perhaps an oral history approach would be suitable in this respect?

Omissions

The key omissions for the thesis are Antonio Gramsci's work which is a very important contribution to State theory; and analysis of the UK lobbying bill, which is very new, and will have large-scale implications for managers within NGOs in the UK. In the former, Gramsci has not been covered because to cover him properly in a PhD project would realign the entire focus of the research.

According to Pati (2013), the Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill being considered halves the existing thresholds above which charities have to register with the Electoral Commission. What this means is that the total campaign spending in the year before election may be cut drastically, thereby reducing an organisation's ability to act. Parliament UK (2013, p.2-4), suggest that the bill proposes to introduce a statutory register of consultant lobbyists and establish a Registrar to enforce the registration requirements. This includes an emphasis on closely regulating election campaign spending by those not standing for election or registered as political parties. Further, it aims to strengthen the legal requirements placed on unions in relation to their obligation to keep their list of members up to date. This affects all the organisations engaged in the study, and will, if passed have an impact on

their ability to organise and develop policy changes. Unfortunately, the fieldwork phase had passed before the Bill featured prominently.

Appendices

Appendix 1: Democracy Audit Criteria

<p>1. Broad based membership</p> <p>1.1 Paid - Yes/No</p> <p>1.2 Free - Yes/No</p> <p>1.3 Number of general members</p> <p>2. Board of Directors/ Executive</p> <p>2.1 Elected by membership - Yes/No</p> <p>2.2 Members of board represent interest groups or other NGOs - Yes/No</p> <p>2.3 Proportional number of board to wider membership - calculated to a percentage</p> <p>2.4 Chairperson of the board elected by the board - Yes/No</p> <p>2.5 Chairperson elected by broader membership - Yes/No</p> <p>3. Workers</p> <p>3.1 Positions advertised publicly - Yes/No</p> <p>3.2 Managerial Independence of work units - Yes/No</p> <p>4. Volunteers</p> <p>4.1 Includes volunteers – Yes/No</p> <p>5. Advocacy Function – Yes/No</p> <p>6. Links to wider social movements – Yes/No</p> <p>7. Funded by public donations – Yes/No</p> <p>7.1 Percentage of overall funding from public support?</p> <p>8. Self-description of nature of NGO – representative of</p> <p>A) Issue/s</p> <p>B) Groups of people</p> <p>C) People outside institutional democracy</p>
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Source: Philips (2005, p.15)

Appendix 2: Ethics Approach

Consideration	Ethical rationale
1. Informed Consent	<ul style="list-style-type: none"> • Research participants are fully informed about the research and the consequences of involvement • Participants must agree voluntarily

	<p>to participate and at the start of each interview will be asked if they mind the conversation being recorded, thanked for their willing participation and asked to sign a consent form (see below)</p> <ul style="list-style-type: none"> • Their participation is based on full and open information • Participants are made aware of their right to cease involvement at any given time
2. Deception	<ul style="list-style-type: none"> • Deliberate misrepresentation is forbidden - it is neither ethically justified nor practically necessary • Researchers develop projects free from active deception
3. Privacy/Confidentiality	<ul style="list-style-type: none"> • Safeguards are in place to fully protect participants and organisations identities • All personal data is stored securely and made public behind a shield of anonymity
4. Accuracy	<ul style="list-style-type: none"> • Ensuring data is accurate – through analysis and presentation

Source: (Christians, 2000)

Appendix 3: Participant information Statement

In order to decide whether or not you would like to be involved in the study, you should understand what is involved. This form gives information about the study. You will be asked to confirm your agreement to participate through email in advance of our scheduled meeting. When we meet I will also reiterate what the project is about and seek confirmation that you remain happy to be involved.

Study title:

Labour immigration advocacy work: perspectives from 4 NGOs

Investigator

Darren Alexander McGuire

PhD Student

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Sponsor

University of Strathclyde

What is the study about?

This study is interested in the perspective of managers in NGOs, and other who may be able to shed light on the labour migration advocacy agenda in the UK. I'm particularly interested in the work of NGOs and their relationship with the State and your opinion about advocacy work and management.

What are the time commitments? What will being involved mean?

I may be conducting my research within your organisation. If you are interested in policy and work with the government, I would like to hear your thoughts on the matter at a time which suits you.

What can I do if I am unhappy with this study?

If you feel unhappy at any time and wish to take this further, please contact:

Professor Sharon Bolton

Strathclyde University Business School

Department of Management

199 Cathedral Street

Glasgow

G4 0QU

What information will be kept private?

Your identity, alongside your organisations, will remain strictly confidential. Any conversations we have will remain anonymous. Any direct quotations

submitted in reports and journal articles/disseminated at public engagements will also remain anonymous. You may also choose to have components of our conversations removed from the study at any time.

Do you require further information?

After you have read this information and require further information please email or ring me through the provided sources above.

Appendix 4: Participant consent form

I have read and understood the participant information sheet, and any questions I have asked have been answered to my satisfaction. I understand my participation is voluntary, and that I can cease involvement at any time. Further, I also understand that my involvement is on a strictly confidential basis and acknowledge the role and time I will take being part of the study. I can confirm I have been given a copy and have read the information sheet regarding the study.

Please delete as appropriate:

I **agree/disagree** to have my interview audio-recorded.

I **agree/disagree** for my discussions to be used for further research projects.

I **agree/disagree** to preview results of research if requested before they are used.

Name.....
.....

(Block letters)

Signature.....Date:.....
.....

Please return to:

Darren McGuire

Strathclyde University Business School

Department of Management

199 Cathedral Street

Glasgow

Appendix 5: Dissemination plan: improving strategy and policy

To maximize the usefulness of the study two reports will be written and distributed. The first, an initial draft of the key findings focused on each individual organisation will be shared with the relevant NGO. This report will be based on a summary of the advocacy strategy observed throughout the research process. The paper will propose new ways of working in order to maximise the advocacy capacity and leverage of the organisation. The first report will act as a springboard for a second report to be prepared and sent to the extended sample group of think-tanks, Trade Unions, and those involved in immigration policy and public policy more broadly. The second report will be written for the extended grouping, but will also be sent to the primary group of organisations. It will cover the immigration topics the thesis could not cover in depth. The aim of these reports is two-fold: firstly, to bring the four organisations closer together in what are often overlapping policy interests. Secondly, the aim of the second report is to share the findings of the thesis with a broader range of actors who are engaged in immigration policy analysis, in one way or another, at a UK level. The extended sample includes workers from think-tanks, other NGOs, Trade Unions, and so forth. Together these papers show the beginning of this thesis being put into active use.

The wider report will be made public, while the former will be for the four NGOs to use internally. In addition, as the organisations have been studied in a way which considers them as a part of a social movement, it is hoped these findings, and the PhD as a whole, may be interest to a broader range of people in the community. Out with the initial reports, the study's findings will be disseminated and developed in the following ways:

- Academic engagement: papers have been presented at the Work, Employment, and Society Conference, on the States of work, and the 32nd International Labour Process Conference.
- Public debate: an article from the thesis will be submitted to a mainstream newspaper in the UK, and internationally, covering the analysis from the organisations.
- Knowledge exchange: the researcher intends to develop a network of researchers interested in further cross-over between NGOs and other organisations in immigration policy and labour migration issues. This will be a key proposition from the initial reports to be sent to each of the primary organisations and the extended sample grouping. The depth of

opinion and the diversity of the stakeholders in the extended sample grouping in particular will be useful for contributing to public discussion.

Appendix 6: Email exchange with Immigration Minister

GREEN, Damian [damian.green.mp@parliament.uk]



In response to the message from Darren McGuire, 15/03/2012

To: Darren McGuire

Inbox

22 March 2012 14:11

• Flag for follow up. Completed on 14 March 2013.

Dear Mr McGuire,

Thank you for your email. I am sorry I cannot fulfil your request, but I am sure you will understand that the very many demands on my time mean that I cannot respond positively to all requests such as this. I apologise for having to send a disappointing reply in this instance.

Yours sincerely,

Damian Green

Appendix 7: an example transcript

Respondent: *****

Place: ***** London

Date: 19th June, 2012

Interview 31: Trade Union Representative

(Researcher gives a background to the study – its aims and objectives).

So could I perhaps begin by asking a little about your background. How did you get into this line of work?

OK. Well I'm an old leftie basically. I was a social science student, graduated in '76, and I did masters in politics and post-grad in industrial relations. My father was actually a shop steward in a car factory in Birmingham, so I very much grew up with the trade union movement as part of my reality and then before I started to work for the union full time I was an activist, in the public sector – with the likes of the NHS. Then I got a job working as a researcher for ** for six years. And then I got a job with **** in **** training and then six years ago I moved into policy, which is where I am now.**

How has that shift treated you this far? How does your role differ?

Eh, in some ways I find it slightly easier to be a party officer. It's easier than being ** because I used to run 5 day courses in employment law and things like that which was pretty intensive. You were on display, as it were. It's not like a... university job – when you're in control at the end of the day. If you don't please your audience or officers and affiliates then you're the vulnerable one if you like, and indeed like lots of European workers I did long, long hours and worked weekends. Relatively speaking, it's very different, because I now have to talk to senior civil servants and argue the policy case which we've developed. Nevertheless I find it relatively easy in comparison to what I used to do.**

Is this because it's less intense, you've got more time to do things, to breathe and try and change the situation? In a bigger picture sort of sense?

Well it's a bit of all that, but again in trade union education although you specialise – it's over a very broad range of issues, so I had to try and keep up with lots and lots of issues whereas now it's relatively few.

Do these issues evolve with trends in economy and politics?

Em... Well the issues I deal with are very much migration, mobility and then attached to that things like forced labour, servitude, trafficking. When I was in * I dealt very much with the law, including, pensions, discrimination, tribunal procedures, understanding accounts as a trade unionist and it went on and on...**

So, how would you describe your current work?

Well it's a mixture. We help our members bring about greater equality and decent treatment within the workplace. However, our presence within the economy is quite limited. So, in the public sector – it's still around 60 per cent. We have quite a heavy density of membership. My jobs linked to that on a wider level.

Which groups don't? Who are you working on the part of?

The practice is that people find that particularly tough when you're working on short term contracts, you know, they don't get renewed, or if they have a history of trade union activism they don't get the work. And one would have to say that forced labour and some of the other things that you are interested in would be very much in areas where it would be hard to unionise anyway.

So, forced labour typically is not in areas that have become de-unionised. They're areas very largely that have never really been heavily unionised, with other features including lots of agency work, big turn over in staff – relatively little economic power, in terms of, well, they're often seen as unskilled jobs.

As in traditionally lower ends of the labour market?

Yes, the lower end in term of skills and pay. And it does tend to be in those areas you find some of the worst excesses.

Are there any particular sectors or industries that **** are particularly concerned about?

Well in terms of the chronic abuse, I mean there are certainly areas covered by the Gang Masters Licensing Authority. Eh but, I'd have to say construction, although I'm never quite sure about the evidence for that, as it's difficult to gather and unpack.

Could you tell me more about that?

Alright OK. Well historically, the employer – so they don't have all sorts of legal liabilities including pay and redundancy - you know – subject to unfair dismissal etc etc. And they would get the individual working for them to become in quote "self-employed" namely for the Inland Revenue, they'd have a certificate saying they'd pay their own taxes.

Would that be contracted work or would that be more temporary arrangements?

Well most construction is temporary by nature unless you're part of a maintenance crew for a local authority, and there's not much of that left as it's been contracted out. Em, but literally it's so that you end up with no rights as an employee and the person who is actually employing you has got no liability, so it is cheaper for them to do that.

Is this some form of cycle that **** and other organisations see a lot of?

I wouldn't say a cycle, but, over many, many decades we have seen this, partly because of the temporary nature of construction and partly because of all this subcontracting – this bogus self-employment has bedevilled it – it's the cheapest way of doing a job as an employer, because you don't have all the add-ons. You wouldn't have to pay the national insurance either.

Is that around £80 pounds a week?

I can't remember but as an employer obviously you have to make payments and you wouldn't do that if the person who is doing the work is self-employed.

Are there any groups who this affects?

I think in construction – no - because it was and is pretty endemic.

So many people who have or who are working in the industry may have been subject to this?

Yes, an awful lot of people. And it used to be a bit different when you had a lot of people working directly for the local authority in construction but that's different now. That would be the one big exception. That being said, there are groups who are vulnerable, and those are mainly the ones who are subject to transitional measures and this is something we're really concerned about.

Is that, as in, they're in the process of migrating?

No, well what it is... it's with the accession of ten countries back in 2004 and then in 2007 Bulgaria and Romania joined the EU. Back in 2004 the British, Irish and the Swedes were the only ones who didn't put transitional measures in place and transitional measures are there to basically restrict access to labour markets.

So did you say Ireland the UK and Sweden yes?

Sweden, Ireland and the UK were the only ones who didn't and obviously we had a very big inflow from Eastern Europeans from various countries from the A8. And then in 2007 partly because of the political backlash, partly because of the then British Government put in transitional measures for Bulgaria and Romania. Now the thing about transitional measures - they are limited, ultimately you can't have them in place for more than seven years.

Are they reviewed every seven years?

No, no, no, they're actually reviewed, two – three years. Basically 2011 – so it was last year. Any transitional measures when they existed had to end but I say the British government did put them in place for Bulgarians and Romanians partly because of political reasons.

So they restricted access to the labour market? What are your thoughts on this?

Well, only as an employee. What you can't do is restrict the self-employed funnily enough. So if that trader has been self-employed they can work freely. So obviously in areas like construction where there has been a long history of bogus self-employment, it's quite easy for them or for their employers to suck them into areas of construction at the moment.

In fact, if I could just add to that, it's not only areas like that, there's people thinking up ways to make money out of Bulgarian and Romanians because they are often in vulnerable positions. For instance, we come across, it wasn't through our membership, it was through a radio station, the sort of perfume counters in a lot of the big department stores are actually run like this – our big department stores. And we've come across Bulgarian and Romanian women who were working for less than £2 per hour because they thought they were coming in to work as employees, but when they started work - as far as the people who employed them, they were treated as self-employed, and you are not guaranteed the minimum wage.

What was it about those women who made them susceptible?

The labour market, because of the restrictions within the labour market. We oppose transitional measures for two reasons - one of which was sort of philosophical – namely we support the social Europe in which all citizens benefit. And it's not just a club for capitalists. And we saw that sort of approach with being inconsistent with an argument whereby goods and capital and the self-employed can move freely and do what they want – but, we're supposed to accept the restrictions on workers to sell their labour across Europe.

Should peoples' movement mirror the free movement of other entities?

Yes, there should be an equality of movement. But there is also a pragmatic reason as well and that was basically, if you can move freely round Europe anyway as an EU citizen who is going to police you and stop you working? We saw transitional measures and that freedom to move as a recipe for abuse. A stark push in people working in the informal economy being abused, including bogus self-employment. And we didn't want that. We don't want them abused, but we also don't want people within the labour market undercut.

Are people being pushed into more difficult or perhaps precarious work situations?

Well possibly, but the ones primarily at risk are those ones who are working when they shouldn't be. And that would go for non EU folk. Some of the most vulnerable are those who are undocumented; from outside the European Union. This is where policy should focus.

OK. I presume you made recommendations to your members and to government based on this, through reports, or leaflets and documents?

No, No. It's very much the policy of **. However, one could go to executive papers in which this would be outlined and endorsed by the executive, but in terms of putting it out the responsibility would be less **** but individual unions. The people we mainly lobby obviously, are government and we argued to them that we shouldn't be having transitional measures.**

And what was their response?

Well the labour one would listen very politely and then do nothing and the conservative one would thank us for our letters and do nothing.

I have spoken to a number of other organisations, particularly NGOs, who have experienced similar issues. What are your thoughts on how this relates to the different government?

With the labour government change was difficult, but there might have been an open door occasionally, whereas with this one. Well it depends in what direction you want change. If you want change to take away workers' rights then obviously this government is more receptive to that. It really depends on what change you want. If you want progressive change, at the end of the day, why are there trade unions? Why are they affiliated to the labour party? The Labour might be awful in getting things out of them but when you're trying to get anything out of the Tories you can forget it.

It's interesting that you're talking about progressive change. Jon Cruddas has just been appointed to revamp Labour's policy. I wonder if you have an opinion on that, on where he should go and what he should do?

Well, we have a shopping list of where he could go with that including toughening up on some areas including workers' rights but also in their approach to overseas development, which doesn't seem to be going so well. Obviously when people are starving you have to address that first, but in terms of developing their economy, you know, our argument is that you need to work with NGOs – but in situ with social partners.

Are you talking about a conjoined approach to advocacy or social policy and development?

Well I mean in the community. In many societies the only relatively independent entity is the trade union movement with a history of organizing or advocacy. And we could go on into loads of different areas, but clearly one of the big areas directly connected to your study is that the Tories are committed to bringing about a reduction in net migration.

It's very interesting you mentioned that because it was my plan to ask you about it...

What that has meant is that they are artificially bearing down on migration. Now, I'd say from the outset that we're totally opposed to the policy; it's not going to work.

Is that because it's not grounded in economics – just ideology?

Well it's grounded in the reality of popular politics, namely, there's lots of people who certainly abstractly don't like migrants.

I have a quote here from Immigration Minister Damien Green, who has argued that the cap will help bring immigration down to a sustainable level and help protect those institutions vital to the economy. What are your thoughts about this?

I don't know what that means because I'm often in the embarrassing position - well I wouldn't say embarrassing position, of me and the employers arguing against the policies. We are really against it because, one, it's polite racism, let's be blunt about it. It's dog whistle politics; if you don't like migrants vote for us! And I think it's particularly disdainful, well I don't know how much you know about it but Labour ran with saying "we've got the points based system in place now, we're in control". Then you had the liberals arguing for a dialogue on regularisation of undocumented workers. They actually had the most progressive position. And then you had the Tories who were saying, "if you don't like foreigners vote for us".

Are they tapping into a particular attitude or belief system?

Oh absolutely! Indeed there was this tension at the end of the day and the Conservatives didn't win, and against the backdrop of the economic down-turn it was an amazing failure. There was this tension between detoxifying the Tory brand, namely stopping them being a nasty party as one of the things they identified as being seen as being nasty was the constant attack on migrants.

Yes, it's clearly acceptable to most people but not to me and probably not to you either? But they couldn't resist it. Well, all the evidence suggests, it is actually a vote winner.

Why do you think this?

Well, we're going to get into deep discussions about collective psyches. People are worried by people around them who are not quite like them, you know?

Are people worried about jobs? That seems to be representative of some of the arguments that are presented through the media.

Well you have those arguments, but even at times of economic growth, which we had for 12 years before the down-turn, the anti-migrant argument would always pick you up votes. It also loses them because

you know – you have overwhelming. Well... Black and Asian people in particular don't vote Tory because over many, many years they listen to Tory back-benchers with basically racist statements and they don't feel comfortable. But there's a big section of, let's be blunt about it, white British society who do tap into those sort of comments, those sorts of beliefs.

I wonder whether, well rather, I think the cap is not going to meet its desired aim of reducing net migration down to tens of thousands per annum. I wonder what the implications of making things more restrictive, with things like the changes in the Life in the UK Test. What do you think the implications of these recent changes are? Will there be changes in informal working practices?

Well all of that and more. There's a general trend in all of the developed countries, particularly the OECD: everyone wants skilled workers and nobody wants unskilled workers. Whatever the economy needs, now it might need 'unskilled' workers, but the political classes don't want them and this could potentially push vulnerable workers underground. You have employers who want migrant labour, but the higher the hurdles you have the less people get in.

Is that because low-skill workers aren't seen as being particularly innovative? At the 'forefront' of economy for want of a better expression?

Yes, most people are very happy with a Pakistani doctor but they're often not happy with people coming next door who cleans or whatever. There's a perception that the more skilled they are, then the more acceptable they will be to the host community and to a degree that they'll also have the skills to integrate better.

I wonder on a rational or very economic level what the implications of this are for the economy? Could it harm the UK's economic prosperity?

It certainly will. Our position on migration from outside the EU is that migration is one response to skill shortages. It's not the only one, but for years we've been pumping away at the lack of investment in training in the workforce in the country, which has historically been a huge, huge problem. There is, in the likes of Germany, effectively a tax on employers who have to contribute to training. British governments of both persuasions have stood out against it, as employers start screaming out about this being a tax on jobs, bla de-bla-de-bla.

So they have stood out against a mainstream trend, something which could potentially improve a situation?

They've stood out against putting their hands in their pockets to help train folk. The reality is that the big employers have always tried to do that and the smaller employers have tried to steal people away from them.

Will more investment not have a long-term net gain – in terms of skills and peoples' well-being, and tax revenues for example? Do they not see the whole picture? If you train people there are benefits, surely?

Well it's not about what we see – it's the government. They tend to be short term and indeed a lot of employers think "yes, we want trained staff", but you hear decade after decade... as the years roll by you hear the same thing. You hear the same things like "people are coming out of schools and universities without the required skill sets", but employers don't want to train them. It should always be someone else. But anyway, going back, we see that migration is one response to skill shortages. There's not just training but there's also looking at pay, you know. You can't attract people into some areas because of pay and conditions. And also, I would really flag up equal-ops and family friendly policies as well, not because politically I should do that, but because if you look at it women out perform men at all areas in education, and then what happens? You basically get a very well trained and educated person and they end up doing a job well below them, because we don't have a decent welfare state and policies in the workplace which allows them to bring up their families and progress their careers.

So skills often don't translate on the part of women rather generally?

Yes, but I wouldn't put it that way. On the one hand - you're bringing in people with skills - and on the other you're wasting potential economic benefit for the country and themselves.

That's a very important area in considering migration generally. The NHS for example has an arrangement with the Philippine's government, where staff who often have B.A. level education but struggle to attain a similar standard and status of work in the UK. Why do you think that might be? Do you know much about this?

Well the story is, as far as I know, is that, firstly there has been a long trend developing people to export. So it's not just about this country, it's about the Philippines government exporting people, partly to drive down unemployment, but also about remittance; about money flowing back to the Philippines. It's not like in a lot of developing countries; they're training too many people. The problem obviously is that the people who do get trained, they end up attracted to other developed

countries and we end up with inadequate medical staff at all levels within developing countries. The Philippines isn't like that, they deliberately go out of their way to train and export people like this, ** would know more, but if you look at care workers, the Migration Advisory committee decided they were not skilled workers, with the exception of NVQ 3 – trained as senior care assistants in Wales and Scotland. And the reason for this is because of the cap on migration, the committee keep edging up the qualifications you need to have. It was NVQ 3 – now to be a skilled worker you need to be at graduate level.**

Really? What about a carpenter – an experienced wood worker for example, that's not a skill or a person wouldn't be traditionally a skilled worker?

Well they're a skilled worker on one level – but not another? But they keep ramping it up...

Why would they keep ramping it up? What's the argument for making things more restrictive?

Because the government wants to cut numbers migrating to the UK. On the one hand, you have employers who want these folk; including lots of care workers – but obviously the higher the hurdles you have the less people get in. Lots of workers might want work but can't actually get into the country.

So we're not able to fill gaps in the labour market because of that?

Yes and the Tories would say that British workers, particularly in the current climate will come forward and fill gaps, which just won't happen. Basically they were getting staff in as tier two skilled workers i.e. nurses and then they often find themselves working in care homes. A complete de-skilling!

Are you saying they were miss-sold? How has this come about?

They were definitely miss-sold. Or sometimes to be a care worker in an old folks home compared to working in the Philippines may still be attractive. Sometimes they would be conned and sometimes they would be part of the deception.

Why wouldn't the government value those more who are arguably dealing with one of Britain's most vulnerable groups, namely older people?

Because they don't want to pay.

But there's an ageing population in the UK?

That's just like many other countries, all the developed world in fact.

I presume because of the ageing population that we're going to need more workers to look after older people. However, there seems to be a mismatch – a void between the needs and...

There clearly is. There clearly already is. You can, you can... look at demographic trends over twenty years and politicians look to the next two-to five years.

Is that because they want to stay in or get in; as in it's not really about doing to the right thing?

(Tapping on table and deep breath)...

I think they might struggle with that. But you know most of the care places, well my understanding is, these were all through local government and then they outsourced them. But basically the money that they have to pay for these care places is tight and as you rightly say there's a big pressure on them to find more and more places. Eh, this means the staff who are actually providing the care are actually working for very low wages.

OK.

And indeed if a contract's put forward and it had decent pay then it ain't gonna succeed, because it's in a competitive situation.

It's interesting that you mention the reduction in the welfare state recently and from what I gather this government want to expand the private sector. They're adopting a market orientated approach and that entails, well the way I see it is that many vulnerable groups are having support taken away from them. I wonder what you think about the excesses of the market and the role of the state in the market. I wonder if you agree, and who you think might be the biggest hit regarding this focus?

The poor. The poor and the vulnerable. This is ideologically driven, so far as, I say we, as far as ** are concerned. Obviously you have basically the economics of the 1920s and early 1930s. We're in trouble and all you need to do is slash, slash, slash, and all you end up doing is cutting revenues and actually increasing some demands on the state where you still have a welfare state and clearly we have. And you just get into a downwards cycle. Eh, which is what the big debate going on**

now is; hopefully we'll start some of the Keynesian policies of the 1930s, you know? It was revealing when George Osborne... when did his first speech, sorry, the announcement for his first budget, and every time he announced cuts the Tories cheered and the only time they didn't cheer was when he said that they were going to ring fence and not cut the overseas development budget. And that was the only time they didn't cheer.

Overseas development is focused on the most vulnerable. To the harshest hit places on earth, where issues like famine are common.

From their perspective it is "why are you spending all the money on these people?" The backbench Tories think the money's going to go into the pockets of a few etc. etc.

I presume that might be an issue occasionally, however, occasionally.

Well so do I, but I'm just trying to parody the Tory position, and the ring-fencing was seen as part of the Tory position.

Do you think they use that to change other governments' policies, to be more pro-market or to yield diplomatic power for example?

Well to a degree but you're stepping outside of my expertise, but I'm sure you're right and one of the problems we have is with the likes of the World Bank and the IMF. And indeed it would be the situation in Greece which includes the IMF obviously, and they've been very much wedded to neo-con politics, so it's very much the case of well we'll come in and give you some money but you need to do something about the labour market and what that means is ripping rights away from workers. The likes of... In some of these countries that have some of the benefits of EU membership – like Georgia – they've just done away with the whole notion of unfair dismissal.

Do you feel we're taking major steps back then?

Yes. Whatever rights people have had then organisations like the IMF have gone in and said we'll bail you out – but – you need to do something about your labour market – i.e. (chuckle) you need to get rid of workers' rights. Ironically, Sarkozy, who was no great friend of labour did point out that there is a mismatch of ILO(International Labour Organisation) and IMF and he pointed out we fund both these bodies as countries, we are as it was affiliated to both these bodies. One of them is trying to defend workers' rights and the other is trying to get rid of workers' rights.

Do you think the IMF has more power, however? As in they have the capital and deal directly with the bailouts?

There's certainly a lot of truth in that. I mean you know, it's reported to me from people on the ground that the IMF have decided to take a slightly more progressive stance.

Really? How's that?

Yes, relatively, relatively, (Chuckle)... I think you're absolutely correct in many respects.

Do you think a new labour government may improve this even more? Or do you still think they think they still retain a Libertarian edge? I imagine that new change developed by Cruddas means we'll actually see some progressive thinking in the mainstream? I'm keen to know what you think though?

I don't know. I don't know where Labour policy will go. I don't think they do either. I was quite concerned by the eh... eh... labour leader elections where they all stood up and said they got it wrong on migration . If we had it all over again we'd put transitional measures in bla-de-bla-de-bla. The only country who is going to join is Croatia, with no great links to the UK. It's all posturing you know? It's worrying that it was seen that Tories did pick up votes for their tough stance on migration and it seemed to pull the Labour party to the right.

I wonder as ****, or in your experience of dealing with unions more generally how you can try and engage different groups of workers, not more successfully, but having higher rates in key sectors, engaged in your activities and perhaps becoming activists themselves?

Well there's this big split between public and private sectors and within the private sector – we've got 16 per cent across the sector, that's an average. Obviously in some areas of industry we've got a presence. We're big, but in a lot of other areas being a union member is a normative situation.

So it's accepted?

It's accepted. You're not going to get... to be honest... I was in the health service, donkeys years ago in the Thatcher period and the message that started to come across was that they weren't anti-union, but if you really wanted to get along in management you shouldn't be too active in the trade union movement. But if you compare that with

bits of the private sector – they even bring in the American style union busting teams in the extreme.

It seems to me becoming part of a union is one way to take control and to claim your rights? Unfortunately this isn't the case for people sometimes though.

There's a different offer too. If you're going to the public sector, you've got a recognised union structure. The employers, managers can't be seen to be totally anti-union and you can do something about pay and conditions to a degree. But in the private sector you're looking not to be employed or sacked. Do you want to be a hero? – help organize and take control of your future, with your work mates. That's a different offer from saying well "join the union, we'll look after you".

It seems by the very nature of the private sector that it's more difficult for people to make improvements and go forward that way?

Yes, and part of it is... there's always a bit of a conundrum with union organisation, and if you take away the politics of it, are people in a strong position because they have joined a union or are they unionised because they're in a strong position? And the truth of the matter is that there's probably an element of both of them.

So people who have access to funds and time may be able to unionise themselves in a stronger manner?

The bottom line... Well, let me give you an example. When I used to do training and the Tory government kept changing the law on industrial action. It's got to the stage now where it's almost impossible to comply with them without the employers taking an injunction out against you; and ultimately if they win or not – they've destroyed your action. Putting aside that point which might go before the ILO funnily enough, I'm doing this training. All these union officers all intently listen to me – not because it's me – but because it's very important. You know, their union won't be very happy if they get it wrong on industrial action, not the least of which the union could face cuts to its funds.

And there's one guy paying no attention whatsoever. He was from the engineering workers union at the time and as a trainer – over coffee – I was trying to engage the guy, you know? I said, eh, this was a general course on employment law, so sometimes what you find is that people have been to particular aspects of it the week before. They might get bits they're interested in but others they're totally uninterested in. Anyway, he hadn't been on another course. He hadn't a bloody clue about what the course required. I said, "well, who do you represent –

and what happens? Do you have industrial action?" He said, "all the bloody time". He actually represented steel constructors on the Isle of Dogs, which is now Canary harf. I said "well, what happens if your folk don't obey, if they're unhappy?" "Well, they just walk off the job. What the employers do is that they just get on the phone and plead with me to get them back, they more or less give us anything we want" because a day's interruption... meant a loss of, you know, tens and tens of thousands of pounds.

This is an extreme example, of a group of workers who had a set of skills in a very buoyant market. They had real economic power.

Because of the relationships between the company and the contractors, as in if they're being with timescales they'll get major heat?

Yes.

What is it about that situation; can we use that sort of thinking elsewhere?

Well the answer is NO! That's an extreme example, but if you don't have clout in the economy, namely you've got sets of skills that someone wants and to a degree – they can't just conjure them up. Some of these workers obviously... A standard old apprenticeship was seven years, now they might... What I mean is in considering the private sector, you find yourself very highly skilled – and these skills are very valued by employers – you can get what you want. Up in Rolls Royce Derby, I was up there some years ago - they had a long period just before the recession, of decline, decline, decline. BA had more or less done away with apprenticeships, because they didn't need skilled workers. But when there was an upturn in the economy these workers got pretty much anything they wanted.

Did they have a lot more power then?

Shall we say their bargaining strength was very much enhanced. Now it's very hard, as in, you might say "well, is that therefore a model that equates to militancy", but they didn't have strikes in Derby, they just got what they wanted. Is that a recipe for how you unionise elsewhere? Absolutely not, because a lot of other people don't have that sort of economic power.

Are you saying that unionising and labour power, then, is very circumstantial? In that it's linked to skills and economy?

Yes, although the higher the skills the better. I know welders who work in the iron industry and you're talking about the crème de la crème of welding, you know. You have to weld to a very, very, very high degree. Lots of qualified welders can't do it to that level; if you can you can make a lot of money. That's like market forces. If you're pulling carrots in a field in East-Anglia, well, basically anyone can do that. And all the employer has to think about is, are there people who will do it? And of course post-accession of the A8 countries, well, there was for a number of years later people who were queuing up to do work like that because they didn't have access to anything else. But their ability to unionise in that position is zilch really because the employer one way or another will get rid of them.

Are there any other ways which people can take control out with unionising in such situations? Is having better access to information a good thing here?

Well there is. I mean indeed we and some of the unions often produce stuff in various languages, and I've still got stuff that I'm revising at the moment. So we've done all that.

How would you distribute this kind of information? Is it site specific?

Well it's more an online presence because we've produced them in hard copy and they just sit around to be honest. At the time of the workers registration scheme we then had an agreement with government where people actually registered under this scheme they were given this booklet in English, and on the back of it explained that if you want it in a different language you had to contact this number.

Did you get a good response with it?

Yes, one there was tens and tens of thousands with the English versions. The numbers of requests for specific languages – I don't think we actually quantified that. So we don't know the overall effect – we like many trade unions have done exactly the same. And if you went across Western Europe, they even have information centres, where you have centres funded from the state – all over Spain which migrant workers in particular find invaluable.

Why would we not have them here?

Money! The government as you know wouldn't fund anything like that. They'd say we've got citizens advice – so go there.

I think they provide a very useful service. However, if you're unfamiliar with the UK system then how are you to know about citizens advice?

Well yeah, and also the present government had some money specifically for two areas; one of which was for dealing with debt as an individual and the other was for dealing with migrant groups. And this has been removed.

Compass the pressure group that has recently run a campaign against legal loan-sharking, is that the type of debt you're talking about? I wonder is it to do with people taking short term solutions at exorbitant rates of interest?

Well that doesn't help but what I'm talking about is much more about how debt bondage is used to exploit people. So you'll find lots of research done where people have come from Poland for example and the employer will say "we'll pay your fares, and sort your accommodation, don't worry about it". Then they find they're not given any work for two-three- months, and they're told "don't worry about that, once you start, and you will start earning soon, then you can start to pay".

So it's a deliberate strategy to bond people? So they're in debt. Is this particularly prevalent in areas such as the sex industry?

Well unsurprisingly our experience and main interests are in exploitation, for general work reasons – but yeah you're going to find that in the sex industry as well. You know, some of the other things we have seen are people being beaten, locked in houses. You do get that in labour sections – but it's less frequent.

Do you think organisations like the GLA (Gangmasters Licencing Authority) are making a difference with that?

Yes, I mean they are widely regarded both by the employers, by us and indeed you know when we are discussing these matters at a European level, the GLA keeps getting brought up by other trade union movements; they say things like "we'd like something like that in our country". But part of the problem is that they've always had inadequate resources and they're limited to a few areas in the economy. We know exploitation is taking place in other sectors of the economy including entertainment but they are tied.

Are they limited primarily by resources and legislation?

No. It was limited but if you look at the accession of the GLA it only gives them authority in agriculture, food processing, horticulture, the collection of shell fish by the shore, by hand – nothing else. We've argued, they've argued alongside many NGOs that we've got exploitation in other areas of the economy – particularly where you've got agencies and therefore their role would be particularly important. It doesn't matter what evidence we produce, the last government more or less ignored it and said "we've got no real evidence". And obviously the current government is just not interested.

That's unfortunate isn't it?

Well it's very unfortunate yes. That act was driven forward by Labour party back-benchers plus us, plus, probably more importantly people from the retail sector. I can't remember which retailers but you know you're Tesco like organisations supported it and without that it probably wouldn't have got through and indeed right at the last moment the front bench wanted to dilute the definition of food processing which would make it more limited and the employers – the retailers stood out against that.

I think we've covered a lot and I know that you're very busy, but it's been really nice chatting to you – I've learned a lot! Try not to get too frustrated in your role with the government.

No problem. I wouldn't get too frustrated with this government because I don't expect anything of them. I mean what's frustrating by European standards is a supposedly social democratic government i.e. a labour government following Christian demographic policies of greater flexibility within the labour market. We did get the minimum wage out of them and that was important.

That was a huge step forward.

Well yes. That was right at the beginning of the Blair administration. We get a little out of them, but considering the amount of money and resources including people knocking on doors – they rely so much on the unions to knock on doors.

Are you funders of the party?

Well not **, because we're not actually affiliated.**

Are many of your members?

Well yes and no. It's only something like 16 unions that are affiliated. But these are the big ones, so the likes of your Unison are partly affiliated. Eh the TNG was the AEU was, so you know – Unite as a whole are affiliated, the GMB are. So where as it's not, virtually all the white collar unions, I can't think of any that's affiliated. They haven't had a single affiliation since the second-world war.

Really? That's surprising.

They've had two... Two have left... One of which, the FBU left over arguments – a dispute with the Labour government that dates back a few years now, and they left because they were dissatisfied with the government.

Sorry, which union was that?

The ** Union.**

Who are they with now then? Have they aligned themselves with another party?

No, their activists will still be Labour – but I think I'm right in saying they're still not affiliated. And the other one was thrown out - that's ** Good old **** the general secretary is far to the left of the Labour Party, but they were actually thrown out for funding, not the Labour Party, but the Scottish Labour Party – the independent Labour left of Labour party in Scotland. And that broke rules, because it was about funding an opposing political party. Apart from that all the ones that have been in have been in for donkey's years – and no one has joined. Besides the growth in the 70s, the growth in the 60s and 70s was very much with white collar workers and that's how we have ended up with 30 million back in 1980.**

Did it flux under Thatcher?

Well we're now just over **.**

Well it's under half of what we had in the 80s, the number of people in employment has expanded over time so, – we clearly don't have the clout we had.

Was that because at that time the unions and the supporting bodies were at the centre of a political storm? I mean you're still at the centre – but in the late 70s and early 80s everyone felt very strongly about it, with Thatcher's reforms. What do you think?

Well obviously people still do in terms of losing their jobs, but it's the extent to which you're going to take on the government and win. Talking to other trade union movements, you'd say that workers need their unions more than ever, but workers are not necessarily responding by flocking to unions or I was going to say by more militant action, eh, they're keeping their heads down.

Is that because of their own economic situations? Are people fearful?

Yes, I don't mean to be blunt about it, but, this is going over the top but it's a bit like standing up to organized crime, isn't it? You know if you don't do it as a community then you're going to be individually terrorised. But you're terrorised to stand up to them as an individual. Breaking that is very difficult, and when people don't think they've got alternative employment options it isn't easy.

My father was a car worker and literally – if he took umbrage with an employer – he'd maybe take a week off and then maybe go and get a job with another employer in a different factory. And even more than that, he didn't go to the labour exchange, it was one of these situations where the employer would phone up the union and say "we need five sheet metal workers", he was a sheet metal worker, and they got who they got sent.

So he had a little flexibility in his options then?

Well he would – this was a period in which, rather towards the end of his life. He didn't last that long but he... you had strong economics, sustained growth. You had a much more powerful trade union movement. And I say to a degree in areas like that, in areas of the economy – not geographically the unions sent who they thought, was appropriate.

It still couldn't have been easy for him? He must have been really passionate to say "right I'm out of here"?

Well he didn't make a habit of it and he would check to make sure there was work. I'm just saying you could do that. And people even a bit older than me there was several decades post world-war when things picked up and people went in and out. Do you know Enoch Powell?

Eh, yes, I've heard of him.

He was part of the Tory government from 1950. He was most famous for his rivers of blood speech about migration, we need to stop migration!

But he actually went out in the 1950s to recruit bus drivers in the UK from the West Indies because there was a shortage of bus drivers – of labour – and in that situation it gave workers, it gave labour much more economic clout.

So you reckon that's what's missing now?

Yeah, labour doesn't have much economic clout, and it's down to the government and the economy.

Discussion is drawn to a close.

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