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STEPHEN HOWELL

PhD

**Local Justice and Public Sector Professionalism:
the case of leisure services**

2007

UNIVERSITY OF WALES (SWANSEA)

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Abstract

This thesis critically examines the manner in which local authorities allocate and distribute their leisure services. A lack of coherence in the rationale for distributing the scarce resources of public leisure services currently exists. Moreover, no serious attempt has been made to articulate this incoherence within an overarching theoretical framework.

In establishing a coherent and defensible notion of social justice in the context of public leisure professionalism, public leisure services are interpreted within a range of traditionally conceived political conceptions of justice (Elster, 1992; Rawls, 1972; and Walzer, 1983). A communitarian account of just public leisure services is then presented which develops Elster's idea of 'local justice' while rejecting a liberal account.

In order to establish claims regarding the incoherence of extant public leisure provision and the legitimacy of the proposed account, data were collected in the form of five semi-structured interviews with senior leisure professionals and elected officials taken from three local authorities. Arising from the data a taxonomy of mechanisms and preferences was established in order to characterise just public leisure services. A number of themes emerge from the data, the most critical of which relates to the misconception of 'public opinion' in the formulation of policy and practice or, at times, the complete absence of such. The data, however, revealed that what passed for 'public opinion' was in fact advocacy by organised self-interest groups. Given the political desirability, inherent within a communitarian account, for public involvement in debates within public leisure services these forces are antagonistic to 'public opinion' and undermine the operationalisation of local justice in public leisure.

To overcome this weakness a communitarian model of allocative and distributive practice is developed. Following from this, it is argued public leisure services can be justly allocated and distributed according to schemes of local justice. It is concluded that public leisure services ought properly to provide non-standardised, locally derived, conceptualisations of justice that are ethically justifiable according to communitarian criteria.

DECLARATION AND STATEMENTS

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

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This thesis is the result of my own investigations, except where otherwise stated. Where correction services have been used, the extent and nature of the correction is clearly marked in a footnote(s).

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Stephen Howell (May 2007)

1 CHAPTER 1

INTRODUCTION

The thesis critically examines the manner in which local authorities allocate and distribute their leisure services. It investigates the processes that are manifest in service delivery and proposes an alternative normative model based upon explicit communitarian commitment supported by empirical investigation.

A lack of coherence in the rationale for distributing the scarce resources of public leisure services currently exists. Chapter 2 of the thesis provides a context for current allocation and distribution practice, of public leisure services, through a historically informed exploration of the rationales. The apparent lack of cohesion raises issues of social justice within public services in general and specifically within public leisure services.

Whilst the intuitive idea was to test out Elster (1992) within a public leisure context, the need for a wider normative ethico-political framework through which particular allocation and distribution decisions could be grounded and justified was recognised. In Chapter 3, this line of thought is developed, by contrasting public leisure services with a range of political conceptions of justice (Elster, 1992; Rawls, 1972; and Walzer, 1983), which supports *communitarian* thinking as the most appropriate way to conceive public leisure services. Support for communitarian leisure is predicated on its commitment to a particularist conception of leisure; more specifically Walzer's (1983), '*differentiated substance*' and '*particularist methodology*'. This entails the ideas that different goods are distributed for different reasons and that goods require a particular understanding and distribution from within a particular culture respectively. Rejection of the liberal position is founded mainly upon its universalistic and proceduralistic view of justice. The chapter moves on to refine Walzer's (1983) concept of sphere related justice through a critical examination of its content. By contrast the thesis proposes that public leisure services are better characterised as a problem of 'local justice' (Elster, 1992). The service is further categorised as providing an *artificially scarce, divisible and heterogeneous good*. A model of

allocative practice for public leisure goods is then developed based on Elster (1995), which sets out the interrelationship between three aspects of public leisure: (i) public or common understanding interests; (ii) the internal logic of the concept and; (iii) leisure professionals understanding of the nature and purpose of public sector leisure.

A coherent rationale for the methods adopted in the research is then given in Chapter 4. Whilst a predominantly normative approach is taken throughout the thesis, the empirical phase of the research is critical to scrutinising the relationship between the rationale for the practice and common understandings of leisure provision. Using three sites of investigation as exemplars of UK practice, five semi-structured interviews were undertaken with elected members and senior leisure professionals. The role of the data which emerged from the interviews was to provide a descriptive ethic about current beliefs in order to inform a normative ethic as to how public leisure services ought to be distributed. Methodological justification of the resulting 'empirical' ethic (Musschenga, 2005) is provided within Chapter 4.

Chapter 5 explores, through a range of semi structured interviews, the detailed mechanisms and processes, previously identified in Elster's work (1992), and develops a typology for leisure services in relation to *preference formulation* and *aggregation*. A number of differences and similarities are found between leisure services and other arenas explored by Elster (1992) including; the belief that *inclusive accretion*, the process by which the burden of additional categories of distribution are added to an existing resource allocation without removing old or redundant ones, is a common characteristic of public leisure services; that equity preferences are variable both within and between the various levels of decision making; and that mechanisms/norms of *compassion, advocacy and public opinion* are critical in considering a communitarian account of justice for public leisure services.

More detailed analytical scrutiny of the rationale of public understandings and the internal logic of public leisure goods is developed in Chapter 6. The process of reflective equilibrium (Rawls, 1972) is used to contrast the emerging data and disputed terrain between liberal and communitarian conceptions of justice including; *concepts of the person; asocial individualism; universalism; subjectivism and state-*

neutrality. Having reflected in this manner, one issue, the nature and role of public opinion, emerges as counter-intuitive to accepting a communitarian-local justice account of justice for public leisure services.

While, the thesis has established the political desirability of public involvement debates over access to leisure services (Chapter 4), it has further demonstrated that public opinion is misunderstood by professionals within the sphere (Chapters 5 and 6). As a result, communitarianism as a coherent and defensible notion of social justice for public leisure services is called into question because of the lack of a self-critical and representative debate on public leisure services. By critically examining what justice demands of public opinion, it is argued, the nature of public opinion is limited to the role of legitimising (or not) extant policy and provision. As a result an ethically justified communitarian account of justice for public leisure goods is put forward.

Having provided a more stable conceptualisation on which agents moral and ethical actions can be formulated in the production of unique, locally derived, conceptualisations of 'just leisure', Chapter 7 goes on to reflect on the implications of a communitarian ethic for public leisure professionals. A framework for developing just policy in public sector leisure is proposed and the implications of such a framework for decision makers is considered. The idea that justice might be used as a performance indicator in public leisure provision is then critically explored along with potential evaluation processes. Current policy frameworks, including Corporate Performance Assessment and the Delivery System for Sport are reflected upon as drivers or barriers to just leisure services.

Finally, it is argued that public leisure goods can be justly allocated according to schemes of local justice and that where professionals accommodate this ethic the likelihood of attaining just service provision will be enhanced. It is concluded that leisure goods and services ought to be viewed as producing, non-standardised, locally derived, conceptualisations of justice that are ethically justified according to communitarian criteria. To this end the research is seen as being of heuristic value in guiding, steering and educating leisure professionals, rather than prescribing their policies and postures, in the pursuit of just public leisure services.

Prior to embarking on the rest of the thesis some explanation as to why the grouping 'leisure services' has been employed within the study is in order. Some readers may see this as a somewhat outdated grouping as it may be argued that 'leisure' as a theoretical concept is defunct and a turn to 'cultural services' would appear to be gathering pace. The shift, it is suggested, is far from complete and as a practical sphere of responsibility within local government it probably has some time to run. The cross roads at which leisure services currently sits and that may ultimately change the nature and scope of service groupings is, however, one that requires recognising and the reader should be cautioned of the changing context and particular grouping used respectively.

Whilst accepting that such a change may well be inevitable, use of the leisure services grouping is defended on the basis that the more modern grouping of 'cultural services' is relatively poorly defined within the understandings of local authority officers and members. Managers and politicians operate within bounded communities which continue to be referred to, and understood as, leisure services. The trend for delivery vehicles within the charitable trust sector also continues to see reference to leisure within the trading names, rules and charitable ends of such organisations (Derwentside District Council 2006). At County Council level where the turn to 'cultural services' has been more pronounced a return or even introduction of the term leisure can be seen (Durham County Council 2007). Admittedly this may be only posturing by authorities seeking unitary status but never the less bears testament to the continuing use of leisure in everyday and professional dialogue.

2 CHAPTER 2

THE GROWTH OF LEISURE POLITICS AND A CONCERN FOR JUSTICE

2.1 Introduction

The purpose of this chapter is to provide the essential background against which the main body of work is set. The focus will be a temporal one, in which the growth of leisure, leisure politics and a concern for justice are presented. These in turn will deal with both an emerging public leisure sector and emerging leisure professionalism. In this sense the term 'leisure' clearly refers to issues of public sector provision. The term is, however, referred to extensively throughout the thesis and unless explicitly stated, should be understood as referring to publicly provided leisure opportunities, services and/or experiences. The common reference point for each is their role, influence upon and concern to matters of justice. By describing the historical background to leisure justice, conflicting issues and values are made clear in order to prepare the ground for a philosophical debate that will provide greater insight into understanding matters of leisure justice.

The trajectory of the history of leisure is well documented (Bailey, 1987; Jones, 1983). For the most part the leisure literature plots this history in a struggle to define the phenomenon of leisure on a theoretical basis. The scope of literature was expanded in the 1980s by a swell of interest in the *politics* of leisure (Henry, 2001). This literature focused initially on issues of central government before moving to consider local government. Given the focus on leisure justice, there is a need to unpack these histories not only for the intention of specific social policies on leisure but also the intended and unintended consequences for justice issues. Whilst this section of the study provides an account of the development of leisure, leisure politics and policy in the UK from the beginning of the nineteenth century, it will also serve to elicit the antecedents of contemporary justice concerns.

In undertaking the above a range of political ideologies are considered and specifically how these relate to policy at a central and local level. Whilst the focus of the thesis is

on local government, the context of central government in which local government operates and works, is shown to be influential in the development of leisure policy at a local level. Within this Chapter a brief résumé of the emergence of leisure policy is given prior to a more detailed consideration of the complex relationship between political ideology, policy and leisure provision. The focus of section 2.4 is the conceptions of justice that have emerged within leisure services. In section 2.5 the role of the leisure professional is considered in relation to the influence that policy and notions of justice can make on professional status and relationships.

2.2 The emergence of public sector leisure provision

The late eighteenth century is often seen as a watershed time in the historical development of leisure. This was a period in which the UK saw large-scale urbanisation as a direct result of industrialisation. For many commentators on leisure, industrialisation itself presented leisure as a distinctive area of social activity for the first time (Clarke and Critcher, 1985). Whilst the massive changes in society from rural-agrarian to urban-industrial for others provided only a redefining of the nature of leisure rather than its creation as the antithesis of work, the period provides for the first real examples of *leisure policy* (Bailey, 1987). As the period provides the beginning of the antecedents of contemporary leisure policy and state intervention in leisure, it provides an appropriate starting point for considering issues of justice in leisure which are best understood in relation to rationales for state intervention.

The main concerns of the early part of this period would appear to have little to offer by way of concern for justice. Distributive and re-distributive policies were not the main reason for the growing interest in leisure. Bailey (1987) suggests a number of factors as underpinning intervention in leisure during this period. The gentry of the period, together with emerging industrialists, were much more concerned with social disorder and ensuring the means of production. The Civil Wars in both France and America were fresh in the minds of the ruling classes and the herding together of large numbers in the unsanitary conditions of the new urban cities presented fears of unrest. The new-found freedom of non-work time, leisure-time, presented the opportunity for political militancy and working class revolt. Likewise, many agrarian recreations

suitable for rural life, such as mass football, were not suitable for urban life. Similarly the time frame in which leisure was experienced was radically altered for those experiencing urbanisation. Whereas previously recreation had been dictated by the seasons with extended periods of labour followed by festivals and holidays, urban life operated on a day-to-day basis. It was in these free periods in which the urban worker showed least control engaging in activities which resulted in absenteeism and drunkenness at work. For Bailey (1987) intervention in leisure was therefore firmly focused on control and restraint rather than freedom or justice.

Whilst on the one hand, commentary on the period suggests that the nation was entrenched in liberal economics, generally supporting a market led economy in which state intervention was not required in order to allocate private and public goods; a view which was largely supported by Adam Smith in *The Wealth of Nations* (1776). On the other, state intervention in leisure and recreational activities could not be described as minimalist. As Henry (2001) points out legislatures at both a national and local level sought to intervene and control the leisure lives of the population. The main thrust of this legislation was twofold: first, to curb the potential for civil unrest through the prevention of mass gatherings and secondly, to suppress activities which were seen as a threat to maintaining levels of production. Essentially, this meant restrictions on drinking (Licensing hours introduced 1820) and the banning of a number of working class pursuits including folk football (1835) and a number of blood sports (1833) (Malcolmson, 1973).

Throughout this period the notion of leisure received considerable attention. References to issues of justice and fairness, however, would appear to be thin on the ground. This should not make the period any less interesting as it provides the basis of a trajectory which would ultimately see leisure's arrival on political agendas and a future concern for leisure justice. It is therefore important to track these antecedent lines of public leisure and justice in order to locate the point at which they come together to allow for a consideration of 'leisure justice'.

2.2.1 Winds of Change

The emergence of a number of themes in public leisure policy developed out of the changes in local government which were initiated by the Reform Act of 1832. It was this act which introduced to parliament, by way of changes to the manner of elections, a new type of member to the house; members with an interest in social reform. The subsequent government of 1833 quickly recognised the need for reform at a local level. Whilst central government was beginning to put its house in order there still existed wide spread doubt as to the honesty of local government.

The Municipal Corporation Act of 1835 was intended to stop foul play in local matters. The Act may well be remembered as the legislation which introduced democracy to local government; giving all male rate payers the vote in the election of local councils (Bailey, 1987). The significance of this was to bring a level of honesty and fair play into local government. Whilst its main concern was with monetary issues, such as the embezzlement of funds, the Act can be seen to have been a large contributor in steering leisure towards the forefront of local government. This is not to say that local government at the time was suddenly to show an interest in providing for leisure. It did not. Rather, it was a significant point in the history of local government which contributed to an environment from which a concern for social and welfare issues was to sow the seeds for the emergence of leisure provision in the none too distant future.

In the following years commentators would consistently point to the decline in both popular culture and the appalling state of the working classes. Such commentators as revealed by Walvin (1978) were beginning to see the social benefits of promoting, rather than suppressing, yet still controlling, certain forms of leisure activity. It was from similar commentaries that Coalter, et al (1986) also recognised

the emergence of a number of themes which have in varying degrees, remained central to public leisure policy - the physical health and moral condition of the working class, the socially integrative properties of leisure, the contribution of

recreational provision to the solution of urban problems and the proper relationship between public provision and voluntary effort

(Coalter, et al 1986).

Legislation introduced in 1848, for the first time gave local authorities the power to provide those services which may be considered as the, non-essential or nice services, to which people of today are well accustomed. The main Act in question is the Public Health Act of 1848. Whilst those involved in recreation and leisure may be well aware of the importance of this legislation in the development of public swimming pools, its contribution to the development of other forms of leisure activity are less well remembered and were yet more immediately apparent. The introduction of wash-houses and baths, whilst being a significant contributor to public health, was not initially intended or perceived as a leisure experience. Yet it was a clause in the Act that permitted the establishment of municipal parks which was to bring the establishment of leisure services almost immediately into being (Bailey, 1987).

2.2.2 Rationale recreation: Hegemony and hedonism

The provision of parks essentially marked the start of a trend away from repressive intervention and into what is traditionally referred to as the 'rational recreation movement' (Bailey, 1987). The main focus of this movement was a deliberate attempt to promote certain forms of leisure activity which the state, under the assumption that it knew best, thought more appropriate. The social welfare of both individuals and the nation, it was thought, could not be left entirely in the hands of individual consumers. In reality this represented an attempt to get the working classes out of the public houses and into forms of leisure possessing a greater cultural content. The thinking which underpinned this movement can be seen as twofold; firstly a concern for the fitness of the working class to work, and, secondly, a concern for the moral welfare of the working class.

Many writers refer to the importance that the 'rationale recreation movement' played in both developing and re-enforcing class divisions during this period (Bailey, 1987). The middle class debates and schemes intended to reform the leisure behaviour and

habits of the working class are often seen as a significant influence on popular culture. Such a paternalistic approach to the containment of popular forms of recreation was, to a certain extent, resisted by the working classes (Jones, 1983). It is often imagined that the working classes of this period were passive in the face of social control by the dominant middle classes. Where forms of leisure did not meet the requirements of the working classes, they tended to die out or give in to popular demand. It was apparent, then, that the working classes would not be force fed forms of leisure.

Jones (1983), however, points out that there are many dangers in over emphasising the importance of the social control model as unproblematic. He warns that such a simplistic approach takes little account of the conflict-ridden nature of a class based society. For Bailey (1987) it is not enough to explain such a movement as generally hegemonic, in which the dominant middle classes sought to manipulate the subordinate classes into conformity. For Bailey (1987), this ignored the complex motives and division of interest within the ruling middle classes and the ambiguous response to their prescriptions. Even in the study of contemporary leisure, writers still find it necessary to remind us of the 'danger of adopting an analytical approach which is too leisure specific' (Coalter, et al 1986: 10). In a similar vein Jones also warns against an over leisure specific view when viewing leisure in a historical perspective. He suggests that there is a danger of seeing leisure as the root of class struggles, when in fact the main focus of conflict and its social determinations is the work place. Leisure he views as devoid of the persistent antagonisms inherent in the factory system. Yet it may also be argued that class conflicts manifest themselves in the segments of life in which we most make claim to freedom, the time which we would truly call our own; leisure time.

Prior to industrialisation working men had not experienced such personal freedom. Outside the realms of work people were essentially free to make their own way, to an extent previously unknown to those embedded in the communal life of agrarian societies. This may well have reinforced a pluralist society in which working classes found a degree of autonomy in their lives for the first time and it was in this time that they chose to engage in the pursuit of pleasure. This was a period in which there appears to have been a significant difference between the middle and working class

views of leisure. The constraints of industrialisation focused the attention of all classes into a residual framework within which at least working class leisure was a mix of functionalism and freedom. On the one hand, however, the middle classes saw leisure as possessing the opportunity to perform a useful function for both the individual and society. On the other hand the working classes indulged in an apparently 'selfish' pursuit of pleasure. The result was the re-enforcement of class divides and identities, paradoxically opposite to the rationale recreation manifesto.

Whilst legislation, such as the Public Health Act of 1848, may be seen as representing the changes in reform at a national or parliamentary level, the extent to which this affected social policy at a local level is unknown. For example the results of the first election of local members, to a local board of health in the North East of England in 1850, shows many of the elected members to be the local industrialists and bankers. Two families, which were the industrial aristocracy of the town were still well represented prior to and after these changes. Whilst the 1848 Public Health Act had obvious effects in bringing a Local Health Board into being, the Municipal Corporations Act of 1835, which had been in place well over a decade at this point, would appear to have had little effect upon the social class background of those in power at a local level¹. In the same manner it would appear unclear as to whether the philanthropy of these families in public provision was an indication of their altruism or a social responsibility which they felt obliged to meet. Whilst such scepticism, of the motives of the middle classes, may be justified by reference to the chartist movement and the threat it represented to them. It must also be considered that rational recreation may have emerged as a result of a humanitarian sympathy with the working classes (Bailey, 1987). Whilst on the one hand this period could be said to represent one of control, it did on the other provide the working classes with access to a wider range of leisure opportunities that had previously been unavailable to them.

2.2.3 Developing the Welfare State 1900-1939

Whilst the previous half-century had seen some government activity in providing for social reform the emphasis was firmly one of control and mediation to the effects of industrial urbanisation and capitalism. To this point there still remained little to

suggest that justice was even on the agenda where leisure issues were concerned.

Whilst the issue of leisure equity or justice was not yet a consideration, the seeds for its future can retrospectively be seen. The 1905 Liberal government was probably the first to seriously embrace social reform. Supported by the emerging Labour Representation Committee (effectively what was to become the Labour Party) the government introduced a raft of social reforms including unemployment pay (1905 Unemployed Workers Act), school meals (1907) and, famously, the old age pension in 1908. This was a radical departure from the individualistic approach of the previous twenty years of Conservative rule. It was an approach which for the first time, recognised state intervention as both necessary and desirable and the individual as not being solely responsible for their social and economic position.

Whilst the early governments of the twentieth century are often seen as laying the foundations of the welfare state there is some value in looking behind the motives of such legislators as a heuristic exercise in understanding the status of leisure at this time. Firstly, the principle of 'welfarism', whilst evident in some significant pieces of legislation, was not wholeheartedly accepted as the future of social policy (Henry, 2001) and its motives reveal this. For example, the introduction of school meals was motivated by the need to promote the physical development of the youth for the sole intention of preparing them for military service (Howkins and Lowerson, 1979). In this sense the period had very little to offer in terms of welfare. So whilst such policies provide some evidence of engaging issues of leisure, the association would appear to be driven by other issues (for example health) on a relationship based on control and constraint rather than welfare. This leads to a conclusion that leisure was of marginal concern and that there exists little evidence to suggest that there was genuine interest in the provision, distribution or opportunity for recreational activities.

2.2.4 White Paper

Whilst leisure has had its own antecedents so too has justice. The notion of leisure justice emerged only at the point when the paths of leisure and justice found common ground and effectively collided. The common ground in this case would appear to be the concept of 'citizenship'. Citizenship as a moral principle of social justice sees

individual rights as central in enabling individuals to play a full role in society.

Whilst, therefore, the notion of social policy emerged within the antecedent line of social justice, its collision with the notion of leisure was driven to a large degree by the government White Paper of 1975 on Sport and Recreation.

It is from this juncture that the notion of leisure justice can really be perceived. Indeed it is from this date onwards that concepts of justice and leisure would appear to become embodied with each other. The literature would appear to support this. A growing body of work begins to make reference to the notion from this point on. The White Paper of 1975 played a significant role in bringing about the creation of local government leisure departments as we know them today. At the time local government was also undergoing re-organisation, which in many instances began a series of heavy spending on public leisure provision. These ingredients, of new rights to recreation and leisure provision and increasing financial resources would inevitable lead to a wider politicised debate as to the nature, scope and distribution of such services.

2.2.5 Theories of the state

In response to the above changes a number of theories of the state emerged that outlined essentially what role the state should play. A brief overview of the social administration approach, and its various forms, that emerged during the 1970' is given below and is intended to form the essential background against which the following section on political ideology is located.

2.2.5.1 *Social Administration*

The orientation of social administration in the 1970s is described as 'pragmatic' (Coalter, et al 1986). The approach is essentially concerned with the facts of welfare, adopting a social bookkeeping perspective. Social administration concentrated on data gathering in order to identify differences in the distribution of resources, and focused on administrative reform, through which it could be seen as having empathy with issues of justice. Mishra (1977, in Coalter, et al 1986: 14) suggests that such an approach often leads to what he/she describes as 'bureaucratic or reformist

existentialism' which is described as ignoring the structural and political constraints to solving social problems.

In order to delineate these issues, the values inherent within them need to be considered. Understanding the underpinning values will assist in assessing any concerns of justice. Overall the approach of social administration stems from a conception of rational reform and manifests itself in the need for reform against irrational administrative structures. This rationality, however, can be directed into the achievement of different outcomes depending upon the stance taken in the value debate between the role of the public sector as being either 'residual' or 'institutional'. This debate when regressed to an ideological level is concerned with the conflict between 'freedom and equality'.

Let us first examine the residual approach and whether as a system it prioritises justice concern. In order to do this it may be useful to further breakdown the approach and adopt the typology used by Coalter, et al (1986) based upon the work of George and Wilding (1976) i.e. that of anti-collectivists and reluctant collectivists theories. The anti-collectivist approach has a liberal, *laissez faire* market orientation. It sees the market as the dominating force for the distribution of goods and services. The role of the state under such an approach takes on a safety-net role for the very needy; defined as those people unable to play a full role in the market place. Such an approach, whilst recognising some degree of redistribution, essentially supports only a minimal involvement in the distribution of leisure. The result of this approach would be significant differences in the distribution of leisure services and goods between the 'haves' and the 'have nots', with only limited ability to improve anyone's position regardless of our interpretation of leisure.

Like all systems of distribution it therefore has winners and losers. Yet, whilst it may be considered to be an area of individual sovereignty and choice, the counter argument is often put that the poor can not choose (Coalter, 1986). For these reasons it is difficult to argue that a free and rational person, given the choice, would choose such a system for the distribution of desirable goods. The market is too strong and its ability to protect those who find themselves in the worse off positions too weak.

Within the two forms of the residual approach these weaknesses are to some degree improved upon in the second approach of reluctant collectivism. In this approach public provision is accepted as necessary, even desirable in order to work within the market as opposed to the anti-collectivists' view of being a necessary evil. Efforts are concerned, under this second view, within a mixed economy in which as Coalter, et al (1986: 15) puts it 'the private and public sectors are kept in proper balance'. From this point alone it is possible to interpret the reluctant collectivist position as a more acceptable or palatable choice; assuming that people would want more rather than less of the service. Compared to the anti-collectivist approach, the risk involved in being in a particularly bad position is somewhat reduced. Within this approach the private sector involvement would protect or provide a base level of opportunities which would be available to all, yet through the mixed economy would provide the mechanism or opportunity to be unequal. For those adopting this ideological position the private and public sectors must remain separate. Public provision which adopts market criteria in its management does not sustain this ideology. For example through the 1980s and 1990s the government through its policies on Compulsory Competitive Tendering, essentially fused the two sectors. Whilst subsidies were claimed to be protected, it still appeared to be more of an anti-collectivist position than a reluctant collectivist one. Intervention in different services is seen as variable when the reluctant collectivist approach is adopted. Roberts (1970) gives three conditions under which public sector intervention in leisure should be pursued: (i) where the supply of resources is finite; (ii) where leisure leads to other things i.e. health, social inclusion; finally, and probably most interestingly; (iii) in the pursuit of distributive justice.

This third criterion, the pursuit of distributive justice, is challenged by Coalter, et al (1986) on the basis that it is not a constant or static position, that may, given different interpretations, require the public sector to play a greater or lesser role. This challenge is important where an attempt to locate the principles of justice within a field of leisure policy is being made. Within the sphere of the social administration and specifically a residual, reluctant collectivist tradition, there would appear to be some truth in Roberts' claim to the pursuit of distributive justice as a reason for intervention.

If we take Coalter, et al's point, that the level of involvement is not static and assume a high level of involvement on this continuum, this could result in an open ended commitment to 'providing, subsidising and regulating leisure' (1986: 16). If, as suggested, we accept this point then the role of leisure must be considered as mis-placed within a 'residual' ideology that goes beyond the bounds and limits of what would be considered 'residual intervention'. The comments of Coalter, et al regarding the pursuit of distributive justice and its misplacement as 'residual' suggests that justice issues are better placed within an ideology which emphasises equality before freedom rather than vice versa. Within a social administration approach such an ideology is inherent in an 'institutional' approach.

An institutional approach to 'residual' thinking in social policy typically places equality before freedom. The argument is made (Coalter, et al 1986) that the residual priority of freedom is illusory and that the possibility of an unjust outcome is too high a risk, without the intervention of the state. Intervention of this nature would be characterised as permanent, widespread and an integral part of the system, rather than a safety net. Within this ideology, which can be described as a form of Fabian socialism, the recipients of provision are universal rather than selective and through which the preference for equality is seen. The rational approach to social policy, however, is not the only one. The next section considers social policy from a moral rather than rational underpinning.

2.2.5.2 Citizenship

Where Citizenship is emphasised in social policy it may be seen as having a moral rather than rational underpinning, the rights of individuals being central to this perspective. Coalter (1986: 16) quoting Mirsha (1977) gives a succinct insight into this perspective when he says:

social rights are concerned with equality of status in effective participation as a full member of society - the right to share to the full in the social heritage and life of a civilised being according to the standards prevailing in society.

Where citizenship is emphasised with social justice its association with moral theory and concerns with equality and social rights, may on face value, be considered high. Indeed leisure theorists who adopt an evolutionary approach to leisure see the extension of social rights as expanding and developing into spheres of leisure. Such a perspective was supported in the government White Paper of 1975 on Sport and Recreation, which extended, it could be argued, the rights of citizens when it stated that; 'in a society which enjoys substantial leisure time, the provision of recreational facilities is part of the general fabric of social services' (Department of Environment, 1975)

Rojek (1995) suggests that the domain of citizenship and leisure is problematic. Within the triadic concepts of citizenship (i.e. civil, political and social) Rojek suggests that equality fails in terms of its consideration of leisure. Inside the political sphere, rights of equality are well maintained as they are within the civil sphere. In obtaining this they create vast inequalities in the economic and social spheres. For the most part, although not in all cases, this is the sphere into which issues of leisure fall. Essentially it gives any individual certain rights, a base level upon which they may advance but which they will never fall below. Given Rojek's (1995) concerns over the reality of achieving these ambitions within the different spheres of citizenship, whether the lack of assurance on levels of economic and social being would be high enough to sustain its adoption is somewhat questionable.

2.2.5.3 *Dual state*

As explanations of welfare provision, social administration and citizenship theories provide motives for the state's involvement in leisure underpinned by rationality and morality respectively. What they are often accused of failing to do is to be as clear as they claim about the specific role the state should play in realising this provision (Coalter 1986). The dual state thesis attempts to address this by taking a more 'structuralist' approach that sees the purpose of social policy as setting out the state's role in supporting and sustaining social and economic institutions. The approach emphasises the different roles of central and local government from which the 'dual state' label results. The thesis identifies two functions, production and consumption,

which are assigned specifically to the central and local tiers of government respectively. The separation of functions between tiers acts as a way of defusing tensions that may emerge from pursuing these conflicting roles simultaneously.

Within this framework the structural needs of society and the state are the main concern. A dual role of production and consumption are employed simultaneously. The production function involves actions to ensure the continuation of the market. Consumption employs measures to minimise the social cost of capital production, not necessarily on welfare grounds, but rather to ensure a continued commitment to the market. These roles can often be in conflict with each other and in order to overcome these tensions they are placed within specific tiers of government; central and local.

This dual approach in placing issues of consumption with local government provides a framework within which leisure services can be located. Such services may be further defined as collective consumption, rather than individual, the consumption of goods provided on the basis of a non-market or artificially created criteria (see section 3.4 for a fuller account of how leisure services meet this criterion). One criticism of the dual state thesis is that it fails to recognise the pivotal role of the public sector professional evident in the homogeneity of consumption policies, including leisure, which manifest in widely different settings (Henry 2001). Whether this criticism is a valid one or not is something that the exploration of local justice may contribute to in clarifying the extent to which the distribution of goods is both good and location specific. The structuralist or dual state thesis suggests that the rationale for leisure provision is based upon the maintenance of capitalism and that the influence of political ideology is somewhat down graded. The next section discusses the significance of political ideology and its influence on social policy and justice.

2.3 Political Ideology, Social Policy and its capacity for Justice

The relationship between ideology and policy is complex but has clear implications for leisure provision. The purpose of this section is to demonstrate how leisure services and professionals are inextricably linked to politics. First the relationship between a range of political ideologies and the central state are explored. The

implications for central state leisure policy are then considered together with the implications for local authority leisure provision. Finally, the influences of ideological and political postures are worked through in relation to leisure professionals.

In a general sense the claim that leisure is politicised rests on the assumption that governments have a role to play in the distribution and redistribution of scarce resources. A concern of this thesis is the justness of decisions made within political institutions. Given the aspiration of political parties to be able to demonstrate clear ideological underpinnings the actions of both politicians and professionals could be seen as a function of political ideology.

2.3.1 Key ideological positions and their central and local implication for leisure.

The provision of leisure services in more contemporary times has emerged to reflect a range of political ideologies. Henry (2001) provides an typography of political ideologies, liberalism; traditional conservatism; socialism and New Labour politics which are helpful in framing the discussion. Each of these approaches is considered in more detail below both in terms of their general approach and their concern for issues of justice. This will provide an insight into the policies of contemporary governments, their overarching approach to social policy, its effect on leisure services and its implications for justice and fairness. These various categorisations should not be viewed as mutually exclusive approaches but more of a continuum of overlapping values and principles that determine policy mandates. The individual approaches are described below followed by an overview of there associated policy and justice implications within leisure.

Liberalism and new right politics reflect the political philosophy of writers such as Smith and Locke. Both belong to the contractual tradition and advocate an absolute minimum role for the state based upon beliefs that freedom and liberty take precedence over issues of justice and fairness. Later writers disagreed about how minimum a role the state should play. Rothbard (1978) arguing that if the liberty and freedom of individuals was to be fully achieved then the state should have no role

whatsoever to play in individuals lives. Individuals should be free to frame revise and rationally pursue their own ends unencumbered by the state. Nozick (1974), however, whilst supporting the general principles of individual freedom proposes a minimum state, rather than no state, that is required to protect and maintain individual rights to frame, revise and pursue their own conceptions of goods. In economics the writings of Friedman (1962) and Hayek (1946) to some degree paralleled the political philosophies of Nozick and Rothbard in as much as they too advocated a minimal roll for the state. Indeed, it was more so the writings of Friedman and Hayek that influenced the thinking of the Conservative administrations of 1979 to 1997.

From the late seventies the Conservative Government with a strong monetarist view began rolling back the 'welfare state' in line with this thinking. The 'new right' government of 1979 under Thatcher sought to restrict resources available to local government. Efficiency was the dominant leitmotif in a social policy framework which, according to Coalter et al's (1986) categorisation, was very much a social administration approach with the main aim of improving the efficiency of the system. For leisure this was epitomised by the introduction of Compulsory Competitive Tendering (CCT) in 1988. Specifically, the CCT legislation of the new right government could be located within a reluctant collectivist tradition of social administration. Matters of distribution were essentially left to the market, with the consequence of having winners and losers in an increasingly competitive marketplace. CCT did see many local authorities win their own contracts, thereby maintaining a greater involvement in the direct provision of leisure services. This represented a level of resistance from local government, who saw the residual role as more integral to public provision than the more laissez faire approach of public leisure services as a necessary evil.

Whilst leisure policy associated with the New Right or neo-liberalism is considered in the literature to be the direct result of drives for efficiency through reduced state intervention, it was also underpinned by the notion that state involvement, no matter how efficient, was unjust. Subsidies to unsustainable activity whether industries or social provision was seen as punishing those who didn't require state assistance, via the tax system. For Hayek, however, the very notion of social justice is chimerical

(Swift 2001) and state intervention in pursuit of it an undesirable infringement to personal liberties. Policies such as CCT, in this light, can be seen to be as much about a rolling back of state intervention and a reliance on the free market based upon specific notions of justice and fairness as they were about efficiency.

The ideology and policy that was found in New Right thinking was not what was traditionally conceived as 'Conservative'. The next section looks at the implications for leisure under Traditional or one nation Conservatism. Traditional conservative ideologies draw support from writers such as Hobbes (1968) and belong to a tradition which is supportive of moderate state intervention (Henry 2001). According to Scrutton (1980) Conservatism has at its core three principle values namely; tradition; authority and allegiance. Scrutton (1980) argues that the importance of tradition reflects an anti-utopian approach in which the wisdom and learning of the past receives great value. Policy changes are inevitably of a small or incremental nature where such values are adopted. Positions of power and hierarchical structures, for Conservatives, are inevitable and present no difficulties as they are likely to place more capable individuals in such position. Authority in this sense is perfectly acceptable although there is recognition that positions of advantage also carry obligations and responsibilities to the less capable or disadvantaged. It is through the proper use of such power or advantage that allegiance will be gained and stability to the social structure enhanced (Scrutton, 1980).

Where such values are adopted by governments, the outcomes in terms of leisure policy are likely to be a strong emphasis on activities which are seen to reflect the cultural heritage of the nation. The purpose of leisure policy for traditional Conservatives is one of the democratisation of culture in which high culture, mainly the arts, are promoted (Henry 2001). By contrast, the value of sport is very much to be found in the instilling of traditional virtues such as competitiveness, courage, leadership and respect for authority. Nevertheless, State support in this context for both sport and the arts is limited and is seen as potentially corrupting the virtue of the activity through their use to wider political ends.

Despite a significant change in the type of conservatism on offer between the Thatcher and Major administrations, the policy agendas of local government were not afforded the opportunity to re-appraise their agendas to the same extent. The 1997 change in administration brought the first noticeable change in policy priorities in this respect. The Labour Government of 1997, after 20 years of Conservative control, sought immediately to shift the emphasis of local government toward agendas with new leitmotifs: community, inclusion and social justice. The immediate effects of policy shifts of this administration brought a focus back onto local government as a service provider and with it an increasing interest in issues of social justice. Despite the Labour Party's historical association with socialism, its return to power in 1997 was predicated on an ideology somewhat removed from socialism as traditionally conceived. In this section some words on traditional socialism are given in order that its contrast to the consequent 'third way' of the New Labour administration may be better appreciated.

Socialism is often portrayed through its contrast with liberalism (Henry, 2001; Swift, 1999; Kymlica, 2002). Two main differences are commonly drawn to demonstrate the significance of the contrast: first, the priority of freedom over equity; and, secondly, the priority of the individual over community. Liberalism adopts the former position on each point while socialism adopts the latter.

In relation to equality, liberalism accepts that inequalities are an inevitable characteristic of society and that the socialist project of working towards their eradication is misplaced. While liberalism holds that any attempt to achieve equality is inevitably a restriction on individuals' freedom to pursue their own ends, socialists see freedom as only achievable through equal access to opportunities and resources. Secondly, for socialists the notion of public interest has a priority and are seen as essential in addressing inequalities within society.

Socialist ideology, when reflected within policy seeks at a general level to achieve equality via collective action. What this specifically means for individual policies, including leisure, is dependent upon the specific form of socialism adopted. In this sense socialism may be seen as presenting a more complex or heterogeneous ideology.

In deed, how collective action should be deployed has been the basis of significant debate within the Labour party itself (Henry 2001). The basis of this dichotomy is as follows: one aspect is the strategy that should be employed in terms of 'public ownership' while the other relates to the appropriate role of the state in achieving the socialist aims. These are represented by what can be traditionally conceived as revisionist, or Fabian and Fundamentalist socialism respectively. Whilst the former is based upon beliefs in mutual cooperation, equality and social justice, the latter is based on, or grows out of, a traditionalist Marxist analysis of class struggles. The differing foundations of these socialist positions are both, however, underpinned by egalitarian goals and share an opposition to a belief in the market. Revisionist and Fundamentalist socialism were characteristic of the Labour Party in the post war period and it was not until the eighties that a third approach emerged in the form of New Urban Left politics. This newer form of socialism was focused around providing socialist solutions at a local level (Henry, 2001) and was a direct response to both the failure of the post-war Labour governments to achieve socialist aims and the reductions in public spending enforced by the Conservatives (Henry, 2001).

Traditional socialist approaches of the post war era failed to return Labour to power over the 1980s and most of the 1990s. When Tony Blair took over the leadership in the mid 1990s he argued for a need to re-brand the party including establishing a new ideological underpinning. In defining the ideological position of New Labour for some (Henry, 2001) was more of an exercise in stating what it was not, rather than what it was. It was not socialism in the traditional self, high spending, high taxation, anti-market and inextricably linked to class based politics. The Labour Party effectively sought to establish a new ideology or set of principles based around the mid ground between the New Right market orientated individualism and the market controlling collective actions of the Old Left. Whether this approach can be fully construed as representing an ideology in itself has been questioned but this new stakeholder approach quickly earned its own label as 'the third way' (Henry, 2001).

This new approach demonstrates characteristics of political communitarianism (Etzioni, 1993) in which rights and responsibilities are held in balance within communities. This is a defining aspect. Leisure services under such a position were

supposed to reflect the core values of stake-holding, community and inclusiveness of New Labour. This was identified specifically as the undertaking of four core functions in this context namely: helping to establish stronger and more inclusive communities; promoting political profiles; acting as a tool for an economic development; and promoting national pride.

In terms of issues of justice the most noteworthy of these functions is the turn to inclusiveness rather than equality and the change in emphasis in the redistributive role of the state. Another significant influence on public leisure provision has been the delivery vehicles employed. In particular advocacy of the third sector, would appear to have accelerated the introduction of Charitable Trusts and maintained some level of interest from the commercial or private sector. Direct provision of services under New Labour has become increasingly challenged under the Best Value framework the implications of which, for both issues of justice and the role of professionals, are discussed at length in later sections.

The involvement of the 'third' sector in the provision of local authority services whilst forming part of New Labour's agenda for a rise in community governance (Stoker 1999) was to some degree a legacy of the New Right. Councils during the 1990s under the pressures of Compulsory Competitive Tendering and financial constraint had led to authorities re-defining their role in community leadership (Stoker 1999). One feature of this approach is the focus upon partnerships and partnership working. This involves not only the aspiration to 'joined-up' thinking through the creation of shared objectives but also to engage wider partners in the implementation of these common aims. For leisure services, trusts provided a convenient vehicle which delivered not only greater financial efficiency but also wider community governance aspirations of New Labour (Reid 2003). Trust organisations occupy a centre ground that conveniently allows provision through a third party agency that is neither completely commercially or government driven and provides a pragmatic management of a form desirable to supporters of the third way (Giddens 2002). Whilst ideologically very removed from the free market approach of competitive tendering the effect on leisure services was similar in the sense that the sector, including professionals and elected members, were faced with adapting themselves to a whole new way of working.

Whilst arguably not as radical as the impact of competitive tendering of the New Right, the 'third' way of New Labour, the ideology adopted by government shows a clear effect upon the nature and scope of leisure services. The specific implication for professionals is discussed in section 2.5.3 on contemporary relations in the locale of leisure services.

Political ideology in its adoption by government can have implications for leisure policy. How governments prioritise issues of freedom and equity can have implications on both a national and local level for public leisure services. The various ideologies outlined above have shown that what they demand of public leisure services (or do not in some instances) can vary not only in the use to which leisure services are put but also in relation to the skills and nature of the organisations charged with delivery. The next section considers specific work on issues of justice within the locale of public leisure services prior to looking at the implications for leisure professionals in the changing ideological context.

2.4 Research into justice in leisure

Research in the field of leisure services has primarily concerned itself with issues of efficiency and economy to the exclusion of equity and allocation (Coalter, 1998). In the United States, Crompton and Wicks first raised the issue of equity in leisure/recreation contexts (1986) and, based on the work of Laswell (1958), argued that there are two fundamental decisions involved in the delivery of leisure services: (i) who gets what; or who ought to get what; and (ii) when, where and how. The first of these may be seen to be driven by competing ethical, economical and political theories while the latter comprises issues pertaining more directly to the mechanics of delivery implementation.

Service allocation studies have been reported in the literature increasingly since the 1970s; most notably are those by Lineberry (1977) and Jones (1980). The main concern of these studies was with 'inequitable service allocation patterns' in relation to racial and economic discrimination. Lineberry's (1977) 'underclass hypothesis' was central to this work and in a similar way to other studies compared a unit of the

service (i.e. square metre of parkland within a service areas i.e. neighbourhood). The outcome of Lineberry's study was a set of five hypotheses which he used to explain the unequal distribution of services. Namely:

- (i) race preference;
- (ii) class preference;
- (iii) power elite hypothesis;
- (iv) ecological preference; and
- (v) decision rule preferences.

In their critique of Lineberry, Crompton and Wicks (1988) argue that an understanding of equity should precede an analysis of distribution, rather than follow it, as in Lineberry's approach. Such an approach facilitates a desired allocation pattern; a definition of leisure equity, which can then be juxtaposed against actual or prevailing service distributions. In order to do this Crompton and Wicks (1986) developed a number of equity concept models concerning what constituted fairness and equity in the allocation of park resources based upon the perceptions of both citizens and administrators. Specifically these models composed:

- (i) to those with the greatest need (socio economic factors);
- (ii) equally to each individual or unit of analysis;
- (iii) where fewest examples of service exist;
- (iv) where the service is most used;
- (v) where levels of citizen advocacy are greatest;
- (vi) to those who pay the greatest taxes;
- (vii) where fees cover cost; and
- (viii) where the cost of service provision is lowest.

The equity preferences put forward in the above works encompass a wide range of conceptualisations of equity. The selection of works in this section, particularly those of Crompton and Wicks, should be viewed as providing an overview of the equity conceptualisations specifically within leisure services. A range of general theories on justice are discussed later in Chapter 3.

As the interest in public leisure allocations grew, scholars' work began to focus on understanding issues of justice within the delivery process. Wicks and Crompton (1989) later work examined how equity issues could be incorporated into the planning process. They demonstrated how to incorporate these perceptions into the implementation model by conducting equity assessments among decision-making groups prior to establishing actual distribution. Whilst Wicks and Crompton in proposing an equity implementation model refer to how the normative distribution stage may be variable, they provide no insight into the mechanisms and processes which may lead to this variation through the selection of particular equity preferences. This is a key point and one which this work will directly address in future chapters. Crompton and Wicks have clearly demonstrated the variable nature of justice for public sector leisure provision, yet to date no attempt to ethically justify it has been made.

Wicks and Crompton (1989) offer five main causes of the rise in interest in equitable issues in the distribution of park and recreation services:

- (i) fiscal retrenchment;
- (ii) a rise in articulate groups,
- (iii) increasing sophistication in measurement techniques,
- (iv) increase in the number of models of service delivery considered appropriate; and
- (v) an increased possibility of legal action.

All of these issues are also of concern in examining equity issues in leisure services in the UK. The below comments show how the concerns raised by Wicks and Crompton (1989) are mirrored in the UK. Fiscal retrenchment in local government has focused political decision-making on non-statutory services and such services have had to work hard to maintain existing shares of the public purse (ACE Research Report 18, 1999). In such times the issue is moved from who gets what to one of who loses what

and the level of scrutiny applied to allocation decisions would be anticipated to increase.

Whilst leisure services have to a certain extent been protected from the full force of fiscal retrenchment that has taken place in the public sector, mainly through CCT, this has not been complete and many leisure services experience fiscal constraints and remain vulnerable due to the non-mandatory status of the service (ACE Research Report 18, 1999). The recent removal of CCT legislation has further exposed services to financial cuts on the same bases.

The number of articulate pressure groups who see the provision of leisure services as a vital component within a right to a quality of life is also increasing (Wicks and Crompton, 1989). The increasing sophistication of measurement techniques and the demands for public information also equips and empowers such groups. With the advent of government initiatives, such as 'best value', the allocation of services has become more overt and greater notice given to articulate groups in an increasing consultation environment.

Finally, the last ten years has also seen an increase in the number of models of service delivery considered appropriate. The introduction of CCT, a greater reliance on the private sector in service provision, and increasing necessity for partnership and innovative capital financing schemes, has also brought increasing concern over the distribution of services. The reduced reliance on public money in the delivery of services may also represent a loss of control over the distribution decision, which some people believe has resulted in a decline in welfare consideration within leisure services (Coalter, 1998).

The profile of equity issues would appear to have been raised over the last 5 years as a result of the issues described above. Whilst leisure or sports equity have become buzzwords within leisure services and resulted in the identification of target groups within leisure strategies and specialist publications by the Sports Council, there would appear little evidence to suggest that a concept of 'leisure equity' is strongly developed from a theoretically supported policy perspective. What is aimed at here is a general

understanding of the notion of social justice with regards to the allocation and distribution of public leisure services.

In explaining the conceptual basis of equity, Crompton and Wick (1986) propose two categories of service provided by governments (1) Public goods, such as defence, and (2) Social Welfare Services, which address disparities created by social and economic conditions and in which they consider leisure to fall. They also point to the importance of the equity decision for government, the 'who ought to get what' question as being critical in the role of public agencies who tend to be monopolistic in nature. As Lucy and Mladenka (1980: 11) comment, "equity will be more salient in periods of scarcity". Similarly, Wicks and Backman (1994) recognised that issues of social equity will grow in importance as urban conditions deteriorate. They support the idea that as the gap between the rich and poor widens, this will bring increasing pressure to bear on public decision makers in justifying service distribution patterns. This is particularly evident in the government's current Social Inclusion thinking and particularly the creation of the Social Exclusion Unit within the Cabinet Office and initiatives such as Policy Action Team 10.

2.5 Maturing leisure professionalism's role in justice

The political and ideological context of any organisation will have a significant influence on the style and nature of management employed within it. This in turn will influence the conception of, and capacity for, professionalisation within a given sector. While this thesis has as its main target issues of justice within the domain of public leisure services the findings, implications and consequences highlight the role of 'leisure professionals' as central to any proper understanding and development of justice issues within the sphere. In order to set the background to this debate some words on the development of the 'leisure professional' are necessary. Specifically, an understanding of the temporal phases and policy backgrounds which have led to the contemporary status of leisure professionals will be helpful in providing a context against which the roles assigned to the leisure professional in the conclusion of the thesis can be situated. This section will therefore be structured so as to give an account of the development of leisure management *through* a consideration of the changing relationship of professionals with government policy. Moreover, it will seek

to address how this relationship effects what constitutes professionalisation in leisure management. In doing so the work of Coalter (1998); Henry (2001); Houlihan (2001); Stoker (1999) and Hill (2005) are heavily relied on. Contemporary understandings of the leisure profession are then discussed and specific attention given to McNamee et al's (2001) 'autonomy-respectful paternalism' which is referenced in subsequent chapters. In both cases a general history of leisure management has been avoided in favour of a more specific reading as to how they relate to issues of justice. Finally in this section, contemporary relations between professionals, politicians and the public in the locale of leisure services are discussed.

2.5.1 Professionalism and leisure's strive to achieve it

The ongoing efforts to legitimise the role of professionals within public leisure services have not been easy. Since the late 1960s a series of change in government, and consequent ideology, and theories of the state have frequently altered the expected norms, values and goals of the leisure profession (Henry 2001). Stoker (1999) emphasises the service specific impact of these universal changes when he describes management change in local government as a "non-linear process that involves continuities between old and new' and which arecombined by different organisations into relatively stable and distinct 'management recipes'"(Stoker, 1999, p.37). There has also been policy and legislation that has been specific to, and had specific impact on, professionals working within the domain of public leisure service. These factors supply a historical framework to understand the development of a leisure profession which has heuristic value.

McNamee et al (2000) highlight the problematic notion of a 'leisure professional'. Pointing to the wide range of occupations that are engaged within the sector and the unclear notion of leisure itself (time, space activity etc) he questions that "anything so coherent as a profession" (2000, p199) could emerge from such confusion. The seeds of aspiration for professional status where, however, sown by the government in the mid 1970s, particularly through the establishment of 'citizen rights to leisure' embedded within the 1975 Government White Paper Sport and Recreation, and the impetus to combine a range of services into larger unified leisure departments given

by the Cobham Report (House of Lords Select Committee, 1973). The increasing interest in the role of leisure, and other services, as contributing to the social project, together with the establishment of larger service specific departments saw the emergence of a number of liberal-welfare semi-professionals (Hill, 2004). Whilst teachers, social workers, housing and planning officers were quick to establish their professional status, leisure was somewhat slower and failed to gain the status associated with other public services. Despite attempts to legitimise its position as a profession via training and qualification entry, the sector's ability to establish its status was no doubt affected by its inability to provide a single governing institution. The refusal of The Institute of Sport and Recreation Management, to merge with The Institute of Leisure and Amenity Management, and the resulting lack of an overall governing body weakened any claim to a 'leisure profession'.

Throughout the 1970s the emergence of a leisure profession, however weak, occurred and can best be illustrated from a Weberian perspective (Henry, 2001). When a range of specialist or technical tasks; horticulture; pool water treatment etc were merged the effect was similar to what Weber describes as rationality in industrialisation. Claims to professionalism gained momentum as occupational specialisation occurred and with it the demand for ever more specific knowledge. The emergent public professions (including leisure) quickly came under pressure from an increasingly welfare based ideology during the 1970s and an emphasis from government that reflected a more Marxist conception of professionalism.

During this period concerns that public provision was failing to meet the needs of the public and specifically those groups seen as disadvantaged resulted in a re-focusing of provision towards more community-centred approaches to recreation. Having just begun to establish itself as a profession, leisure management was already having its status called into question. While some may have hoped that such changes would herald a more central concern for justice within the emergent profession the early 1980s and ushered in the dawn of Thatcherism and its political and economic 'realism'. These headline banners were reified as the dominant influence on the sector and its neophyte professionals. The move to liberal and new right politics was to force severe budgetary pressures on leisure managers and ensure a focus on

maximising income. (Reid, 2003; Houlihan, 2001) The new era was contrary to policies that sought to reach the most disadvantaged in society but reflective of liberals free market ideology in which state intervention in sport and leisure was to be down graded. For leisure professionals this represented a changing relationship with both the general public and Elected Members. The citizenry or general public had, for leisure professionals, moved from being one of patronage or clientele to a more customer-orientated revenue provider. The resulting tension between equity and efficiency is one that still occupies debates on service provision today (Howell and McNamee, 2004). At this crucial stage in the development of a leisure profession Henry (2001) describes the situation as reflecting “what might be described as something of an identity crisis for the leisure profession” (Henry, 2001. p.155).

By the mid 1980s Thatcherism has taken a firm hold and the neutral role of the state which it advocated was undermining the liberal-welfare perception of the leisure professional. A strong free market ideology was applied to all policy areas including those affecting local government. The new role of leisure managers was increasingly focused toward the market and with it a strong requirement to develop and employ entrepreneurial dispositions. In a general sense this shift in economic and political culture represented another change in direction for the fledgling leisure profession. Previously coveted skills thought specific to leisure management were supplanted with universal generic skills which in themselves undermined the need for individual professions. This represented a technicisation of the profession rendering its very professional base problematic. From a policy perspective Compulsory Competitive Tendering (CCT) epitomised this approach and its eventual role out to include sport and leisure services was significant in changing the mind set of those working within the sector. The process of CCT also had the effect of splitting the existing profession in two; into clients and contractors. Whilst for some (McNamee et al, 2000), contract managers merely responded to customer demands and had no claim to professionalism, client officers involved in drawing up contracts and specification possibly had a greater claim. The economic pressures on authorities meant that financial performance was the main imperative. Needless to say the era was not supportive in further establishing leisure as a profession.

It can be seen, then, that the role of leisure professionals during the 1980s and early 1990s was focused on the efficiency agenda. As a result, professionals for the most part were not called upon to consider the concerns of, nor interventions on behalf of, the more disadvantaged in society. The free market ideology that underpinned the Thatcher era supported the notion that the only valuable leisure pursuits were those that people were willing to pay for. It was only with the repeal of CCT that any change to the commercial and entrepreneurial posturing of leisure professionals was to change and any greater concern for issues of justice shown.

2.5.2 The repeal of CCT and the introduction of transformational management.

The Local Government Act of 1999, two years after Labour came to power, repealed Compulsory Competitive Tendering. Its replacement, Best Value, whilst not an outright rejection of competitive management practices, was certainly a modification to the then prevailing management approach. The emphasis now switched to corporate goals that included aspirations of both a social and environmental nature as well as economic. Henry (2001) describes this approach as having the characteristics of 'transformational management' (Peters, 1993). This new approach placed emphasis upon empowerment, partnership, participation and communication (Henry 2001). Professional/member relationships moved once more back onto technical ground. The requirement to develop and interpret performance indicators, quality standards and assessment criteria had the effect of raising the perception of the value of leisure professionals from that diminution which had been experienced under CCT and where the 'bottom line' had been the main and dominant focus.

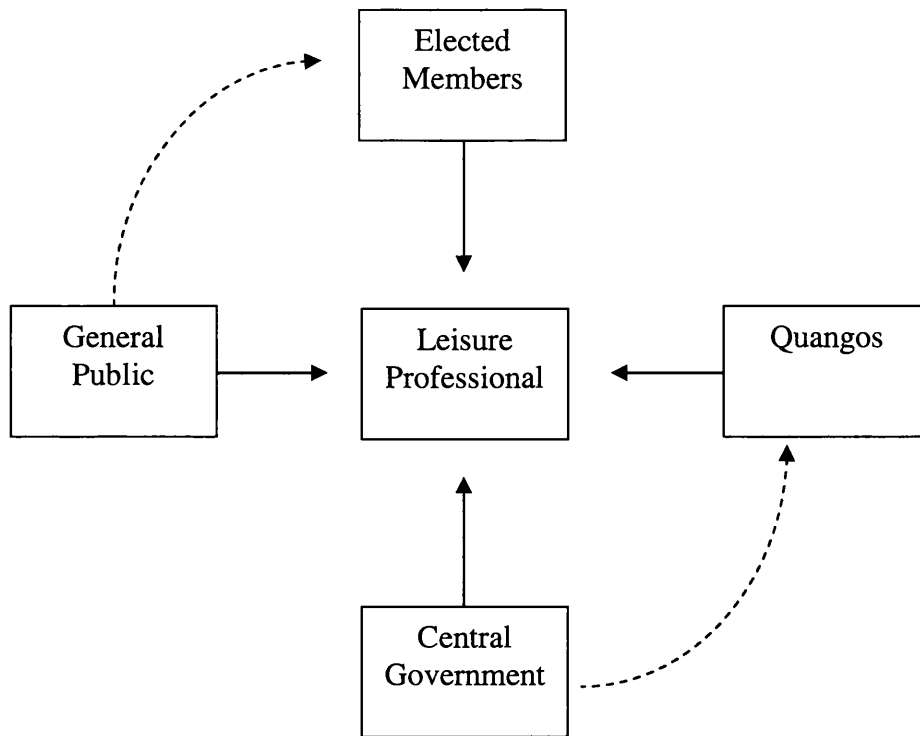


Fig 2.1 Influences upon Leisure Professionals

Under Best Value the contemporary leisure professional faces conflicts in an arena of both unclear and conflicting values from stakeholders involved in service provision (see Fig 2.1 above). Most leisure professionals currently work in an environment that attempts to promote open-ended political agendas, through policy directives such as social inclusion, and to aspire to do so within an environment of increasing fiscal retrenchment. Such conflict and confusion of values is not only between various policy directives but can quite often be encompassed within a single view. ‘Best Value’ stands as an exemplar to this confusion and demonstrates the lack of normative coherence upon which it is built. The 4C’s of ‘Best Value’ outline the guidance to professionals. First, to *compete* (for efficiency); to *consult* (to determine the needs of the whole community); to *compare* (with like services to achieve economies); and to *challenge* (why do you do it?), all at the same time presents leisure professionals with a multitude of values for interpretation into service delivery plans.

Whilst the consideration of conflicting values may at first hand appear to be a matter for strategic planners of leisure services, it must be dealt with on a day-to-day basis by

professionals operating services. The delivery of sports development services provides for a good example. Sports development services are often seen as epitomising the drive by local authorities to ensure social justice or equity in leisure. The aims and objectives of all sports development schemes incorporate the need to provide the opportunity for all residents to participate or take up sporting activities. It is also often the case that sports development schemes deliberately set out to target those people within the community who are least likely to obtain those opportunities without some form of support or assistance. The current Active Communities and Positive Futures schemes, promoted by Sport England, are indicative of this kind of work. If we locate these services within a context of fiscal retrenchment and efficiency, the dilemma is transparent.

In such a situation the leisure professional typically seeks to attract more people to participate in sports that require a subsidy, at the same time as seeking to reach target groups, who often have a resistance to participation. If leisure professionals seek simply to maximise participation levels, such groups would be unlikely to receive any attention. Indeed, where sports development becomes guided by values surrounding income generation and participation level such as efficiency issues, managers of such services will react by seeking the line of least resistance. This would entail the strategic targeting of existing participants to participate more or looking at groups who are on the fringe of participation and much more easy to reach and encourage into sport. Quite often this would mean white males with high levels of disposable income. This is not reflective of the equity values that are supposedly entrenched within the work of sports development.

Similarly, leisure managers face the same conflicts in the allocation and distribution of facilities with the effect that neither set of values are secured in the compromise. In considering the siting, for example, of new leisure facilities, a professional's role must critically include the mediation between conflicting interest groups in order to provide a range of appropriate sustainable services which match the needs of the community as closely as possible within the resources available. In public policy, this exemplifies the classic equity and efficiency dilemma. For example there may be considerable community and local political support for the provision of a new swimming pool

within an authority. The benefits to the community of providing such a facility are evident in terms of health-related benefits. Conversely, the provision of such a facility will have a significantly deleterious financial effect on the authority, to the consequent detriment of other services and facilities. The leisure professional again has a major role in such decisions, in their mediation between the values of the community and the benefits they see from the provision of such services and the apparent financial efficiency of the authority.

Such dilemmas do not always reduce to considerations of fairness. Often fiscal prudence and political will prevail. Yet still the leisure professional ought always to consider whether it is fair to deny community access to a swimming pool. Is it fair either to provide a swimming pool at the cost of other services? Whilst this can be seen as a value problem between equity and efficiency, it is surely no different to suggesting that there is a redistribution problem. What the leisure professional should seek to ask him or herself, is not whether additional resources from the provision of this facility exist in the local authority budget (as this fails to consider the wider distribution not only of leisure goods) but rather how such expenditure relates to other goods and services provided by the authority. It is also unlikely, in a period of fiscal retrenchment, that there would be a clear availability of such additional resources. If the professional is to mediate between these values, questions ought also to be raised as to the relative merits of alternative financial inputs. It is questionable whether the simplistic models of cost benefit analysis can be applied in situations of incommensurable goods and services.

The nature of these two questions is fundamentally different. The former question considers the marginal ability of an authority, which for the most part is unlikely to be available to provide the facility. The latter question asks what are the re-distributional consequences of providing the facility? It is only the latter question that ought properly to assist the leisure professional in mediating between both equity and efficiency. In such circumstances the professional has the opportunity to legitimise his or her role. It is all too easy for authorities and officers to aspire to new and prodigious facilities in order to satisfy national agendas or local political hubris. It is the proper role of the leisure professional in such circumstances to provide guiding insight into

whether the decision is not only feasible and efficient but to ensure that it embodies equity driven values too.

An understanding of values is therefore of great potential to leisure managers in mediating the equity and efficiency dilemma. These values are not an internal struggle for the leisure professional, but the inherent values of a wide range of stakeholders which must be meditated. An understanding of the procedures which manifest into justice values at a local level must assist the leisure professional's role in determining allocative practice. Whilst moral and political philosophy may have an heuristic value for leisure managers in this context, the predication of their practice within either a framework of universal or local justice has not been contested. Particularly, where conflicting values emerge, the leisure professional's ability to provide legitimacy and feasibility to allocation and distribution decisions can be a more cogent one where underpinned by an understanding of locally manifested values.

McNamee et al (2000a) discuss many of the above characteristics of public leisure services in conceptualising leisure professionalism and provide an account of the leisure professional as 'autonomy-respectful paternalism'. McNamee et al's characterisation provides a useful account of an ethically justified leisure professional that it is frequently referenced in subsequent chapters. In order to ensure the conceptualisation is fully understood a more detailed account of 'autonomy-respectful paternalism' is given below. The following section provides an account of leisure professionalism within this context and seeks to explain what at face value, may appear the philosophically conflicting ideas of autonomy and paternalism within the model.

McNamee et al (2000a) develop a philosophical account of the relationship that exists between the leisure profession, leisure management and its clientele. They characterise professional status as necessarily involving moral authority as well as technical expertise. Within their account the ambiguous nature of the term 'leisure professional' is highlighted and from which two issues emerge that draw into question the very possibility of a coherent profession for 'leisure services' and which require caution within this study. First, 'leisure' as a foundation to a profession is questioned.

In the introduction to this thesis reference was made in relation to the grouping leisure services and the reader cautioned as to the coherence of this under the idea of the scope of leisure services. It is the problematic notion of leisure itself that underpins this and similarly the related issue of leisure as a profession. Haywood et al (2002) provide a background to this when they provide a multi-faceted understanding of leisure as time, activity, function or freedom. Where the concept of leisure itself is unclear, McNamee et al (2000) suggest, the emergence of a profession – with its demands of coherence in nature and purposes - is understandably called into question. Secondly, to which occupations do we refer to when we categorise persons in the role of leisure professionals? A random list demonstrates the point; leisure attendants; sports development officers; directors of leisure; museum curators or theatre usherettes. The conceptualisation developed in response to these issues by McNamee et al (2000, 2001a and 2001b) provides a framework in which this study can be located and assists in defining a number of issues for the study.

In relation to those occupations which can make a legitimate claim to be part of the leisure profession McNamee et al cast doubt that those engaged in only operational management at the point of delivery could make such a claim where they are responding to market demands alone. Such a view rules out a number of occupations traditionally perceived as within the leisure profession; leisure centre managers and contract managers. In addition this also has implications in terms of the existing trend for alternative delivery vehicles such as trusts and the client or customer relations that are engendered within them (Reid, 2003). In adopting this view McNamee et al (2000) rely on an understanding of a professional context in which the customer is not always nor necessarily right in virtue of their status as fee-provider, and the professional is engaged in activities beyond the efficient responding to customers' demands. Such a context has clear paternalistic implication and is predicated on the idea that the customer is not right simply because they are the customer and that the leisure professional has knowledge, skills and experience to determine what is best for their client. This apparent authority is based on their appreciation of the nature and purposes of leisure activities which allows the leisure professional to discriminate among the various pursuits with respect to their value.

The nature of paternalism in this sense refers to the capacity of any individual or group with the power to act on others Kultgen (1991). Local authority leisure managers hold such a position. Whilst the requirements of leisure clients may not be as critical or potentially as significant as may be brought before other professionals (contrast leisure professionals authority with, for example, the life saving needs of those seeking the assistance of the medical profession) there are still a number of groups for whom leisure professionals may be perceived as shaping the means through which their quality of is enhanced. The very possibility of which results in the state acting under rule, on the basis of abstract descriptions such as 'family on welfare' or an individual person 'unemployed'. How such abstraction applies to leisure is unclear but instances may include 'people lacking opportunities to participate in sport' or 'the unhealthy' etc. Despite this lack of clarity two things are apparent: first that the state is not well placed to deal with the variable needs of individuals and secondly, that they must act at somewhat of a distance; be it geographic and/or temporal where they chose to intervene (Kultgen 1991). Two further related points arise from the above discussion. Exactly what is meant by *moral* authority? And is it the needs, wants or interests of clients which informs the notion of paternalism invoked. Prior to discussing these some words on the autonomy-respectful notion of professionalism is necessary.

An account precisely of how the notions of autonomy-respectful and paternalism can be accommodated in the same conceptual model needs to be given as they clearly contain ideas that are at conceptual odds with each other. Whilst the ideas of paternalism and autonomy appear polarised within professionalism they demonstrate a relationship beyond mere opposing positions. For example Dworkin (1983) argues that a justification of paternalism can only be given where it increases future autonomy, and similarly Kultgen (1991) claims that paternalism is more easily justified where professionals show an understanding of client's capacity to act autonomously in other circumstances. The two are thus not necessarily at odds with each other. Hence, paternalism may be autonomy respectful or autonomy disrespectful. Where it is claimed to be autonomy respectful, recognition is given to the capacity of individuals to determine and judge the value of actions for themselves rather than to unquestioningly accept an authority's view. In essence the image of

paternalism evoked is a soft one which allows for a degree of potentially reciprocal understanding (clients would come to hold the view were they better informed) and it is this autonomy which must be respected. A difficult notion within this view of autonomy-respectful paternalism is that of power to act. The professional's authority is determined by his/her power to consistently act in line with their beliefs. The next section sets out both the basis of this authority and the basis upon which intervention is underpinned.

2.5.3 Authority

Use of the expression 'moral authority' has been made above and is subsequently used throughout the thesis. A specific explanation of the term is necessary, since, depending on the interpretation made, the idea of moral authority may be highly contentious. Whilst the conceptualisation of a leisure professional developed is multifaceted, and essentially follows McNamee (2000, 2001), the idea of moral authority within it is seen as a necessary component in underpinning clients' trust in professionals. Such a position is predicated upon a paternalistic justification of the professional's role. The professional conceptualisation developed seeks to justify not only technical expertise but also moral authority. The account used here is not as it may be traditionally perceived and for some may involve neither traditional notions of authority or moral. Rather they are used in a specific way. In essence the conceptualisation employed is intended to contrast decisions that are underpinned by technical knowledge or skills. The idea of 'authority' represents, within the thesis, the power invested in individual professionals, by the local authority, to act upon their beliefs in the provision of public leisure services. The delegation of authority in this sense involves both full autonomy in the deployment of resources and decisions and the reliance and trust of professionals in advising elected members in making similar decisions. What it clearly cannot mean, given the earlier discussion on autonomy-respectful, is that professionals are capable of making decisions or judgements which are decisive for others. Leisure professionals may legitimately take judgements which narrow or widen opportunities, include or exclude individuals but it will be the exception for such decisions to settle the matter outright for individuals. The moral nature of this authority resides in the ethical ends, rather than efficient means, that guide the professional's actions. In this sense leisure professionals are empowered

with making judgements as to what are good or bad activities (contrast paedophilic activities with football). As such these decisions may be subject to moral evaluation. What is aspired to is authority which has a moral content. The distinction is drawn between the authority to make decisions that express good or bad ways of living and morally acceptable authority. Such a definition of moral authority could no doubt be contested and use of the expression here could be seen as overly strong. In the context of 'autonomy-respectful paternalism' discussed in 2.5.2, 'ethical trust' may better express the idea claimed here of a softer moral authority. The expression is, however, used elsewhere throughout the thesis but in all instances should be understood as defined above.

2.5.4 Needs, Wants and Interests

Whilst the general concept of leisure is widely used, specific conceptualisations are both complex and often misunderstood (Haywood et al, 2002). These misunderstandings and differences of interpretation emerge and are reflected in leisure policy. Given also that any leisure policy will be underpinned by what it is believed leisure can contribute to either individuals or communities by interventions of a greater or lesser degree, conceptual clarification is important to defining the notion of autonomy-respectful paternalism discussed above.

The importance of clear definitions of 'needs' 'wants' and 'interests' to leisure policy and professionals is given in Henry (2001a). Citing Giddens (1979), he supports the idea that paternalism in leisure professionals can only be justified where it facilitates individuals in their recognition of unconscious interests, or the means by which they may realise their wants. This approach makes assumptions that are relevant in the context of this study. Firstly, how this relates to the constitutive nature of public opinion raised later in the thesis is problematic. Where there is reliance on 'consciously acknowledged wants' these must be considered constitutive of the right answer to what principles of justice are correct for a particular society. The professionals' role, in these circumstances, is primarily one of determining individual or group 'wants', and responding by helping individuals realise the interests which will allow these to be achieved. This provides a justification for professionalism and paternalism within new right or neo-liberal thinking by inextricably linking

professional actions to notions of individual freedom and thus saves leisure manager's professional status from mere technicist managerialism. This position, however, provides no assistance to political conceptions that may place issues of justice or equity over issues of freedom and which seek to understand the internal logic of a good in determining and developing leisure policy. While for communitarians leisure 'interests' are the main concern, they are not necessarily seen as linked to individual 'wants'. Indeed, the communitarian project may seek to promote interests of citizens with the aspiration that they ultimately become wants rather than vice versa. This point calls into question quite how helpful Giddens' point is to the overall issue of justice and professionalism within and beyond public sector leisure.

2.5.5 Contemporary relations in the locale of public leisure services

Having positioned the leisure manager as the mediator of conflicting values, he or she is faced with two major influences on his or her ability to discharge this responsibility. The first of these is the organisational structure for decision making and in particular the political structure. Secondly, the mechanism of service delivery employed by the authority is likely to determine the role and scope of the leisure manager's position within the organisation and, to a degree, influence his or her ability to mediate on values.

In relation to political structure, the traditional committee systems previously found within most local authorities provides a very good example in that, they were typically representative of specific service interests i.e. community services, financial services etc. As decision making bodies they were therefore susceptible to dealing with single value issues. For example, a community or leisure based committee examining play services will undoubtedly focus on the level, nature and scope of provision. To often there little serious consideration to how any committee recommended action is related to the authority's wider desires, in particular how such services will directly link to the revenue, capital, and in some instances, corporate aspirations of the authority as these are dealt with by other committees. This effectively means that politicians, who also face conflicting demands for equity and efficiency from the electorate, are able to champion different values at different committees without any obvious contradiction

in their position. This often allowed the politician to support values of equity through say a leisure committee and values of efficiency through financial committees - ultimately the danger of isolating values in this manner is to exacerbate the equity and efficiency dilemma for the leisure professional. The modernising agenda of New Labour and the emergence of community governance (Stoker 2004) have radically altered member-officer-public relations through the introduction of partner working, cabinet and scrutiny panelⁱⁱⁱ arrangements and in some instances directly elected majors.

For leisure professionals the turn to community-accountable governance presents yet another shift in the underpinning rationale to their work. The direct delivery of services is no longer the main concern and is superseded by a concern for the well-being of the community (Stoker 1999). Partnering and consultation skills have become an increasing requirement of leisure professionals in developing and maintaining a local democratic discourse and ensuring community engagement. Whilst direct delivery may well represent 'best value' to some communities this is not necessarily the case and the extent and range of delivery vehicles, in particular the turn to trusts and the third sector, adopted by authorities are now more diverse than ever (Reid 2003). Under the government of New Labour, partnership working has grown in importance and radically changed the relationship that leisure professionals have both with their members, wider agencies, quangos and the communities they serve. The role of the leisure professional in this context becomes one of empowering others, social trustees acting as the stewards of a good just community (Houlihan 2001). Whilst an infrastructure has simultaneously emerged in support of this way of working, local strategic partnerships are a good example of this, the main concern within the thesis relates to the role and ability of leisure professionals to undertake a more community leading role and balance the demands of these various partners. In particular the increased requirement for community engagement is explored throughout the thesis in order to better understand the purposes, legitimacy and competency of public consultation in the locale of public leisure services. Stoker (1999) recognised the wide range of options open to authorities in applying innovative ways to involve the community whether through open forums, scrutiny committees,

citizen juries, or market research and so on. This research should assist in determining whether or not leisure professionals are properly fulfilling this role.

The delivery mechanism itself also has a significant role to play in shaping the leisure professional's ability to mediate on the conflicting values of equity and efficiency. Compulsory competitive tendering as a framework to delivering local authority services, moreover its associated focus on operating public services within a market-driven environment, have often led to professional only fulfilling and meeting expressed needs and demands.

One point that is often overlooked when discussing leisure management in the period 1982–2000 is that of the 'Client Officer'. The previously substantive claim to professionalism from Client Officers may now be under threat from the current trend of establishing charitable trusts for the delivery of sport and leisure services and with it a pivotal role in the mediation of the equity and efficiency dilemma. At least under CCT it may be claimed it was likely that the most senior member of leisure staff would be the Client Officer, with a clear overarching responsibility for leisure policy. Even where services were procured via CCT, they would have responsibility for, via the service specification, setting out the what, where and when parameters of the service and for which mediation of an autonomy, respectful-paternalism could be argued (McNamee, *et al.* 2000).

One noticeable effect of the establishment of charitable trusts is the decreased influence of the local authority provided by the delivery framework. Whether this will result in a general decline in claims to professionalism due to the erosion of most senior based leisure posts within local authorities or an increased claim to professional status from delivery agents, as the role and scope of such agents expands, is yet to be realised or debated. One thing that would appear certain is that the nature, role and scope of public sector leisure will continue to change and with it the role of its officers and agents. The need to mediate between these increasingly conflicting values of efficiency and equity may appear to strengthen the need for leisure professionals within the idea of a professional as autonomy respectful-paternalism. The industry itself would appear to mediate against the consolidating of a leisure profession as

service procurement methods shift once again. Where leisure trusts are forced to be overly financially focused and authorities depleted of senior leisure positions, a structure capable of mediating this apparent dilemma is unlikely to be provided.

Such concerns do not necessarily mean that members of leisure trusts are incapable of mediating the equity and efficiency dilemma. Indeed, trusts of various guises should be capable of mediating. In order to do so, however, such organisations must be invested with the ability to act paternalistically in autonomy respectful ways to fulfil people's leisure needs. For this to be facilitated not only do local authorities have to accept a certain loss of control over services, but such new organisations must break free from the previous mentality of competitive tendering and see the delivery of leisure services not as a simple financial transaction with the authority but something which is their underpinning *raison d'être*. Where managers within leisure trusts have roles which extend beyond the day-to-day operation and systems of delivery to concerns of policy and planning intervention for leisure this has potential. At worst the current trend for the establishment of leisure trusts should they not be vested with autonomy respectful-paternalism will do little to facilitate solutions to the equity and efficiency dilemma.

The history of transferring sport and leisure services to charitable trust status whilst yet to be fully debated, suggests a level of caution is required. There exist too many examples of trusts being established as a direct reaction to either competition from the private sector or in anticipation of the provision of financial savings from non-domestic rates and VAT position of trusts. Constructed within this context common practice has been to surgically remove the operational elements of the service, quite often the previous in-house contractor from the authority, and into a charitable trust of one guise or another. Such new organisations are too often left financially weak, not from a revenue point of view but from a reserves and balances position. Without the skills and expertise with which to take on an autonomy-respectful paternalistic role in determining the leisure needs of the areas they service; even where authorities are willing to invest such moral authority in them, they are unlikely to succeed. Their focus will undoubtedly become commercially focused within such a context. There exists, of course, some excellent examples where

none of these concerns have transpired in the establishment of charitable trusts; for the most part these have been set up with the primary focus of improving services and recognition from both parties of the need to both give and accept moral authority in the delivery of leisure services and opportunities.

Whilst the structure and nature of organisations remains of critical importance to the delivery of fair and just services and that many leisure organisations are structured in such a way that should allow for the mediation of the array of prevailing values within the domain or sphere within which the organisation operates. It remains certain that without a high level of awareness and recognition by professionals of the problem, solutions to the dilemma will not be forthcoming. What remains somewhat disappointing is that the general shape, form and direction of public leisure services, is not being driven or influenced to any great degree by attempts to reconcile the dilemma. Yet, there has been a significantly noticeable debate on equitable issues in the distribution of leisure services over the last decade, on a range of issues, all of which present redistribution problems and the need to balance equity and efficiency in service delivery. The interpretation of this debate into awareness, clear and considered actions and tasks by the profession, is what is now required.

Ultimately, the ability of leisure managers to bring solutions to the equity versus efficiency dilemma puts an onus on them to trade effectively in values. Whether such managers reside within local authority leisure departments, direct service organisations or charitable trusts, they require moral authority in order to be effective. It is only by investing leisure professionals with such moral authority that they can hope to resolve the many day-to-day operational issues highlighted. Where this is given and a rational ethical basis is cogent to those operating within it, only then will leisure professions be equipped with the tools with which to tackle the equity and efficiency dilemma. The next chapter seeks to contrast public leisure goods with a range of political conceptions of justice in order to determine the most appropriate way to think about such goods. The intention is to establish the foundations of an ethic for public leisure professionals that will assist them in delineating the value-ridden environment in which they currently operate.

CHAPTER 3

GLOBAL TO LOCAL: LEISURE AS A PROBLEM OF LOCAL JUSTICE

2.6 Structure and aim of the Chapter

The aim of this chapter is to move the debate onto more philosophical ground. The inadequacies of previous process models are used to highlight the potential contribution of providing an overarching theoretical framework that can be ethically justified. The variability of normative equity preferences provides a starting point to a debate on how public leisure goods 'ought' to be thought about. The nature of public leisure goods are compared and contrasted with a range of moral and political philosophies in order to determine the most appropriate way to think about these goods. The chapter draws heavily on the liberal and communitarian debate that has raged in political philosophy for the last twenty years as the basis on which public leisure goods as a problem of 'local justice' (Elster, 1992) are considered. The chapter also develops two joint authored papers undertaken by the author and McNamee (Howell and McNamee, 2003; Howell and McNamee, 2004). The aim is to reflect upon what constitutes the essential background to thinking about public leisure goods. The exercise is essentially a normative one which, whilst providing a more focused theoretical framework will raise many issues and questions that will need to be addresses in subsequent chapters.

2.7 The context of philosophical reflection on leisure justice

As discussed in the previous chapter, values have a significant role to play in determining actual distributions of public leisure goods. Where normative theory is considered continuous with practice these values must be understood as forming part of the delivery process. In attempting to bridge the theory-practice divide, Wicks and Crompton (1989) later work examined how equity issues could be incorporated into planning processes and provides a framework through which to articulate the bridge between theory and practice. The diagram below demonstrates how they incorporated equity perceptions, whatever they may be, into an implementation model by

conducting equity assessments among decision-making groups prior to establishing actual distribution:

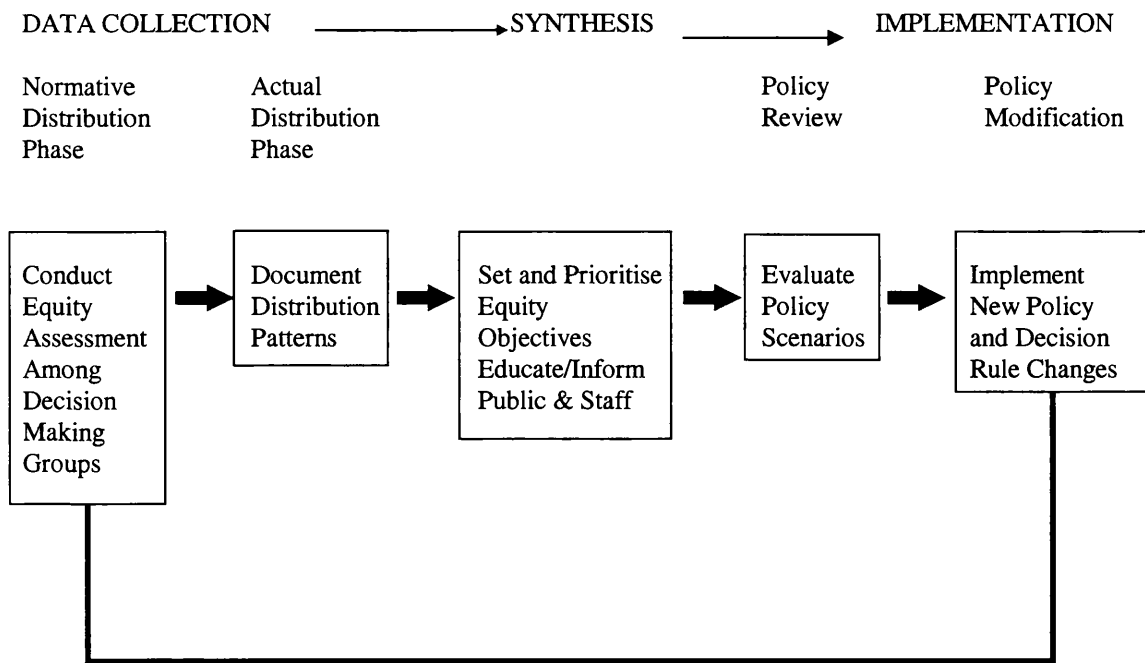


Fig 3.1: Equity Implementation Model (Wicks, B. and Crompton, J. 1989: 174)

The equity implementation model suggested by Wicks and Crompton (1989) above shows the various stages required to operationalise a desired distribution. The model coheres with the performance, monitoring and evaluation model given by Howell and Badmin (1996) for use in leisure management. Within this model Howell and Badmin argue for a process that identifies, (i) the basis of performance; (ii) what aspects of performance are to be measured; (iii) the need to monitor outcomes; and (iv) a review and action stage. What is inadequately represented in process models such as Wicks and Crompton's above, is the conflicting range of social, political and economic policies and issues in which they are situated and through which allocations are localised. Whilst Wicks and Crompton, in proposing an equity implementation model, refer to the variability of the normative distribution stage they provide no insight into the mechanisms and processes that may lead to this variation. The section below explores how the idea of 'local justice' may provide the framework to cast light upon these complex processes at a level that conjoins theory and practice in leisure professionalism.

2.8 Liberal and communitarian justice

Within Western or liberal individualism, the notion of universal justice is taken for granted. The idea that justice is owed equally to all goes largely unquestioned. Two towering figures in recent political philosophy are John Rawls and Michael Walzer. Respectively they represent key figures in the liberal-communitarian debate that has raged in moral and political philosophy for the last twenty years.

The apparent beauty of utilitarian thinking is that it provides a single framework within which dilemmas may be resolved in favour of the most efficient outcome based on a decision procedures that treat people impartially. What is sought is the greatest benefits to the greatest number of people in a way that caters for the needs and desires of those affected. What is required, then, is a system of accounting that informs professionals as to which options give best value. Two problems arise in this context: (i) can we really compare and calculate leisure outcomes; and (ii) whose good matters? These factors are often hidden in the apparent neutrality that cost-benefit analyses offer.

Whilst the democratic engagement of citizens may alter the processes of decision-making, the ethical system or theory employed may still predetermine the outcomes. As a legacy of paternalistic Victorian thinking, a model of leisure as 'rational recreation' diverting the masses from their licentious proclivities, emerged and became entrenched. 'New' leisure pursuits thus assuaged potentially self- and socially-destructive behaviours. This policy was still prominent in the 1960s and was evidenced in the provision of leisure centres that focused social action in pre-appointed spaces where (for example) youths could be monitored and directed. Against this state paternalism the 'community practice' or 'community development' model (Butcher, 1994) of leisure provision, consistent with broader social trends, revised our picture of paternalistic attitudes to state leisure provision toward an enabling and facilitating characterisation of the leisure professional. What it did not affect, however, was the justification of leisure interventions themselves.

While embracing the principles of decentralisation and devolved management and increasing public participation in the decision making process a range of related questions were left unclear. Upon what knowledge were decisions made in this apparently democratic model? How were interest groups kept in check? How does such a model consider the needs and welfare of all relevant parties? A thoroughgoing utilitarian must be committed to identifying and making more informed the desires of the relevant population under consideration rather than assuming such knowledge or being inappropriately swayed by minority or other interest groups. These problems, well known to students of utilitarian thinking more generally, merely become dressed up in leisure clothing here. It is important to note that these theoretical criticisms bite hard on professional practice.

A further problem for a utilitarian leisure professional emerged to challenge and compare their strategies and methods of provision in the policy of Best Value, is that of aggregating individual utilities into some overall measure of social utility. This not only presupposes comparability across goods but also presupposes comparability across people. How can the leisure professional decide whether what one person has lost is more or less, than another person has gained in consequence of a particular action? As utility refers essentially to private states, taking a utility measure would require detailed knowledge of client preferences or committing the leisure policy makers to massive data collection enterprises in order to reveal those preferences.

In the political liberalism of John Rawls we find a philosophical device, 'the veil of ignorance', through which he attempted rationally to secure tolerance of religious and cultural diversity while avoiding caprice and ensuring equality of opportunity in modern pluralist societies. It is, he originally claimed, a model for all rational beings to follow. Some clarification is required here. It is well known that when Rawls wrote his *A Theory of Justice* he originally claimed that the work provided a metaphysical basis for the ordering of all just societies. Guided by the spirit of rationalism, his scheme set out to provide a system of justice based upon a minimal set of fundamental axioms rather as a scientist aims at a parsimonious collection of principles, or laws, from which specific particulars can be deduced. In attempting to derive a position in

which rational persons can all assent, and one which avoids all bias or caprice, Rawls sets out an 'Original Position'. The purpose of this position is to ensure a just starting position for persons reasoning about a justly ordered society. In the Original Position, individuals acting rationally in pursuit of their own interests must be ignorant of their own characteristics, abilities and situation. Only under the conditions of the Original Position could one rationally and fairly decide the basic principles of justice. Thus Rawls sets out his principles:

1. Each person to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all;
2. Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity

(Rawls, 1972: 302).

Commentaries critical and supportive of Rawls are legion (Daniels, 1978; Kukathas and Pettit, 1990). But it is not so much the detail but the spirit of the theory that is of interest here. Having been subjected to extensive criticism about the rationalist conception of agency entailed, the normative philosophical anthropology (all rational persons appeared to be reduced into prudent choosers – the kind often presupposed in classical economics), it was the rationalist spirit of the entire enterprise that troubled moral and political communitarians. Rawls was later forced to abandon his metaphysical claims that the theory of justice provided a rational framework for all just societies and went on to make the more circumspect claim that his account exemplified liberal political commitments and did not therefore represent a metaphysical picture of justice. On this point Mulhall and Swift (1992: 12) write:

But if, on the other hand, the point, for Rawls, is not so much that it is true as people believe it, that it is something to which people can agree despite their other differences, then the conception of the person enters the theory not as a substantive moral claim about what is important about people (whether

restricted in scope or not) but as an empirical sociological claim about the beliefs of the citizenry of certain societies.

Mulhall and Swift's remark draws attention to questions of the nature and purposes of philosophy generally and moral and political philosophy more specifically. Many rationalist authors such as Rawls seek to develop their theoretical systems by leaving the cave to be 'Citizens of Nowhere in Particular'. Like the natural scientist, they seek the view of the world from nowhere in particular within it. In deep contrast, philosophers like Walzer have argued for critical possibilities from within a particular place and time. Parodying the rationalist aim of ideological neutrality in proposing our political theories, a view of the world from nowhere in particular within it, he writes:

The truths he seeks are universal and eternal, and it is unlikely that they can be found from inside any real and historic community. Hence the philosopher's withdrawal; he must deny himself the assurances of the commonplace (...). To what sort of place, then, does he withdraw. Most often, today, he constructs for himself (...) an ideal commonwealth, inhabited by beings who have none of the particular characteristics and none of the opinions and commitments of his former fellow-citizens. He imagines a perfect meeting in an 'original position' or ideal 'speech situation'

(Walzer, 1981: 388-9)

What is aimed at here is praiseworthy beyond the particular theory of justice Rawls proposed. It is, namely, that one seeks to develop policies for the just distribution of the basic goods of a society. There is nothing exceptional in that of course. The very idea of a project, however, that sets out to define justice asocially and ahistorically is itself problematic. The content of such a theory, which aspires to appeal to all persons in all places at all times, would be extremely thin. All that would remain are the freedoms of individuals, unencumbered by what for liberals are the unnecessarily restrictive burdens of a thick theory. The contents of a thin theory though minimal remain, for liberals, sufficiently adequate in allowing individuals to frame, revise and rationally pursue their own conceptions of the good. Walzer's position, by contrast, adopts an altogether different stance. What we are to think of as justice will vary

according to the good or sphere at hand. So justice in education, health, social services and so on may properly differ since their goods (knowledge, health, welfare) are different in kind. Elster's account of local justice (1992) is an attempt to recognise heterogeneity of treatment without recourse to a naïve cultural pluralism where anything goes. It is both an attempt to give serious empirical content to necessarily abstracted theories about justice while giving them a rational or principled basis. These ideas are developed further in the context of just leisure policies in section 3.4 below.

2.4 Local leisure justice

In Elster's scheme a conceptual distinction is drawn between justice and fairness or equity. Since the Rawlsian thesis is precisely that of 'justice as fairness' and that people commonly refer to social justice as equity, a few brief exegetical remarks are in order. Critics of utilitarianism often point out that it is too much concerned with efficiency and too little with justice (in leisure contexts see, for example, McNamee *et al.* 2001a). Elster's conceptualisation, whilst possessing some characteristics of the utilitarian view also has many differences. For Elster the term 'justice' may be applied in cases that include the allocation of scarce goods in order to maximise (or minimise in the case of burdens) an aggregated features of the community. Where this feature happens to be utility, it does not prevent it being considered as a case of 'justice' in Elster's sense, despite concerns that this is more to do with efficiency than justice. Elster, however, does draw a distinction by singling out cases for which efficiency is not a consideration and by applying the terms equity and fairness interchangeably. Clearly, in circumstances for which efficiency is not the concern this takes Elster's use of justice beyond utilitarianism. The concept of justice is reserved, therefore, for cases in which a good is to be distributed justly – though that does not specify a particular mode of distribution nor pattern to be achieved by it. As Elster puts it:

I shall use the term 'justice' in a broad sense that includes the allocation of scarce goods for the purpose of maximising some aggregate of features of the recipients or, more generally, of all citizens

(Elster, 1992: 6).

In addition, it is clear that by 'local' Elster is not merely alluding to geographical differentia. Rather, he takes local merely to indicate the fact that institutions in different spheres as a matter of fact operate with different principles of allocation. So, arising from previous studies, Elster shows how in certain places access to higher education is based on a lottery; personal dependents (representing need) are the criterion by which employment lay-offs are determined and so on. These schemes comprise, then, a locality that may be either good-specific and/or geographically specific.

Nevertheless, the contrast between local and global justice is deeper. Universal or global justice can be demarcated by three characteristics:

- (i) they are centrally planned;
- (ii) they are compensatory; and
- (iii) they typically take a monetary form

(Elster, 1992: 4).

Local justice can be seen to operate within:

- (i) relatively autonomous institutions;
- (ii) that are not exclusively compensatory (nor even dominantly so); and
- (iii) for which the good/service to be distributed is not monetary in form.

For leisure services this potential characterisation poses two problems. First, we are forced to ask 'precisely what is the nature of the goods and burdens that are to be allocated *qua* leisure?', and, secondly, 'what are the variable patterns of service allocation that exist in public sector leisure provision within its quasi-autonomous institutional status?'

Let us assume that, in Elster's model, the good that public leisure represents refers to service 'outputs' rather than 'outcomes', where 'outputs' are seen as tangible services or physical assets, such as the number of parks, swimming pools, coaching courses or

arts performances, and 'outcomes' consider directly who got what benefit from the service. This may be at an abstract level of enjoyment or social interaction or a more basic one of participation. Essentially, in committing a resource an authority may see for example, an output of three theatres with a subsequent outcome of one hundred thousand people engaging in an arts experienceⁱⁱⁱ. In this context, 'leisure outputs' refer to tangible service items, such as the number and type of facilities; the number of swimming pools or theatres provided and so on. Leisure outcomes refer to the achievements gained, often as a result of the output, such as the contribution made to wider corporate objectives such as making the community a safer or healthier place or the sustainability of the environment or economy. The distinction here may appear obscure but is nonetheless important when considering the characteristics of the good that is being distributed as it is unlikely that the same characterisation would be derived from the use of outcomes.

The second component requires greater consideration as it is the issue to which we seek the assistance of 'local justice' to delineate. Such assistance is not however to be sought in the discovery of a *theory* of local justice. As Elster points out:

I do not think the study of local justice will ever yield much by way of robust generalisations.... (but) a list of allocative principles together with a repertoire of mechanisms that can lead to their adoption.

(Elster, 1992: 15-16)

According to Elster, allocation issues may be classified by the presence or absence of three characteristics, namely, *scarcity*, *indivisibility* and *homogeneity*. In order to gain an insight into variable service allocation there is some value in considering leisure services in relation to these characteristics.

First, 'scarcity' may be viewed as the inability of a good to reach satiation. This characterisation can be further divided into natural or artificial scarcity (see below) in order to illuminate the relationship the good has with the market. Leisure services would appear to be a case of artificial scarcity as governments (central or local) could, if they desired, make greater or lesser services available according to their will. This

would be difficult in practice as it raises the issues of defining leisure and determining the role and scope of services. Whether this revolves around the illuminating of the benefits and burdens provided by leisure or simply defining the scope of service outputs, theoretically it would seem feasible to provide services to all. Presently, however, neither central government through its legislating powers, nor local government through its discretionary ability, chooses to do so. Under these conditions scarcity is thereby created.

Artificial scarcity is chosen over both natural and quasi-natural scarcity despite it being possible to construct arguments that aspects of leisure could be associated with either. Natural scarcity occurs when there is nothing that anyone can do to increase the supply of the good (i.e. the valuable service or commodity at hand). Examples include natural resources such as mountains, lakes or other environments that are required for different leisure practices. Other non-natural leisure resources would include Monet paintings and Jane Austin novels. Quasi-natural scarcity arises when the point of satiation could be met but only through the un-coerced actions of citizens. In the context of leisure it could be claimed that one-off events and performances such as galas, cup finals and arts performances are discrete, specific events that cannot be repeated and therefore are naturally scarce. Alternatively, through the powers of democracy it is feasible that governments could be forced to provide leisure services to the point of satiation and it could therefore be seen as a quasi-naturally scarce good. These links would appear somewhat tenuous and merely serve to strengthen the case for conceptualising leisure services as exemplars or instances of artificial scarcity.

Secondly, a good may be considered 'indivisible' if it is impossible for more than one person to receive it. Elster cites procreation and adoption rights as obvious examples of goods for which it would be impossible to imagine the divisibility of the good at hand. Whether the goods and burden provided by public leisure services are divisible or not, is a crucial question in determining the potential of local justice to be captured in variable service allocation. In considering the issues of divisibility it must be asked whether or not division of the good in question would 'virtually destroy its value?' (Elster, 1992: 22). The availability of hearts for transplant are indivisible units, as half or a quarter of a heart is useless. How this applies to leisure is not immediately

obvious. Where we consider service *outputs*, as the unit of allocation (i.e. number of pools, theatres or acres of open space) divisibility, as a function of its use to residents, is likely to remain fairly constant over initial divisions before reducing to the point at which they become useless. Essentially, utility could be maintained over initial divisions, the marginal utility loss would increase with each subsequent division to a point where utility becomes zero and any value destroyed. An authority could choose to provide one large facility or a number of smaller ones. For many leisure facilities, division would result either in a serious compromise to service objectives or indeed prove impossible, (due to costs not being directly proportionate to the size of unit, long before utility becomes zero). Overall leisure services are felt to be divisible, as the size, scale and number of services presents real options for service providers and although it is recognised that division is not possible to the n^{th} degree, division decisions form a central role for leisure managers in the allocation of resources.

This leads us to the third and final problem of 'homogeneity'. How alike or indistinguishable are units of the same good if they are indivisible or similar sized units if they are divisible. There would appear to be scope for the argument that leisure services are heterogeneous. Leisure managers are faced with a wide range of facilities and services to promote. The currency must be one in which comparisons may be made^{iv}. It is often assumed that a unit of theatre is clearly distinguishable from a unit of open space; likewise a unit of museum from a unit of tennis court, and so forth. Such an argument may however be less convincing should outcomes be adopted rather than outputs as the basis of allocation. If the inherent enjoyment of the activity or the level of it, is taken to be the unit of good (i.e. its worth or value), it would not be as easy to distinguish between goods derived from theatre or tennis: (although it is suggested that this would not be impossible.) On this basis, where 'local justice' is to be used as the framework for considering allocation decisions, the service must be considered holistically; a collective resource which is finite and can be deployed on a vast array of goods. Where individual sectors, such as theatres, play grounds, sports centres and so on are viewed in isolation, the heterogeneous quality of the good is compromised. Again, this crucially relates to how we conceptualise leisure and although in this instance service outputs have been assumed as the unit of allocation, this is a point to which further consideration than can be offered here needs to be

given.^vThat said, it is on the basis of service outputs that this discussion proceeds in order to focus on the character of leisure goods. For this purpose three dichotomies identified by Elster (1992: 23-4), yield eight possible types of good (only five of which are observable)^{vi} that we shall use to characterise leisure services. Essentially, goods may be classified as one of the following:

1. scarce, indivisible and homogeneous;
2. scarce, indivisible and heterogeneous;
3. scarce, divisible and homogeneous;
4. scarce, indefinitely divisible and yet heterogeneous;
5. non-scarce, indivisible and heterogeneous.

Cases of local justice are strictly speaking only to be found in the presence of scarcity and heterogeneity. It is from these possible cases that leisure services are seen as being an *artificially scarce, divisible and heterogeneous good*. Leisure services are limited in quantity and variable in nature and quality. Elster assumes that there is either enough scarcity or heterogeneity to create a conflict of interest in any of the five cases and therefore to present a problem of allocation. For leisure services, conflict exists regarding the allocation patterns of leisure services; (who receives which services?), and in relation to the type of leisure service (parks, pools, sports coaching, theatre) that are to be delivered. This suggests that the ‘who gets what?’ question of allocation is a pressing one for leisure professionals and as such the conflict has to be resolved by a procedure that matches goods with recipients. Thus, it is concluded that, leisure services presents a problem apt to be conceptualised as requiring ‘local justice’.

It should be noted that the typology above is not inert or merely analytical. On the contrary, Elster argues, a number of procedures for allocation arise naturally from the above typology. These procedures consist in a particular concept or allocation principle, combined with a specific mechanism or set of criteria. ‘*Selection*’, ‘*admission*’ and ‘*placement*’ are the paradigms suggested: in cases of *selection*, one compares individuals against each other on a ranked basis; in *admission* cases, thresholds act as the gateway to allocation; and in cases of *placement*, agencies seek to ensure everyone receives some unit of the good; which by definition can only apply to

non-scarce, heterogeneous goods. In exploring the value of 'local justice' an initial task would be to consider the fit of leisure services to the paradigmatic cases proposed by Elster. In the first instance, this provides insight into whether leisure services can properly be called *goods* as opposed to say leisure experiences or leisure time-slices (as they are often conceptualised) and depending upon the degree of exclusiveness of the principle or principles that operate within a leisure service environment the specific nature proposed. Secondly, it may illuminate *goods* and *geographical* differences, both of which will establish a platform for understanding procedures or principles in the allocation of leisure services. Having drawn the conclusion that leisure services would appear to distribute a scarce, divisible and heterogeneous good, we can tentatively suggest the possible allocative procedures or principles which flow from this characterisation and consider how this may differ from contemporary policy.

Following Elster, the concept of 'placement' may be disregarded as a possible principle of allocation on the basis that it regulates only non-scarce, heterogeneous goods. Whilst leisure services have typically been considered a heterogeneous good, our earlier argument suggests that it is also a scarce good. If this is the case then it is impossible to ensure that every individual receives some share. This is a particularly interesting proposition when we consider notions of social inclusion policies that are integral to many leisure policies at both local and national levels. So whilst, policy may aspire to inclusiveness their achievement would appear to be thwarted without a comparative commitment to resourcing the aim and without which the good will remain scarce. Consider the following example. In developing an equitable admissions procedure for higher education, by comparing individuals against an absolute threshold, we offer goods to all those, and only those, who exceed the threshold. This again would appear inappropriate for leisure services, but examples of which can be given. Take for example the current Golf Federation courses being offered through many municipal golf facilities, in which free coaching courses are available to youths who have neither played golf before nor are a member of a golf club. Clearly, the procedure here is one of admission although a first come, first serve mechanism which will limit admission in cases of excessive demand.

Examples of allocation practices can also be given for the third form of procedure, selection. Unlike admission, selection operates on a basis of comparison; commonly a ranking process is used by which allocation is made to the point where the good is exhausted. Physical services or facilities are often allocated in this manner. Close examination of any District Council Play Strategy is likely to reveal a criterion on which the authority will select a number of political wards or communities to receive such facilities and based on the scarce number available the highest (or lowest) scores are taken; poverty indicators, number of children within catchments and transportation availability being examples of the typical criteria.

It can be seen from the brief examples above that a range of procedures may exist for the allocation of leisure services in terms of both selection *and* admission. And it is reasonable to assume that each of these policies and attendant procedures will be thought of as equity-based without a clear rationale. It is a worthwhile job, then, simply to chart the varieties of these equity-based policy differences. Moreover, it is reasonable to assume also that these are based upon a wide combination of the five pure principles given earlier, of which all are common rhetoric within leisure policy documentation. Elster suggests that mixed systems form the majority of cases and so it would appear is the case for leisure services. However, if the heuristic value of local justice is to be fully appreciated further research will be necessary in order to identify more specific mechanisms and criteria for the allocation and distribution of leisure services. Even where clear equity rationales are set out explicitly in terms of selection and admission principles and processes, the question of consultation still remains for public sector professionals. To this question attention I now turn.

To what extent does good leisure policy making depend on how the public themselves understand the good (i.e. the nature and value) of leisure services? Are their understandings necessarily to be entertained in all 'legitimate' policy processes? Or are the views of the public merely to be courted to give pragmatic consensus?

Determining the procedures for allocative practices in part requires an appreciation of what might be termed 'common understandings' of the goods and services that are the object of the allocative scheme. Here Elster moves some way to taking on board Walzer's thesis that justice is sphere-specific. One must understand the particular

cultural sphere (e.g. art, education or nursing) from the inside in order to advance contextually sensitive modes of justice. This raises the thorny issue of interests and paternalism; who knows best what is in the nature and interests of activities such as soccer, painting, mountain biking, television watching, or wine tasting? Whilst survey data may illuminate the causal effects of both allocative practice and common understandings, it does not provide an automatic case for their endorsement. Where political theory is seen as providing valid and defensible schemes or reasons why people should accept given conceptions of justice, the constitutive role assigned to common understandings of a good or service and the scheme for its distribution partly determines the extent to which local justice can illuminate issues of leisure justice.

The theoretical commitments of a liberal philosophy can become somewhat problematic where issues of leisure justice are seen as the democratic will of citizens, represented by common understandings. Nevertheless, democratic concerns do not demand the right decisions from an unprejudiced vantage point, but rather the making of decisions that embody the will of the citizenry. This debate is somewhat indicative of the democratic argument made by communitarians against the global liberal view of justice defended, in particular, by Rawls (1972). The liberal argument, taken in the context of leisure justice, supports the constitutive role of the public's views of leisure (hereafter 'public opinion') in yielding allocative decisions and policy needs.

In considering further the argument for and against the recognition of common understandings, some assistance may be gained from an appreciation of the debate for and against 'methodological abstraction' in deriving principles of justice. This is the debate between universalism and particularism, liberalism and communitarianism as advocated by the political theorists Rawls (1972) and Walzer respectively (1983). Walzer's position is one that supports the use of common understandings as constitutive of the methodology by which political theory and policy ought to be derived. Mulhall's critique elicits this point when he says

The essence of Walzer's argument may be had from his claim that 'different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and all these differences derive from

different understandings of the social goods themselves - the inevitable product of historical and cultural particularism'

(1992: 127).

A Walzerian position, then, is one in which the values, perceptions and images of a particular good in a particular place need to be considered in the production of political theory and policy. This is a substantially different position to that found in Rawls 'Original Position' which aspires to abstraction, where we are to imagine ourselves as citizens of nowhere in particular in order to rationally decide the principles of justice. The extent to which stakeholders' views of a specific good in a particular community are constituted into policy (in this case leisure policy) is dependant upon the position taken by those charged with policy formulation. Indeed, this may provide some explanation as to the conflict that exists between local and national policies for leisure (Henry, 2001). The conception of justice embodied within national policy will on occasion prove incongruous with recipients' or deliverers' understandings or conception of justice.

There are, therefore, issues not merely of professionalism at play here but necessarily also of individual freedoms and state paternalism. To what extent are philosophers or politicians to be thought of as the experts? Is the notion of a leisure expert itself meaningless when the concept is itself so contested? (Henry, 1993; McNamee *et al.*, 2000) As Swift points out:

the reason for a belief and its causal origins are different in kind, and it seems open to the normative philosopher to argue, nothing to do with the explanation of why someone holds a particular concept of justice tells for or against that conception's being morally justified.

(Swift, 1999: 340)

Would it be better to consider information about the proportion of people within a practice who believe services should be provided, say, only to areas suffering high degrees of poverty, as relevant to the formulation of a policy of leisure justice? For as Elster states - if such statistical data were relevant, the idea that their views might

come to be modified in light of the theory, would lose its meaning. This is not to say that the internal logic of a practice should dominate allocative decisions with little attention or value attached to the common understandings of it by citizens. A more secular approach must be adopted. A logic or pattern of reasoning specific to leisure services needs to be developed with reference both to the meanings it has for those whom the leisure authority serves (and the contexts in which such decisions are made) whilst at the same time catering for the considered judgements of politicians and philosophers alike.

There is nothing revolutionary about seeking coherence between the views of public stakeholders in the delivery of leisure services and those other interested parties such as academics and political officers. Precisely *how* the relations are to be guided is what is addressed in the following section. Such a position is indicative of the ongoing debate within social and political philosophy concerning the empirical study of justice; specifically the value of descriptive and explanatory research in the formulation of normative conceptions of justice and policy formulation. This constitutes a position in which the common understanding *and* internal logic need to be balanced in the formulation of leisure policy in order to underwrite its coherence and subsequent feasibility. Using Elster's (1995) model, which depicts the relationship between common understanding, internal logic and allocative practice, the influence of the former two on the latter is shown. Both can be seen as having the potential to inform leisure policy and ultimately shape the allocative practice. From this position, the question of whether common understanding or internal logic or a hybrid of both, is the desirable platform from which to yield the principles of leisure justice, is explored in future chapters.

The role of balancing these matters rests with leisure professionals. McNamee *et al.*, (2000) argued that leisure professionals in the public sector should strive for an autonomy respectful model of professional paternalism in contrast, say, to the older model of state or bureau professionalism (Butcher, 1994). Figure 3.2 shows how this role may operate within a leisure services context. The figure is deliberately simplistic. The intention is to show both the inter-relationship between common understandings, internal logic and leisure professionals in the manifestation of policy

together with an array of influences on the process. The diagram is based upon Elster's model, which has been adapted to accommodate leisure issues. The degree to which common understanding should form a constitutive role in the formulation of leisure policy is the role of the leisure professional who must balance the need to provide legitimacy and feasibility to policy against coherent perspectives of the service.

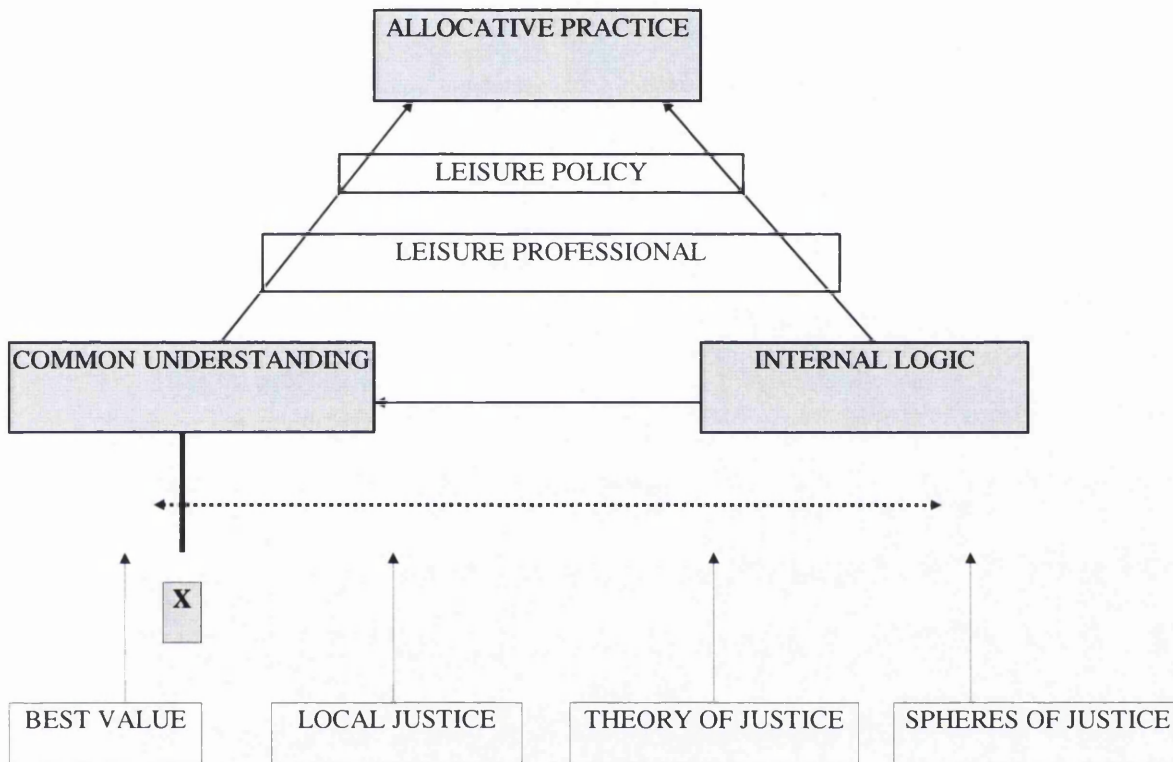


Fig 3.2: Allocative Practices and their underpinning rationales (adapted from Elster, 1995: 82)

Whilst local justice can be seen as the domain of the leisure professionals' judgement the degree to which it can illuminate principles of leisure justice can only be determined once the nature of common understanding has been carefully articulated and widely accepted. There exists a range of uses to which political philosophy may employ empirical data (in this case what has been called 'public opinions'); from merely providing insights and ideas, through helping to scope the feasibility of normatively derived principles, to taking a full constitutive role in determining principles. All too often philosophical and empirical investigation operate in isolation.

Essentially, the diagram sets out the sources of equity planning from theorisation to public support. The extent to which either theoretical accounts of the internal logic of leisure or common understandings of it should dominate policy formulation in leisure services in order to arrive at just distributions is a moot point. Some initial comments in that direction now, in order that the value of local justice can at least be signalled (See Chapter 4 for a fuller explanation on the topic).

In the UK at least, the idea that common understandings should play a significant and increasing role in shaping services has been recognised alongside a rejection of the older idea of a bureau professional (Butcher, 1994; Henry, 1993) whose autonomy disrespectful paternalism was in keeping with the strong social democratic agenda of previous UK Labour governments. Consultation has never been greater than under the 'consult' directive of the Best Value framework (HMSO, 1999). Consultation forms an integral part of the 1999 Local Government Act and has been embraced by professionals throughout the Best Value policy processes. For the most part this has included incorporating such views into Best Value Action Plans for implementation by service departments.

Within leisure services the legal directive to consult has been evidenced in greater consultation across a whole spectrum of stakeholders. Common understandings of the general public should be garnered in the development of citizen's panels and resident's surveys. For leisure users a new impetus for user forums and questionnaires is being developed to gather qualitative and quantitative feedback. Whilst this form of work represents nothing new to leisure professionals, the specific context will require the development of a whole range of relationships that will need to be managed in light of an increasing focus on performativity. Whilst these are often framed within quality systems and initiatives two main concerns arise: how reliable and valid is the research being undertaken? And to what use are the results being put?

Local authorities need to seriously address both issues; good consultation that is ignored or poor consultation that is implemented leads to bad public policy. The issue here may go beyond good practice in consultation to one of professionalism in not

only ensuring that common understandings are obtained through appropriate means but that these are balanced against a coherent view of the internal logic of leisure.

Where the formulation of public policy for leisure is shaped and influenced by leisure professionals through the careful interpretation of appropriately derived empirical research they will ultimately help to yield principles of allocation which will be adopted and operationalised within political jurisdictions. It remains to be seen whether those principles derived in this manner will differ significantly from those suggested earlier by Crompton and Wicks. To what degree the professional has substantive influence over the principles of allocation must remain in question given the earlier argument that procedures of allocation arise naturally out of the nature of the good at hand. Indeed, it may be the case that limits exist to the role and scope of common understandings. If the good itself (leisure) fully determines the principle of allocation, then common understanding will be confined to issues of the level and nature of provision. If this is the case what role remains for the professional in ensuring that services are provided in a fair or equitable manner? Under such a scheme is it possible to avoid paternalistic professionalism? Potentially it may be the leisure professional's role to anticipate and manage a range of consequences predetermined by the nature of the good itself. In order that a greater insight into the professional's role in yielding principles of allocation can be obtained, further research into the relationship between the nature of leisure goods, allocation patterns and the use and influence of data representing common understandings is proposed in Chapter 4.

Whilst the above discussion focuses on the increasing role of common understandings, there is also a need for further dialogue and discussion on the internal logic of leisure services. Not only are there definitional issues of what this looks like and how justice or equity issues relate to this diverse range of activities, but also of how this is communicated to professionals. Such a debate is one that must concern itself critically with matters of professionalism, local and national policy, the role of quangos and central governments together with a need for a more self-aware debate of general underlying political philosophical positions. As the national debates continue to highlight the tensions between equity and efficiency, specifically the ability of

authorities to deliver services in such a manner that satisfies both demands, this model may contribute to an understanding of the morally salient issues that determine the ability of actors to influence and shape the achievement of equitable services.

This chapter has attempted to demonstrate that 'leisure services' are a concern of 'local justice' and that a variety of locally determined mechanisms of allocation exist that provide variable patterns and levels of service can still be rationally justified. The increasing role of both central government and the extended involvement of public opinion through policies such as Best Value will show leisure services as an arena of increasing conflict as peripheral stakeholders increase their influence upon existing mechanisms. As the trend to elicit public opinion continues to gather momentum it would seem an appropriate time for leisure services to consider the value that they wish to attach to it in yielding service policies for allocation and the consequences and implications for the professionalisation of leisure services. If balancing the concerns of common understandings and theoretical work on the internal logic of leisure, however contested, can lead to more autonomy respectful decision-making, policies such as Best Value can clearly be seen as a potential vehicle for an appreciation of public will. Quite how consultative bodies come to shape the views of the public so that common understandings are not just prejudiced or ignorant of the internal logic of leisure and the principles of allocative practices is far from clear. If local justice is to provide an heuristic device for better service allocation, it will mean a greater commitment from philosophers and social scientists with groups beyond the ivory tower. Mutual gains may be had, however, by philosophers more frequently peering out from the cave and for leisure professionals' occasional vacations to it.

2.4.1 Local justice and leisure professionalism

Reflective awareness of these value conflicts is a precondition of professionalism in any robust sense of the word. The professional must be aware of the equity and efficiency conflict (*inter alia*) not merely as a private trouble but also as one social issue, as Wright Mills famously put it. The conflict is not to be seen merely as a pitch-war between ideas but as the concrete interests of a wide range of stakeholders that must be meditated. An awareness and understanding of the procedures that procure

equity at a local level must assist the leisure professional's role in determining allocative practice. No doubt an underpinning of moral and political philosophy will have an heuristic value for leisure professionals, the ability to situate their practice within a theoretical framework of universal justice would appear to be less valuable. What may assist their professionalism, is an appreciation of the fact that the just allocation of services and goods should be based not only on the internal logic and values of the good at hand, in this case leisure services, but also on an appreciation of their local citizen's understandings of the good life, its values and activities (see Howell and McNamee, 2003). Particularly where conflicting values emerge, the leisure professional's ability to provide legitimacy and feasibility to allocation and distribution decisions can be a more cogent one where underpinned by an understanding of locally manifested values. Such a position is indicative of the on-going debate within social and political philosophy concerning the empirical study of justice; specifically the value of descriptive and explanatory research in the formulation of normative conceptions of justice and policy formulation.

The discussions within this and the previous chapter have been predominantly normative in aiming at an explicit communitarian commitment. In order to further develop an ethically justified account of public leisure services, a move to description and explanation is now required. In setting out any empirical account it is critical that a coherent rationale to the methods adopted in the research are given. The next chapter sets out a rationale for this research prior to formulating an explanation of local leisure justice.

3 CHAPTER 4

METHODS AND METHODOLOGY

3.1 Structure and aims of the Chapter

The purpose of this chapter is to provide a description of, and coherent rationale for, the research approach. The historical and background context to leisure services has been discussed in Chapters 2 and 3 and the theoretical framework is to be developed in Chapters 5, 6 and 7. The aim of this chapter is to provide a coherent rationale as to the methods and methodology employed in relation to the subject matter. In order to achieve this, issues of an epistemological nature will need to be made transparent and the approach justified. In particular an explanation of the heuristic value and relationship of combining normative and empirical elements of the research are developed.

In order to achieve this, the early part of the chapter (4.2) will discuss the nature of distributive justice as a subject of enquiry. Section 4.3 will seek to categorise the various approaches to the subject through a discussion on descriptive, explanatory and normative approaches to justice issues. Sections 4.4 and 4.5 will further explore the relationships between political philosophy and empirical research within the study and provide an explanation as to the importance of each phase of the research. One of the main purposes of the section is to develop an approach that is capable of providing an insight into the principles of local justice as they apply, at a particular time and place, by particular leisure institutions that adopt particular principles for allocating specific leisure services.

Within the research there will be a requirement to engage a range of research methods. One of the purposes of this chapter is to make clear the emphasis of the various approaches within the research. The following table sets out the general approach to the research and provides an insight into the structural make up of the project as described in the remainder of the chapter: -

Hierarchy of Issues	Theoretical Level		
	Macro	Meso	Micro
Issues of Epistemology	Political Philosophy		
	Normative	Normative	Empirical
Theoretical Adequacy	Social Justice	Liberals and Communitarians Local Justice	Resource distribution Professionalism
Research Methods			
Selection of Methods	Normative theory followed by qualitative empirical research to evaluate feasibility and legitimacy of operationalising theory		
Application of Methods	Normative theory deduction, together with the adoption of qualitative methods to three case studies using semi-structured interviews.		
Reliability of the Data	Data levels Reliability and validity of data capture Role of the researcher in normative and qualitative research		

Table 4.1: Research Approach

3.2 The nature of justice: as concept and conceptualisation of enquiry

In undertaking a study focused on local justice it is important that the general landscape for that subject be laid out clearly. For the purposes of this chapter such a landscape is of the nature of social justice as a subject of enquiry rather than a critical examination of particular theories; the focus being more on the general concept rather than specific conceptualisations. The section enquires as to how justice ought to be studied. In the first instance, however, why justice should demand critical debate within institutions is considered. As Rawls suggests in his opening chapter of *A Theory of Justice*, ‘justice is the first virtue of social institutions’ and ‘no matter how efficient and well arranged must be reformed or abolished if they (the institutions) are unjust’ (Rawls, 1972: 3). Justice in this primary state provides, unchallenged, equal citizenship to every member of a social community and this is not subject to welfare considerations of society as a whole. The considerations of this first virtue are applicable to all institutions including those responsible or effecting the provision of leisure services within the United Kingdom. This, therefore, is the role of justice. Yet

if one was to take a view on a range of institutions they may be said to be operating unjustly without sign or indication of reform despite this. Rawls further points out that the only basis that an injustice can be tolerated is on the lack of a better, or indeed any, approach or theory. Hence the activities of institutions, in this instance public sector leisure organisations, require continuous critical scrutiny for mechanisms by which the distributions of its benefits and burdens can be made more just.

Questions of justice of this kind will benefit primarily from seeking what, in an ideal world, the institution ought to look and behave like; this is the realm of normative theorising. Within any society there exists a need for a set of principles that can underwrite the choice of a particular social arrangement for the distribution of benefits and burdens. As Rawls (1972) suggests these are the principles of social justice and provide the very fabric on which social co-operation is founded. Where everyone accepts these principles and each individual acts in knowledge that everyone else accepts them and institutions are seen as satisfying these principles, they remain unproblematic. Such issues are seldom, however, subject to such agreement and what may be determined as just and unjust, for the most part, remains in dispute. Indeed, this was the nature of the debates in Chapter 3 with regard to public leisure services. This is not to say, however, that a common concept of justice is not held at a macro level. Rawls articulates this distinction well when he writes:

That is, they [man in general] understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation

(Rawls, 1972: 5).

Thus whilst there may exist a wide array of conceptions of justice on which disagreement may be founded, it is likely that there will be agreement that ‘institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life.’(Rawls, 1972: 5). Disagreement may manifest itself between what is arbitrary, relevant and what constitutes a ‘proper

balance' but agreement can be reached that these should form a constitutive part of what a just institution looks like.

In providing a rationale as to why issues of justice have, and should continue to be, subject to critical research, Rawls is drawing attention to the difference between concepts and their conceptualisations. Whilst there exists a common concept of justice, there also exists a wide array of conceptualisations of justice and that these, whilst being distinct from the general concept are the basis of dispute between members of a society, whether at a theoretical or operationalised level. Normative theory can therefore provide a critical view of how specific conceptualisations contribute to achieving the general concept. Whether these are the result of inductive or intuitive thought. The main point can again be taken from the work of Rawls who states that 'clearly this distinction between the concept and the various conceptions of justice settles no important questions. It simply helps to identify the role of the principles of social justice' (Rawls, 1972: 6).

The distinction provides a basis and rationale as to why philosophy should have a continued interest in the subject of social justice and the role it plays in social institutions. That reason is essentially given as the need to consider the disputes between the various conceptualisations and their claim to social justice. This matter should not, however, be confused with why and how specifically we need to address the issue of justice within leisure services. This will be given in detail later. At present consideration is only being given to a wider narrative in order to provide the foundations for an understanding of the specific case for public leisure services.

Within this chapter an attempt is being made to set out the role and scope of the research task and to propose how this may be addressed as a research project. For this purpose there is a need to provide some commentary on the nature and scope of justice within the research and to provide some general view on the limits of its role. To this end it is also useful to make explicit the distinction between *strict compliance theories* and *partial compliance theories of justice* (Rawls, 1972). Whilst the categorisation is again a Rawlsian idea it provides a useful framework by which to locate the role and scope of the research. Rawls in *A Theory of Justice* (Rawls, 1972 p.

8) discusses the development of his principles of justice within what he describes as a 'well-ordered society', in which 'everyone is presumed to act justly and to do his part in upholding just institutions'. It is necessary to seek what a perfectly just society would be like. Rawls contrasts this with partial compliance theory that deals with how to approach injustices. For the most part, real world concerns of justice are of a partial nature seeking to address injustices through compensatory means and as Rawls says represent the 'pressing and urgent matters' in everyday life (Rawls, 1972: 9).

Whilst the issue at hand, the distribution of leisure services, may on face value appear an issue of partial compliance - the distribution of leisure services being an unjust one for which a means of making it just is required, the initial focus of this study is that of a strict compliance theory. The study seeks to ask what a just distribution of leisure services might look like. In the first instance it does not ask, how do we address the fact that the distribution of leisure services is an unjust one? Two reasons underpin this categorisation; first, on what grounds (given the absence of knowing what a just distribution of leisure services should or would look like) can it be claimed that the current situation is an injustice? and secondly, whilst it may be the ultimate aim to provide a solution to any perceived injustice the only basis to a partial compliance theory on the distribution of leisure services is a strict compliance theory of the same.

There are, however, very significant differences in the scope of the theory being developed here and that developed by Rawls in *A Theory of Justice*. These differences (rigour and competence aside) are ones of scope. The practices to which the theory applies here are more limited and defined and no claim is made that the principles adopted will hold for every situation. Any principles of justice will be considered in light of their appropriateness to a more limited practice but they will still seek to provide insight into what that limited practice should look like. It may consider the case of a specific good but this is still from the point of view of how a well-ordered society would treat it. This is very different from seeking a solution to an existing injustice in the distribution of leisure services.

3.3 Methodological options: description, explanation and normative approaches

Within the analysis of distributive justice there are a number of approaches to understanding that essentially reflect and determine an epistemological and subsequent methodological position. In the first instance this may be viewed as a dichotomous position between a social science and philosophical viewpoint. These two approaches underpin the methodological approaches of empirical investigation and normative theorising respectively.

This research will engage both these in the analysis of local authority leisure services. It is therefore important to provide a rationale for the method and the relationship between the various elements of the research design. Whilst being predominately an exercise in normative theorising about justice issues in the distribution of local authority leisure services, the research will also employ a range of empirical techniques. As a result a number of initial questions arise:-

- i) Why has a predominately normative approach been selected?
- ii) What is the relationship between the empirical and normative stages?
- iii) What contribution will the empirical elements offer?

These will of course lead to an array of further questions which will be addressed at a later point within the chapter such as, within the empirical stage what is the status of the data? What techniques are to be employed in data capture? Are qualitative or quantitative methods to be applied and can issues of validity and reliability be demonstrated, both in the normative stage and the empirical stage? In undertaking these tasks the role of the researcher will also need to be examined.

According to Elster (1995), the study of justice falls into three main categories, *description*, *explanation* and *normative* approaches. Descriptive and explanatory approaches are closely related, in that descriptive studies of justice seek to identify the perceptions of justice held or acted upon by social actors, whilst the explanatory tries to identify independent variables that account for the findings of such descriptive studies. The normative study of justice relies on the development of defensible arguments regarding various conceptualisations of justice and is therefore more intuitive in nature.

In electing to undertake a normative approach to the study of justice in the provision of public leisure services, the study seeks to give critical thought to how the service ought to be distributed. Not, primarily, to give an account of how leisure services are distributed by local authorities or to provide accounts of why. Whilst this may remain the overall aim of the study, description will take place in setting the context to the study and explanations sought as to the feasibility and legitimacy of any mechanism to justice implied through the defence of specific conceptualisations.

The study will consider the merits and defence of a number of normative conceptualisations. It will use a number of ideal theories on justice in order to provide a systematic approach to considering the more specific case of the distribution of public leisure services. To use Rawls's (1972: 8) categorisation as the basis of articulation, the study will consider a number of 'strict compliance theories' in seeking a 'partial compliance theory' to the distribution of public leisure services. The former provides conceptualisations of what a well-ordered society ought to be like, the latter examines how existing injustices may be dealt with. The normative methodology is therefore paramount to a study that seeks to look forward and provide solutions for future distributions rather than merely to obtain an understanding of present or historic distributions.

The sequence of the research effort is also important in order to understand the inter-relationship between the normative stage of the research and the empirical elements. To map out the research design involves drawing both normative and empirical elements. The use of empirical research in a prefatory or grounding manner suggests a very different relationship between the two elements of the research compared with its use in a subsequent proofing manner following theoretical development. It is important in any research, including this, to be explicit regarding the order.

Both Elster (1995) and Swift (1999) provide the foundations to this relationship. Elster clearly sees the functions of descriptive and explanatory empirical research, whilst providing no substitute for argument or normative theorising, as lying in their ability for shaping the structure and focus of subsequent arguments. In this sense

Elster sees the value of empirical understandings as being preferable to intuitive thought. Critical thought, for Elster, is better informed by obtaining a prior understanding of description and explanation. Conversely, for Swift, the heuristic value of empirical data lies in determining the legitimacy and feasibility of already established normative thought.

As stated earlier in section 4.2, the distinction, made by Rawls, between strict and partial compliance theory is helpful in framing the approach. The introduction of empirical or real world data is constitutive of partial compliance theory. Which, as Rawls remarks, (see Rawls, 1972: 7) deals with the pressing and urgent matters that need to be faced in everyday life. Where theory is to be used in this manner, to provide a mechanism through which a practice can seek to be more just, a requirement to prove not its rationality or logic but what it can hope to achieve in real life is sought. Such an approach requires empirical work to follow on from the normative stage rather than precede it. The willingness of normative theorists to consider the use, or not, of empirical findings is possibly also reflective of what Elster (1995) categorises as being ‘hard’ or ‘soft’ approaches to theory. The soft theorist seeks to avoid and account for instances of *reductio ad absurdum* and other real world errors, which may be inherent in the theory. In this sense empirical data is introduced having already reflected upon how just public leisure services ‘ought’ to look, in order to explore the legitimacy and feasibility of these thoughts in practice.

The use of normative and empirical data in this manner raises a theoretical concern in itself. It suggests a rejection of the fact/value dichotomy, typified by Hume’s view that an ‘ought’ can never be derived from an ‘is’. Whilst, it is beyond the scope of this research to provide anything to contribute to the argument against a dichotomy between factual claims and value judgements (see Putnam, 2002) this does not detract from the need to assert the claim. If the normative position developed in Chapter 3 regarding how leisure services *ought* to be organised is to combine insights from leisure professionals and elected members in the form of genuine normatively rich views, there is a rejection of the fact/value dichotomy. This is not, however, to suggest that Hume’s dictum is entirely incorrect. It is not to say that what ‘is’ provides the answer straightforwardly to what ‘ought to be’ but that a relationship can be

articulated between the two data sources when neither are viewed as value-free or fact-free respectively. In accepting that the fact/value distinction does not exist in a stark dichotomous way moves our concern from whether normative and empirical data can be used together, to a debate about the nature of their relationship.

How this may arise is shown in the above examples from Swift (1995) and Elster (1992) and the different roles they assign empirical data. Elster sees empirical data as assisting in shaping the normative argument, whereas Swift sees it as providing legitimacy and feasibility to the normative argument. The former position results in empirical data preceding normative theorising the latter following it. Neither approach presents a theoretical difficulty as long as a loose fact/value distinction is accepted without it being represented as logically opposed. Indeed, in this sense there is nothing to prevent the design of a project using empirical research before and/or after normative theorising. At what point(s) empirical research is introduced into the project is determined solely by the role to which the data is assigned.

In this thesis the case is made for the empirical data to provide a legitimating role. Clearly, the subject of what is to be legitimised must be determined prior to this being undertaken. It would not be feasible to legitimise a normative position which has yet to be developed. Any attempt to order the research task in this manner may claim to be shaping critical thought but not to be legitimising its outcome.

The above section has set out the rationale upon which both normative ethical and empirical data ought to be introduced into the research methodology. As Musschenga (2005) points out there is an increasing trend toward combining insights from normative theorising and the social sciences in this manner. For Musschenga the turn to empirical ethics is the result of a desire to improve the context-sensitivity of ethics and through the introduction of descriptive ethics to a normative project it is claimed this can be achieved.

The claim here to an 'empirical ethic' is, again, methodological rather than substantive; the *method* by which the principles of justice are to be determined, rather than the substantive nature of the principle, are what define an empirical ethic. A

conceptualisation of justice may be arrived at by a purely normative process.

Alternatively, empirical data may have been explored and assigned weight within the process. Theoretically, it is feasible that the same principles may be arrived at through different methods. For the most part, the turn to empirical ethics is an attempt to improve the context-sensitivity of any given ethic and whilst there is a number of ways that this itself can be claimed to be achieved it is not to say that the employment of an empirical ethic approach can not “be aimed for from any meta-ethical position” (Musschenga, 2005). In this sense an ‘empirical ethic’ approach does not presuppose or limited the range of principles of justice that may emerge from a research project.

It has been stated earlier that this research is predominantly normative in nature.

Within the notion of an empirical ethic this raises the question as to what the role of the descriptive data is. In adopting Musschenga’s categorisation of the purposes of introducing empirical data into the research effort it is argued on the basis of providing ‘description and analysis of the context’; of wishing to uncover the ‘moral opinions and reasoning patterns of people who are directly involved in specific issues, mostly as participants in a certain practice, institution or context’ (Musschenga 2005). What can be stated at this point is that however that relationship is ultimately conceived, the resulting ethic will be formed from both normative and descriptive data, the product of which is an ‘empirical ethic’ (Musschenga, 2005).

The remainder of this section will define the nature of this relationship as it relates to the methodology adopted.

3.4 Rationale for the selection of key works

The thesis seeks to provide a cogent conceptualisation of justice for the distribution of public leisure services arising through the process of normative theorising. Whilst the legitimacy and feasibility of the normatively derived conceptualisation will in time be sought through empirical understandings the thesis remains predominately normative. Within this process, conceptualisation clarity and justification will be given in relation to the key works of Elster (1992; 1995), Rawls (1972; 1993) and Walzer (1983).

These works have been selected as key for a number of reasons.

3.4.1 The requirement to provide a starting point

For the purpose of this thesis the starting point is to be provided by the work of John Rawls (1972; 1993). There would seem unanimous agreement in the literature (Daniels, 1978; Nozick, 1974; Swift, 2001) that Rawls' *A Theory of Justice* was and still is the single most important text in twentieth century political philosophy, which was single-handedly responsible for reviving an interest in political philosophy, since its publication in the early seventies. The claim that political philosophy was entrenched in historic and linguistic analysis prior to the publication of *A Theory of Justice* is difficult to argue against (Swift, 2001). As Mulhall and Swift say, 'Rawls simply *did* define the agenda and continues to do so' (Mulhall and Swift, 1992: 1). This is not to claim that Rawls's *A Theory of Justice* was or is widely accepted, only that its importance as a text within the discipline is highly significant and central.

Rawls view on social justice represents a very specific position within the liberal tradition, but one, which is opposed both within (see for example Hayek, 1960; Nozick, 1974) and outside (Walzer, 1981, 1983; MacIntyre, 1981, 1988; Sandel, 1982) that particular school of thought. All subsequent writers have also found it useful (or possibly necessary) to express their position in relation to Rawls and this has added to the monumental stature of the theory within political philosophy and essentially established Rawls as the index of the discipline. One reason why Rawls has established such importance may possibly be associated with *A Theory of Justice's* ability to engage a debate on a range of issues and ideas inherent in most approaches to justice; liberty, community and equality. If for only this reason, to begin with Rawls provides an access point to an exegetical reading of the complex issues of justice.

3.4.2 The works reflect the spectrum of justice theory

It is from Rawls's position in political theory that systematic and substantive arguments regarding the issue of justice have been put forward as to what a just society should look like. One of the main themes to emerge from the substantive debate, which Rawls initiated within political theory, is the communitarian view. Communitarian arguments, which amongst other things, question the relationship

between the individual and their community, as given by Rawls and other liberal theorists, have developed into one of the most raging contemporary debates in political philosophy; that between liberals and communitarians. Whilst Rawls provides the underpinning to the liberal stance, Walzer's *Spheres of Justice* provides a substantive underpinning to the communitarian viewpoint. It should be accepted that the communitarian argument forms less of a single school of thought than the liberal account, in as much as either do. The selection of both Rawls and Walzer as key texts will hopefully ensure a balanced exegesis.

3.4.3 The works represent a range of methodological approaches to understanding issues of justice

As stated earlier, the thesis will take a predominately normative approach to understanding issues of justice in the distribution of leisure services. In taking a normative approach this is not to say that data and ideas generated by other means should not be given consideration. For example Elster in *Local Justice* (1992) highlights what he sees as the barriers to the development of theory, be they normatively or empirically derived. Elster, however, is not satisfied that in the absence of theory that 'we have to stay content with mere description' (Elster, 1992: 16) and sees an intermediate approach in identifying mechanisms. This he describes as 'an identifiable causal pattern that comes into play under certain, generally unknown, conditions' (ibid.). Elster's work not only extends communitarian ideas but also extends the range of approaches to issues of justice. Whilst Rawls and Walzer take essentially normative approaches to the subject, Elster adopts both description and explanation. The inclusion of Elster (1992) within the key works will not only allow for the consideration of descriptive and explanatory accounts of justice but also offer heuristic value to the empirical phase of the research in exploring feasibility and legitimacy of normatively determined understandings.

3.5 The role of empirical research in political philosophy

Political philosophy plays a central role in this research. Like most disciplines there exists a wide range of approaches to the subject matter and the relationship to

empirical research defines one aspect of this. The difference between a concept and its conceptions has already been discussed in relation to issues of justice and a brief discussion of the role of empirical research within normative theory has also been undertaken.

This section of the chapter seeks to focus the debate onto a range of specific conceptual clarifications and justifications in terms of the key works of this study namely, Elster (1992; 1995), Rawls (1972; 1993) and Walzer (1983). The section seeks to build on the general notion that liberal and communitarian views within political philosophy (due to their stance on issues such as methodological abstraction and common understandings) will engage empirical research in both fundamentally different roles with respect to eventual leisure distributions.

Whilst survey data may illuminate the allocative practices and common understandings, it provides little reason for their endorsements. Where political theory is seen to provide valid and defensible reasons why people should accept or reject given conceptions of justice, the constitutive role assigned to common understandings of a good or service and the scheme for its distribution becomes a central debate in the degree to which local justice can illuminate issues of leisure justice. The discussion undertaken within Chapter 3, section 3.4 is of particular relevance here and the reader is directed specifically to comments relating to public consultation on pages 52-54.

Alternatively, a more secular approach in which a logic pattern of reasoning, specific to leisure services may be developed without reference to meaning or context. Such a position is indicative of the on-going debate within social and political philosophy concerning the empirical study of justice; specifically the value of descriptive and explanatory research in the formulation of normative conceptions of justice and policy. This constitutes a position in which common understanding and internal logic need to be balanced in the formulation of leisure policy and its subsequent feasibility.

The following table sets out the implications of policy development at the macro, meso and micro levels in relation to the processes, policy domains, methods and

conceptual framework. The table also indicates how issues of internal logic and common understandings are embedded within policy development.

	Processes	Policy Domains	Research Methods	Conceptual Framework
Macro	Social Justice; Local Authority responses to achieving service equity (internal logic).	Policy Options	Normative Theorising	Social justice and political philosophy: Rawls v Walzer, liberal and communitarian conceptions of justice.
Meso	Social Justice; Local Authority responses to achieving service equity (internal logic and common understandings).	Policy Framework	Normative Theorising	Elster's Local Justice
Micro	Feasibility and legitimacy of operationalising theory (common understandings).	Policy emergence and implementation for public sector leisure service	Semi-structured interviews	Swift, Elster the role of empirical research in political philosophy

Table 4.2: Implications of policy development

Elster (1995: 236) calls for what he refers to as the 'common-sense conception of justice' to be given a priori status within the general consideration of common understandings. This he defines as the principles of justice held not by professional philosophers or by lay persons who have had little or no opportunity or desire to give serious and substantive thought to the matter, but that held by persons who by virtue of their occupation may be defined as secular all-round problem solvers. Persons falling into such a category would be likely to include lawyers, politicians, economists and senior public servants. Whilst this view recognises the value of common understandings, it is only willing to accept that they can play any role in legitimising a given conception of justice where the contribution is a coherent one, capable of a

degree of generality and abstraction founded on high level intuitions rather than case specific intuitions.

In the context of a normative understanding of justice in the locale of leisure services, Elster's view would lead us to consider empirical findings as long as they derived from persons capable of thinking in a secular manner. In this case senior leisure staff, politicians and quango representatives may be seen as contributing to an understanding of leisure justice but, not users or the general public. So whilst Elster sees the role of empirical research findings as having a certain heuristic value, which may be worthy of further scrutiny, the role suggested is both limited and prefatory to the development of normative theory.

3.6 Overview of research design and approach

This research will critically examine how local authorities allocate and distribute public leisure services. The empirical research will interrogate the processes that manifest themselves in the allocation and distribution of leisure services within a local authority setting. Work will be undertaken from the perspectives of equity derived from moral, social and political theory not, from a traditional perspective of allocation patterns as interpretations of participation. The thesis is predominantly conceptual in nature. Attention to conceptual clarification and justification forms the main body and method of the thesis in relation to key works of Elster (1992, 1995), Rawls (1972, 1993) and Walzer (1983). In addition to a study of their theoretical work, relevant policy literatures are addressed in the development of the normative framework throughout the thesis. Examples of these and related policy-critique work are given below and an attempt is made to examine the extent to which the work of the three theorists above can be situated in extant local authority leisure planning and provision, in order to critically evaluate the apparently random allocation and distribution of services. To do so the following objectives are pursued in the research:-

- a. to provide a context to current distribution practice through an exploration of the rationales and historic context of public sector leisure provision in the UK;

- b. to explore key works of social (Elster, 1992) and political (Rawls, 1972) philosophy, together with pluralist works which have attempted to bridge the disciplines (Walzer, 1983), and show how different approaches illuminate and or obscure issues of allocation, for leisure services within the UK;
- c. to establish a normative framework for allocation decisions in local authority leisure provision in the UK; and
- d. to scrutinise the relationship between rationale, practice and common understandings of leisure provision, in the allocation of local authority leisure services, using three sites of investigation as exemplars of UK practice.

Questions of allocation are fundamental to equity in public services and should precede issues of distribution, which subsequently consider questions of *when, where* and *how* (Crompton and Lamb, 1983). As a non-statutory service, inconsistencies in both the level and form of provision have dominated the local authority leisure landscape together with disproportional use by young, white, middle class males (Benington and White 1988). The result is an increasing public accountability on authorities to justify their service allocation; to explain their rationale for intervention and to demonstrate social justice. As Allison (2000), suggests issues of social (in) justice have only been addressed in a superficial manner within leisure studies. Yet, an equity, or *social justice model* appears to have the potential to draw together, and move beyond, a range of particular issues including participation, class, gender and poverty in order to provide a cohesive rationale for local authority involvement in leisure. It has been argued that local authorities as facilitators of leisure participation have 'lost their way' (Coalter, 1998; Rojek, 1995) and have failed both to consider the meaning of leisure and the rationale for public provision.

The first phase of the research sets out the basis upon which stakeholders make decisions concerning the allocation of leisure resources. This is achieved through an historical overview of the development of leisure management and policy (Bailey, 1987), together with a review of the influence of socio-political theory (Henry, 2001). In addition, it reviews critically the empirical literature on equity preferences in leisure

policy (Wicks and Backman 1994; Crompton and Wicks, 1986; Crompton and Lamb, 1983). The aim of this section is to contextualise the general background of equity in leisure policy and to demonstrate the relatively atheoretical basis of the empirical literature.

In the second phase, having considered accounts of the purposes of leisure services, this phase prepares the groundwork for the development of a normative framework for the equitable allocation of leisure services by a critical consideration of the way in which local authority providers interact with their public. Issues of feasibility and desirability are two aspects of political theory as traditionally conceived (Swift, 1999). Exploring that which a given local authority may or may not feasibly achieve, together with the desirable way of implementing improvements is essential to an understanding of leisure justice. In investigating, the above, the provision of local authority leisure services will be seen as a politically influenced process, in which the allocation of scarce resources from public funds are made.

In doing so value judgements concerning the aim, level and appropriateness of leisure expenditure are required. The impact of public policy changes on the output and outcome of local authority leisure provision is well demonstrated by Henry (2001). Typical leisure outputs are tangible service items, such as number and type of facilities, number of swimming pools provided or theatre performances. Leisure outcomes would include the achievements gained, such as number of children whose self-confidence was raised through sports participation or number of people learning to swim. Henry also highlights the continuous struggle between local and central government in this respect. One of the tasks in constructing this framework is to establish the normative parameters that should be adopted in governing the practices of those responsible for the provision of leisure services. In doing so questions of what is feasible and desirable need to be addressed. These will be translated into a requirement to develop an understanding of the nature of leisure, the good (or burden) being distributed, and provide a rationale for local government involvement, in order to define desirable ends. This element of the study will consider to what extent such desirable ends are articulated for leisure services and in particular for equity.

Phase two of the research will undertake this debate by focusing on the theoretical positions of Rawls (1972), Walzer (1983) and Elster (1992) as an array of philosophical accounts of justice which encompass both liberal and communitarian underpinnings (Mulhal and Swift, 1992). Walzer's *Spheres of Justice*, in which distribution is seen as a combination of the particular good, the variety of social setting and their respective histories. Elster's *Local Justice*, locally determined, institutionally derived principles of allocation and Rawls' 'justice as fairness', in which all goods are distributed on an impartial and rational basis as part of a general or universal theory of justice. All will be critically examined as principles of equity or justice for the allocation of leisure services.

It is appreciated that these positions are not mutually exclusive standpoints and are proposed as representing a range of contemporary views on justice. The role and scope of each of these theoretical positions will be critically examined in terms of their contribution to interpreting service distributions in public sector leisure provision. Forming the theoretical framework of the study, they will be employed to locate and interpret service outcomes in terms of the feasibility and desirability of local authority leisure services and to develop a normative thesis of leisure justice. It is at this point that the research will explore a limited data domain by the use of empirical methods.

The majority of investigations into public services have firstly plotted service distribution by a given unit of analysis e.g. square meters of parkland per district or ward (Crompton and Wicks, 1986), equipped play areas per 1000 children (Audit Commission, 1999) and the findings interpreted as the outcome of governance decisions (Lineberry, 1977). More recent works (Wicks and Backman, 1994) have concentrated on stakeholders perceptions of how services *should* be distributed and the above authors have developed a very useful classification of views from elected members, local authority officials and the public for this purpose. To date there would appear to be little evidence as to the main influences on *actual* allocation decisions currently being made in leisure services. By undertaking a number of semi-structured interviews with local authority officials and elected members the basis of allocation

decisions in leisure management can be established as a platform to developing the research.

Finally the research will consider the level of critical awareness leisure managers have of the rationales that underpin the services they deliver together with the processes that are engaged by policy makers to articulate rationales in guiding the delivery of services. Leisure service deliverers have tended to focus attention on distribution issues; issues of efficiency and those, which we associate more with a private sector model - issues of economic efficiency, whether this is a consequence of, clearly articulated or lack of rationales remains unclear (Crompton and Lamb, 1983). This element of the research intends both to identify and examine the effectiveness of the various vehicles used to articulate service rationales to deliverers and build on earlier work.

Henry (2001) discusses how the role of the leisure professional varies depending upon the client-based or consumer-based orientations, taking a *socially effective* or *economically efficient* role, and the position of these view points within the central and local state. This work will be augmented through a consideration of the role of leisure professionals and publicly gathered information; the extent to which the public's views are genuinely considered in policy development. The outcome of all phases will be considered to establish a normative framework for allocation decisions in local authority leisure provision in the UK.

The purpose of the final section is to demonstrate how local justice, utilising common understandings and internal logic, can be incorporated into the planning process for service delivery. Within the research this process serves two purposes, first by acting as an empirical phase through which the process of allocation and distribution is explored in relation to issues of feasibility and legitimacy and secondly to provide the basis of a model through which providers can consider, guide and achieve just leisure services.

Whilst the various stages of the research are intended to provide a comprehensive critique of equity issues for leisure services, encompassing allocative practices,

internal logic and common understandings, the main methodological focus will remain normative (Elster 1995). This approach will be used to determine the extent to which common beliefs of leisure services may provide a rich and deep vein of ideas and thoughts, that are underwritten by coherent theories of social justice (Walzer, 1983; Rawls, 1972). The data will be critically examined as representing constraints of feasibility in the realisation of any principles of justice derived normatively and to consider the constitutive nature of popular or common beliefs.

3.6.1 Framework

In order to operationalise the normative phase of the research a model for implementing conceptualisations of justice is proposed. It is the intention of this research to set any normative findings within a real world setting and thereby elicit any constraints to feasibility and legitimacy. Ultimately providing leisure professionals with a justice framework which can be employed in service allocation.

In order to achieve this, the research intends to interrogate the processes through which normatively derived understandings are obtained and provide a process of implementing conceptualisations of justice. Whilst the former is the subject of detailed discussion in previous and subsequent chapters of this thesis, it is the mechanism that is of main interest within this chapter. Wicks and Crompton (1989) provide a model for implementing equity concepts in the allocation of services for parks and recreation services. It is not the intention to utilise Wicks and Crompton's model in its entirety, indeed there are a number of assumptions and processes which will require development in order for it to be used in this research. The model does, however, provide a coherent framework on which to develop the empirical phase of this research.

Wicks and Crompton's model was developed within a context of an increasingly dominant market and consumer oriented approach to the provision of leisure services. It focused on the need to meet residents' expectation in considering the needs and preferences of the community. It is in this context that they propose their equity implementation model in order to help clarify these issues.

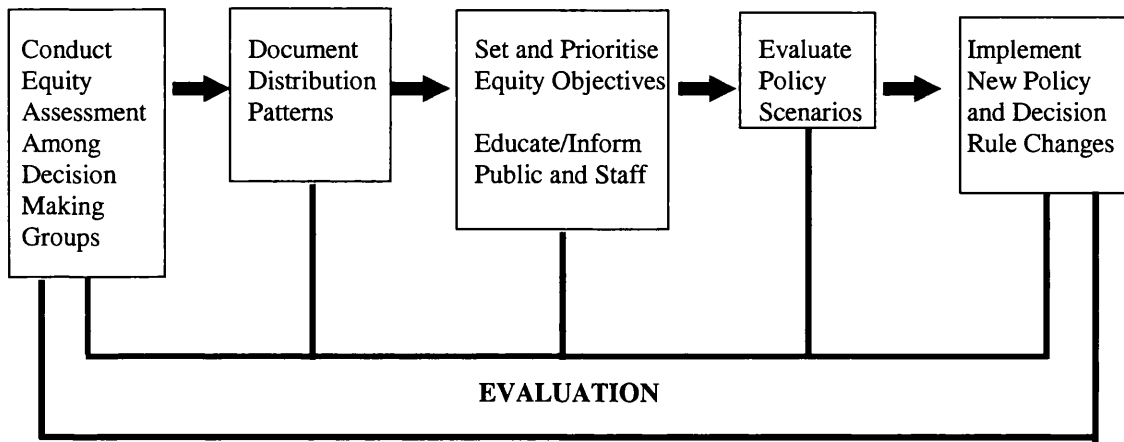
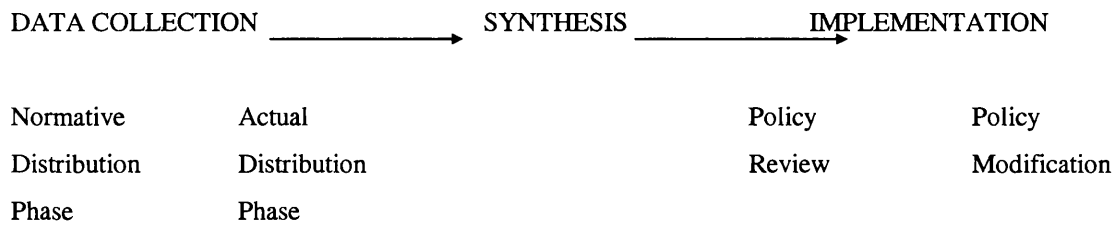


Fig 4.1: Equity Implementation Model, Wicks and Crompton, 1989: 174)

The above model considers three distinct phases: a data collection phase, a process of synthesis and an implementation phase. Within this first phase of data collection Wicks and Crompton see the need to answer two very distinct questions firstly, who *ought* to receive what? and secondly, who *gets* what? These are reflected within the two phases of data collection, the normative distribution and actual distribution phases respectively. It is within the normative distribution phase of the model, as described by Wicks and Crompton, that this stage of the research is focused. By developing a greater and more comprehensive knowledge of normatively derived understandings within this phase, through the use of local justice, it is proposed that a more coherent platform to just service distribution can be achieved. For Wicks and Crompton this phase represents little more than an empirical survey of a limited range of stakeholders in relation to their perception of how services ought to be distributed. In doing so they rely heavily on the eight equity preferences developed by Crompton and Wicks (1986). This research will expand upon this by not only taking account of

common understandings in relation to this question but by also incorporating issues of an internal logic in deriving a normative understanding.

To further the debate in this manner will necessitate the consideration of issues of professionalism and its role in considering how values should be prioritised for specific services within specific authorities; local justice. As remarked upon earlier, Wicks and Crompton's model (1989) was developed within a context of liberal market focused services and as McNamee *et al.* (2000) point out, leisure managers who seek only to meet the demands of customers, whatever they are, would not be considered to be acting in a paternalistic manner and would therefore be unable to make claim to be acting professionally. The same issues are inherent in Wicks and Crompton's model (1989) in that the normative stage of the process pays little attention to the internal logic of the sphere of operation; in this case to how values should be ordered in the delivery of leisure services.

Despite these criticisms of Wicks and Crompton's (1989) model, the general process and structure provides a useful framework for this research. The model recognises that differences may exist between what ought to happen and what is actually happening in distribution. The inclusion of both a normative and actual distribution phase within the data collection stage reflects this point. The synthesis phase attempts to provide insight into any differences by juxtaposing these two positions in order that they may be arbitrated via policy review. In the context of this research it is within the synthesis phase that the main philosophical debate is undertaken. In Wicks and Crompton's model the process is then made cyclical through a monitoring and evaluation phase prior to data collection being repeated.

The following table illustrates how the various elements of the model are to be approached within this research and summarises the methodological implication for each specifically in relation to, the role of the data, the nature of the data, data capture and methods to be employed. Following on from this each phase is then discussed in more detail.

DATA COLLECTION

SYNTHESIS

IMPLEMENTATION

Normative Distribution Phase	Actual Distribution Phase		Policy Review	Policy Modification
Who Ought to get what?	Who does get what?			When, where and how?
EQUITY ASSESSMENT	DOCUMENT DISTRIBUTION PATTERN	SET AND PRIORITISE EQUITY OBJECTIVES	EVALUATE POLICY SCENARIOS	IMPLEMENT NEW POLICY AND DECISION RULE CHANGES
NATURE OF DATA				
Qualitative <ul style="list-style-type: none"> • Argument • Theory • Justice preferences 	Quantitative <ul style="list-style-type: none"> • Service levels i.e. water space (sqm) per 1000 population • Possible use of logistic regression techniques 	Production of comparison document.	Qualitative <ul style="list-style-type: none"> • Policy documents -Service plans -Cultural strategy -Corporate plans -Best Value reviews 	Qualitative and Quantitative <ul style="list-style-type: none"> • Committee reports • Capital Programmes • Revenue bids and adjustments • Funding strategies
ROLE OF DATA				

To consider how values should be prioritised for leisure services	To determine the current distribution of services within governance area	To identify conflicts / differences between 'who ought to and who does get what'	To identify opportunities / conflicts / tensions between current policy and service justice objectives	To ratify position and actions required
DATA CAPTURE				
Equity preferences by service	PI required for each specific service area ie <ul style="list-style-type: none"> • Swimming • Sports development • Playing pitches 	Service categorisation <ul style="list-style-type: none"> • Generic • Enhanced • Enterprise 		
METHOD				
Normative/Empirical	Empirical	Normative	Normative	Normative

Table 4.3: Research Implications adapted from Wicks and Crompton's Equity Implementation Model (1989: 174)

3.6.2 Data Collection Phase

Normative Distribution: Within this phase of the research the question of ‘who ought to get what?’ is pursued. This manifests itself in the need to consider how values should be prioritised for leisure services and which represents the role of data within this phase. Given that the idea of local justice is being utilised as an heuristic device within the research, this presents a dual requirement to engage both common understandings and internal logic within the process. Consequently, the data requirements are different, requiring both normatively and empirical derived data. The nature of data in the first instance comprising argument and theory in the latter the preferences of key stakeholders; the data capture being equity preferences derived from each.

Prior Considerations in Scoping the Research: It is within the normative data collection stage of the research that decisions regarding the scope of the project are made. Ideally, data-representing preferences for all services (i.e. sports development, theatres, swimming facilities, parks etc.) and across a range of locations (i.e. a number of authorities and including a comprehensive range of stakeholders) are sought. In order to best meet these needs but in recognition of what is practicable the research will consider three authorities and a range of stakeholders made up of elected members and leisure professionals. A more comprehensive justification regarding the selection of these variables and for the case study approach is given in the following sections together with justification for the use of qualitative methods.

3.6.3 Rationale for case study approach

Guba and Lincoln (1981) see the purpose of qualitative research as starting with the description of a bounded system in order to reveal the properties of the class to which the instances being studied belong. Whilst in this research, the premise is somewhat different, quite often the reverse, the guiding principle is similar in that it makes claim to justifying both a qualitative approach to this element of the research and to the adoption of a case study approach. In examining the heuristic of local justice the



research seeks to look at the mechanisms that lead to a single class; the case. In order to achieve this, the ability to examine and debate the bounded system or sphere at hand as a whole, single and identifiable unit is demanded. In this instance such a unit is represented by a number of service domains within local authority leisure departments. This in itself does not lead to the conclusion that a wider sampling approach could not be used or would yield less fruitful data than the case study approach.

In order to tease out the mechanisms at play within each authority, there is the need to seek data of a rich and deep nature and to allow a degree of flexibility in the development of the research. This will only be achieved via an approach that gets close to the issue at hand. A situation requiring an in-depth understanding of individual cases, can only be fully determined when juxtaposed to what would have been given to be similar cases; in this instance other local authority leisure service domains. This presents a need to balance the requirement for rich and deep data against having sufficient data for the purposes of comparison. Within this particular research effort the need to obtain an insight in to the mechanisms at work have been prioritised over the need to extend the number of cases and thereby the generalisability of the case. Justification for this methodology lies not only in the complex and organic nature of each case (needing in depth investigation) but also in the diminishing returns to be obtained from extending the sample even if the depth of insight for each case could be maintained. The research, in exploring the value of local justice, seeks to critically examine the processes that result in variable conceptions of justice adopted in public leisure service organisations. The requirement for high confidence intervals and statistical accuracy benefit little from marginal cases where the homogeneity of responses is low or unique. It is, however, recognised that some level of comparison is of benefit over generalising from the single case. On this basis a multiple (3) case study approach is used in preference to a wider questionnaire based study. Through a range of cross-site and cross-service analysis the importance of local variation will be identified. The need to undertake general comparisons, whilst maintaining in-depth data on individual sites, is seen as important in sustaining the focus of the research priorities associated with locally derived justice values.

Allowing some degree of comparison in order to identify common and unique influences on the outcome of services.

3.6.4 Rationale for selection of authorities

In selecting the sites or authorities to be studied the research sought to identify those with the greatest potential for observing the processes and mechanisms associated with the just delivery of leisure services. In the first instance this focuses on the common requirement to gain access to the relevant processes, people, programmes and documents. There would be little point selecting authorities in which there was not the ability or willingness to allow access to the full range of data sources. On this criterion alone, one authority (for which access had been negotiated) was ruled out of the sample because of its inability to provide access to a full range of stakeholders.

In order to examine local influence on the distribution of leisure services it was also necessary that the sample contained a number of different service delivery contexts. These included the geography of populations, political make-up, the range of other leisure services provided and social and economic make-up of the governance areas. Differences in this respect were established between the selected authorities. This information is not referenced within the work for anonymity reasons.

Primarily, the ability to select authorities was based on personal contacts which facilitated access. The research design was not felt to be compromised by this as the necessary criteria were adhered to and professional relationships not developed to the point, which may have influence or contaminate the responses of interviewees within the authority.

3.6.5 Research Ethics

In designing the empirical phase of this research consideration was given to a number of ethical implications of involving participants in the research. In relation to consent, all participants were given a full explanation of the role and purpose of the interviews and provided written consent to their involvement. Directly prior to interviews,

participants were informed of the research purpose and given the opportunity to withdraw.

Part of the information given to participants was an undertaking to anonymise the data. Given the case study nature of the research and recognition of the geographical context within the text, all participants were made aware of the potential risk, albeit small, of deducing the identity of the authorities. All participants provided consent. In order to minimise the risk of identification, the names of participants, authorities and specific facilities were removed when transcribing the interviews.

3.6.6 Rationale for selection of stakeholders

The sample specifically targeted senior leisure staff and political portfolio holders in order to capitalise on the valuable knowledge and insights these respondents could provide as a result of their position to the area of study (Marshall and Rossman, 1989). The use of an elite sample increased knowledge of leisure provision within the sample and counters criticisms surrounding the use of empirical research in the development of philosophically informed normative theory (Swift, 1999). In this instance interviews are favoured over focus groups, which may prohibit rather than elicit participant's beliefs due to the structural relationships both between and within authorities. Given the risk that issues of competitiveness and professional pride may infiltrate group discussions and that personal preferences were to be sought, individual interviews are preferred to focus groups in data collection.

The proposed sample provides a wide framework that allows for both inter-service, authority and stakeholder comparisons. These comparisons are particularly valuable in relation to exploring issues of local justice, specifically geographical and good comparisons. In addition, determining the role and scope of professionalism in managing the distribution of a good, subject to local justice, relies on knowledge relating to the degree of agreement in the ordering of values across stakeholders.

3.6.7 Rationale for qualitative approach

Within the empirical stage of this research the main research method is a qualitative one. This section provides a rationale to the decision to use qualitative methods in this phase of the research. The importance of this is couched both in making explicit the reasons for selecting the methods employed within the normative phase and in providing the epistemological foundations capable of allowing an integration with qualitative methods used in subsequent phases of the research. This section builds on the position set out in 4.3 and 4.5 relating to methodological options and specifically the relationship between normative and descriptive data.

The use of quantitative and qualitative methods in social and political research is often seen as mutually exclusive in the research task and for the most part antagonistic within the process of research (Bryman, 1988). Bryman also points to a range of differences between qualitative and quantitative approaches to research and these are used to explore the most appropriate method within the context of the research at hand. The emergence of qualitative research, as a set of tools to social researchers, took place with vigour from the early seventies onward (although there are plenty of examples prior to this there was no real body or school of research supporting the method.) Even as the tradition of using qualitative methods gathered support it was still seen as being somewhat secondary to more widely used quantitative methods. Even those employing a qualitative approach were unsure of the role and status of findings developed in this manner (Gans, 1982, cited in Bryman, 1988: 95). In this context qualitative research was seen as only providing a preparatory roll for more 'rigorous' research in the form of quantitative methods. Since this time qualitative methods have developed a tradition of research, which has justified the approach as an end in itself.

One of the differences between qualitative and quantitative research is the researcher subject relationship. The general position taken here is that of close and distant for qualitative and quantitative approaches respectively. A similar argument has already been explored earlier (section 4.5) when the role of empirical research was considered within a philosophical study. In a similar way in which normatively derived philosophical theory can be accused as being divorced from 'real life' quantitative methods too could be subject to the same criticism. Quantitative researcher has no

necessity to engage directly with individual subjects. Similarly, the qualitative researcher can be accused of being too close to those under investigation and therefore the possibility of being unduly influenced by them exists. Supporters of qualitative methods would propose the converse argument in that the close proximity of researcher to subject facilitates the ability to expose subjects 'meanings and interpretations' in a manner which quantitative methods are incapable.

Within the research effort currently being considered the preference to have a closer relationship with subjects is founded on the need to explore rather than test for the presence of a range of justice preferences as to how leisure services ought to be distributed. Whilst Crompton and Wicks' preferences are used as the basis of exploration no assumption was made that this range of preferences was an exhaustive list. Indeed, given that the process of 'local justice' is the subject of the study to presuppose a discrete range of underpinnings would be somewhat contradictory. This research seeks to explore a range of issues which have unknown underpinnings, which may require teasing and probing if they are to act as a heuristic to the overall research effort. In order to do this there is a requirement to be close to subjects so as this could be achieved.

3.6.8 Methods employed

In studying local mechanisms of justice, in the delivery of public leisure services, methods congruent with inherent characteristics of the subject matter were required. This section sets out the methods employed in this respect and the rationale for their selection.

3.6.8.1 *Semi-structured interviews*

The interviews are semi-structured and explore subjects' perspectives of the nature of justice, the nature of leisure, influences on service intervention and the role of the local and central state, whilst allowing a degree of latitude to participants in how they frame, respond and develop conversations (Kahn and Cannell, 1957). An interview schedule is given within this section. The nature, scope and context of the questions

are developed predominately from Elster's work on explaining local justice (Elster, 1992, ch. 5). In many instances attempting to extract information based directly on the categories and conceptualisations described within this work. Other sections rely on the works of Crompton and Wicks, McNamee, Rawls, together with Calabresi and Bobbit to varying degrees for their underpinning. With the subjects consent the interviews were taped and transcribed. Following anonymising through the use of appropriate indexicals, the data will be coded and analysed using discourse analysis to identify and develop dominant themes both generally and specifically by office and location. The outcomes of these interviews are used to provide a framework in the development of a predominantly normative thesis on justice in leisure services; yet in which, the value of empirical research is recognised (Swift, 1999).

3.6.8.2 Interview Sample

The following interview schedule was employed within this phase of the research. The data collected is intended to provide greater insight into the common understandings of justice issues within public leisure services, describing potential constraints. It is recognised that mutually exclusive data was not required for each phase but a method of eliciting values, perception and images of justice in public leisure from stakeholders. Given both the subjective nature and data requirements of the research a qualitative approach is favoured to a quantitative one in this phase (Bryman, 1988; De Vaus, 1990; Howell and Badmin, 1996) A series of in-depth (n = 6), semi-structured interviews using an elite sample, to be undertaken across the three participating authorities.

Policy Issue	Interviewee Sample	Date of Interviews
Authority A	Leisure Services Manager. Portfolio Holder.	Dec 2004 Dec 2004
Authority B	Leisure Services Manager. Portfolio Holder.	Jan 2005 Dec 2004
Authority C	Leisure Services Manager. Portfolio Holder.	Dec 2004 Not completed

Table 4.4: Sample schedule

3.6.8.3 Interview schedules

The following table provides the general outline structure applied to interviews. The various areas of enquiry are given together with information relating to the concept underpinning the question, its purpose within the research, any practical prompts or reference points and the theoretical reference.

Area of Enquiry/ Questioning	Eliciting concept	Purpose	Context/Prompts	Reference
No of people who could benefit from good/service	Structural Variable	Context setting	Population figure	Elster (1992)
Ratio of beneficiaries to No units available	Structural Variable	Context setting	1:1 Satiation	Elster (1992)
How important is getting the good (avoiding burden) to the individual	Structural Variable	Context setting	Score 1-10	Elster (1992)

Area of Enquiry/ Questioning	Eliciting concept	Purpose	Context/Prompts	Reference
How Leisure services are categorised in relation to above	Structural Variable	Context setting	i) Low No/ high importance ii) High No/ low importance iii) High No/ High importance	Elster (1992)
Means of arriving at allocation decisions within leisure services	General Explanandum	Causal, intentional and functional mechanisms	For general definitions see Elster (1992) pp.135-6	Elster (1992)
Values or guiding principles of the service. Frequency of changes wholesale or marginal.	Indefinite cycling of procedures	To establish the level of stability perceived in justice principles	Government initiatives, CCT, Best Value, CPA	Calabresi and Bobbit (1978)
Engagement in professional groups. Good practice sharing.	Professional norms	To establish the degree of homogeneity across services and authorities as constraints to autonomy	ILAM, ISRM, ADLO groups, Sports Partnerships	Elster (1992) McNamee <i>et al.</i> (2000)
National culture influence on local decisions	National Culture	Ibid (above)	Sport England	Elster (1992) Rojek (1995)
Regulation's influence on local decisions	Political regulation	Ibid (above)	Audit commission BV unit, Legislation, licensing	Elster (1992)
Basis of service distribution	Professional norms	To establish the internal logic of sphere	Equity preferences	Crompton and Wicks (1986)
Priority of resources. Important issues or issues that the resource will resolve	Professional norms of compassion/ thoroughness	To determine degrees of compassion and thoroughness. Outcome or out put focus	Corporate objectives Positive futures	Elster (1992) Waltzer (1983)

Area of Enquiry/ Questioning	Eliciting concept	Purpose	Context/Prompts	Reference
Role of the leisure manager in the allocation of services	Autonomy respectful- paternalism	To determine level/degree of influence/professionalisation of leisure managers	Arbitration	McNamee <i>et al.</i> (2000)
Consensus of opinion within the authority on the allocation and distribution of leisure services	Institutional Politics	To access degrees of compromise in allocation	Effect of point systems Equity and efficiency compromises	Elster (1992)
Evidence/ experience of groups seeking to change allocative principles	Organised interest groups	To determine whether advocacy groups associated with leisure engage in activities to increase supply and/or bargain over allocation	Nature of advocacy groups, purpose of advocacy groups	Elster (1992)
Anticipation of public response	Public Opinion	To establish how second order decision makers anticipate public response.	BV consultations Distinguish from cultural influences	Elster (1992)
Stakeholders incentives to distribute services by a particular principle	Incentive Effects	To establish whether incentives influence the principles adopted	Planning gain and commuted sums	Elster (1992)
Level of information accessed in making allocation decisions	Information problems	To assess how information intensive the mechanism is	Communication and data gathering	Elster (1992)
Agreement with other stakeholders about how services are allocated	Coalition building	Establish method of preference aggregation	Partnerships	Elster (1992)

Area of Enquiry/ Questioning	Eliciting concept	Purpose	Context/Prompts	Reference
Evidence of compromise with and between collaborating stakeholders	Bargaining	Establish method of preference aggregation	Quid pro quos	Elster (1992)
Services which no longer meet the current preferences of allocation	Accretion	Establish method of preference aggregation	Cessation of services	Elster (1992)

Table 4.5: Interview Schedule

3.6.8.4 Documentation

In addition to the data collected via interviews a range of key policy documents were collected and analysed. The use of these documents was not exclusive to either the normative or actual data collection phases but was used to support, challenge and/or validate information collected during these phases. The following documents were collected in order to support this activity.

Organisation	Documents Obtained
Authority A	Leisure Strategy Corporate Plan Best Value Consultation documents Local Performance Plan Relevant Sports Development plans
Authority B	Leisure Strategy Corporate Plan Best Value Consultation documents Local Performance plan Relevant Sports Development plans Playing Pitch Strategy
Authority C	Leisure Strategy Corporate Plan Best Value Consultation documents Local Performance Plan Relevant Sports Development plans Arts Strategy

Table 4.6: Document Schedule

3.6.8.5 *Data Analysis*

Analysis of the data was undertaken by discourse analysis. Within qualitative research much is made of the distinction between discourse and content analysis (Bryman 1988) yet in practice the boundaries are not always as easily distinguished. One of the main contrasts, however, relates to the method of analysis employed. Content analysis relies more heavily on quantitative methods compared to discourse analysis which tends to employ more qualitative methods. The interviews were essentially exploratory and discourse analysis provided a more appropriate tool to this end.

The texts were explored in order to draw out both the differences and similarities within responses. This required a softer more interpretive reading of the transcripts than could be gained from a structured quantification of a range of characteristics of the text. In order to reflect the exploratory nature of the analysis the transcripts underwent several readings prior to being manually sorted into dialogues relating to convergent themes or issues. These were further explored for their similarities and differences of the function and intention of the dialogue in order to establish views and beliefs on a range of topics (see interview schedule table 4.5).

The interview schedule was prepared for the interviewer's benefit, to act as an aid memoir in the process of interviewing participants. While the interviews were designed on a semi-structured basis in which conversations were encouraged to develop there was also a range of topics that needed to be covered. In covering these areas participant's beliefs were sought, often on specific issues relating to theoretical positions. The quantitative references in table 4.5 are used as prompts in eliciting respondent's strength of feelings on a particular issue. For the purposes of clarity the numerical values were never used in the analysis. Essentially any reference to numerical values were treated as inherent to episodes of discourse rather than subjected to quantitative techniques.

The issue of inference is worthy of a cautionary note at this point. The natural sciences have encouraged a tradition of attempting to infer the results of any analysis to the general population (Cresswell 1998). The younger tradition of qualitative research, in

many instances has no desire to make such inferences. Indeed, many qualitative methods use non-random sampling techniques, including this research see section 4.6.8.2, that render the use of inference statistics (Chi-squared etc) of little or no use. For supporters of the scientific method this in itself is reason enough to abandon the qualitative approach. Within this research a defence of local justice is sought which seeks to explore variations, between goods and cultures, and is best defended by cases that vary within regions. It is therefore inference between cases and the normative position that take priority i.e. how this case, the leisure case, adds to the overall case developed by Elster. The work presented within the thesis can not, and should not, be generalised.

3.6.9 Conclusion

The process to be undertaken within the synthesis phase is not merely one of counterpoise between the normative and actual distributions beliefs found within the organisations in the study sample. It must be much more than this where a normatively true theory is to be given. The phase is essentially one of *reflective equilibrium* in which the various proposed conceptions of justice are considered but include not only those determined via the empirical data collection phase(s) but also via a priori conception. As Cohen (Cited in Elster, 1992) articulates, any theory put forward as normatively true must accord with the moral philosopher's equilibrated intuitions, whilst

he can allow his intuitions, and he should, to be tutored and jogged by those of others both as uttered to investigators and as implicit in practice. But those data have to go through his intuitive set to effect his theory. He can't circumvent his own intuitions in favour of those data without ceasing to be a moral philosopher and becoming a sociologist

(Cited in Elster, 1992: 193)

The aim of this phase is therefore not to merely report the findings of the data collection phase in an experimental fashion but in the spirit of Elster's local justice, to

utilise the information provided via data collection as a source by which to question and scrutinize existing intuitions (Chapters 5 and 6 undertake these debates). In general terms the epistemological stance taken and the methodology employed is one which disagrees with Rawls (1972), that in the construction of philosophical theory the views of the reader and author are the limit of those that count, but which is more in line with the thinking of Elster who argues 'that empirical facts of this kind have a major role to play in the elaboration and refinement of the philosopher's own moral intuitions' (Elster, 1992: 194).

The purpose of the synthesis phase of the research is one of drawing together the findings of the data collection phases; in order to launder them into a coherent understanding of justice in the locale of leisure services. Whilst Crompton and Wicks (1986) in describing this process within their 'equity implementation model' label the phases as normative and empirical, these tags can be somewhat confusing within the context of this research. The confusion arises, mainly, from reference to a *normative* phase. Within the context of Crompton and Wicks work, the distinction is drawn between the perceptions, values and images of justice held by the various actors within the field and the reality of allocation and distribution in practice. These are labelled normative and empirical respectively. In the context of this study the distinction is not as clear, given the continuous reference to the development of a predominantly normative understanding of justice in the locale of leisure services. The importance of such a distinction arises within the synthesis phase when the two definitions of normative require discussion in a juxtaposed manner. In order to clarify this matter Elster's (1992) definition of *intuitions* as empirical foundations to theory development will be used as an heuristic device that makes a clear distinction from the normative philosophical process that will be undertaken within the synthesis phase.

Whilst the method employed within this phase has been developed from the 'equity implementation model' developed by Wicks and Crompton (1989) and the rationale for the overall approach given earlier, the process of using real life cases to support or underpin the development of theoretical conceptions of justice is also endorsed by Elster (1992: 192). Elster, on the one hand is critical of empirical and experimental work in researching issues of justice, not on the grounds that empirical findings have

no role to play in the development of theory (as Rawls, 1972 would argue) but on the grounds that reliance on such data has been, historically, 'long on technique and short on ideas' (Elster, 1992: 192). Elster's supports the use of empirical findings on the premise that it utilises institutions and those who actually have responsibility for the allocation and distribution of scarce goods. The views of which, he sees as being 'more robust than the intuitions and introspections about hypothetical cases' (Ester, 1992: 193).

In summary, the research design and methods employed seek to support a critical investigation into how public leisure services ought to be distributed. In doing so a normative, strict compliance model supported by empirical investigation is proposed. The chapter has provided a detailed explanation of, in particular, the role and rationale of the empirical work to be undertaken. The next chapter sets out the findings of the empirical work and begins the debate on their significance within the explicit normative communitarian commitment established within Chapter 3.

4 CHAPTER 5

EXPLAINING LOCAL JUSTICE

4.1 Empirical and normative considerations

Chapter 3 identified local justice as providing an overarching theoretical background for the distribution of leisure services. This section will develop a framework for explaining the principles and mechanisms of local leisure justice through the use of empirical support. That is, using Elster's (1992: 135) approach to local justice as applied to leisure, 'why, at a particular time and place, a particular institution adopts a particular principle for allocating a particular good': In this case public leisure goods. Such an insight, as provided by Elster's work and supported by empirical investigation, will further describe critically the distribution of public sector leisure provision as coherent and ethically justified.

Within this chapter an 'intentionalist' explanation of allocative principles is argued for; in which the formation and aggregation of allocation principles for public leisure services are presented as resulting from the outcomes of deliberations and conflicts among conscious actors (Elster, 1992). These actors are then defined within a public leisure services context using the framework provided by Elster; that of three levels of decision making, *first, second and third order*. The chapter also explores interaction effects between these various levels of decision makers which result in the emergence of aggregation mechanisms and procedures. For Elster, these various levels present *prima facie* motives; efficiency; equity, local efficiency and self interest respectively. The purpose of this section of the research is to explore the exceptions to and nuances of Elster's general framework as they apply to public leisure services utilising data from a series of semi-structured interviews. In Section 1 of the chapter empirical and normative considerations are discussed and the relevant actors defined. Sections 2 and 3 discuss preference formulation and aggregation in public leisure services respectively. The final section explores the justice preferences held by actors and contrasts them both with other goods and their own practices.

The research explores a number of issues in attempting to understand both how and why leisure managers, local authorities, customers and public opinion develop the preferences they do in relation to the distribution of public sector leisure goods. It further explores how these preferences are aggregated in order to provide specific (albeit often variable) final allocations and distribution therein. These mechanisms are those identified by Elster, as general characteristics in explaining local justice: preference formation and preference aggregation. The emphasis throughout will be on the role of leisure professionals.

In Chapter 3 of this thesis, a case for establishing an empirical involvement in the research was given. Some brief words on how this may be of benefit to the generation of normative moral philosophical theory are in order. Large sections of this chapter consider data collected through interviews undertaken with a range of decision makers within public leisure services and in the course of the chapter the data that emerges from the dialogue is laundered against the normatively generated position of 'local justice. Elster's view on this is pertinent. Whilst he recognises and accepts that the intuitions of philosophical thought should not be restricted by actual practice, again he argues that 'empirical facts of this kind have a major role to play in the elaboration and refinement of the philosopher's own moral intuitions'. (1992: 194)

One rationale for engaging in an empirical investigation is a general awareness that different conceptualisations of justice may prevail within a given practice, in this case public leisure services. This should be of enough concern to at least make the holder of moral philosophical intuitions question and review them in light of this knowledge. Neither should such intuitions be used to inform or refine normative theory unless an understanding of why others hold contrasting or different views is understood (Elster, 1992: 193).

4.1.1 Intentional explanation

Within this chapter both normative and empirical data are used to inform an understanding of leisure justice. It is therefore important that the ontological landscape is kept in view; that a level of clarity is provided to the order of explanation

that is to be accepted (Taylor, 1995). In doing this, Elster's (1992) position, as an intentionalist, is defined and used in understanding the ontological position of 'local justice'. If an undertaking to consider how this applies to a leisure context is to be beneficial, its ontological underpinning is important. When debating normative intuitions and empirical data together, Taylor's (1995) argument concerning the philosophical misunderstanding between ontology and advocacy is also relevant. What is cautioned against is that when a normative view of 'local justice' is discussed, that involves empirical data, that any cohesions or tensions that emerge may lack validity if not made on the same philosophical grounds. This may occur if one represents an ontological position the other one of advocacy. The point will be returned to in more detail when the role of professionals are debated further, but in the mean time it remains relevant as a methodological consideration.

In considering local justice Elster, (1992: 136) explores three possible explanations and their relevance to allocative principles; causal; functionalist and intentionalist. He supports the intentionalist variety in which the principles of allocation are seen as arising 'as the outcome of deliberations of, and conflicts among, conscious actors.' Elster (1992: 136) dismisses the functionalist view, which focuses on consequences which draws attention away from difficult decisions. Calabresi and Bobbit's (1978) proposal for a functionalist's view based on the avoidance of tragic choices is dismissed by Elster as being unsustainable as a consequence of its inherent non-selection underpinnings. Elster, however, in his appraisal of Calabresi and Bobbit's work does suggest some value in the idea of 'indefinite cycling of procedures' as a mechanism of interest to an intentionalist stance.

Pure principles, Calabresi and Bobbit (1978) suggest, are seldom used in arriving at allocative decisions, but in contrast suggest a strategy of successive moves is employed. Elster articulates this in local justice;

because any scheme will create objections in some quarters, and because the faults of the system in place tend to be more vivid than the flaws of the alternative, we often observe unstable oscillations and perpetual modifications.

(Elster, 1992:137)

For public sector professionals (and specifically leisure managers) this continual re-casting of the policy framework is commonplace. Elster's point disregards the idea that problems are stable and require the discovery of stable causal independent variables that provide permanent solutions. Elster seeks to observe the caveat that allocative practices are constantly changing by suggesting that these changes are more than likely to be only marginal and that 'successive solutions will almost always have a common core' (1992: 138). For the purposes of this research this points to a requirement to identify both the stable and changing characteristics of distributive practices within public leisure services.

Whilst in Chapter 2 the variable outcomes of service provision were emphasised, the mechanisms that produce similar results in autonomous organisations are equally of interest in understanding the allocation and distribution of leisure services. Elster (1992) expresses some degree of surprise that, whilst there may be a range of distributive principles used for a given good across a given area at a given time, these differences are not greater. He proposes that whilst there may be a range of mechanisms working towards providing different outcomes for the same good, and that these are dominant enough to support his theory of local justice, there is also a range of influences working against the grain of this position that provides a degree of homogeneity.

In Chapter 3, when discussing whether or not public leisure services represented a problem of local justice, the issue of the homogeneity of the good (i.e. leisure) was considered. In conclusion, it was argued that leisure services were seen as being an artificially scarce, divisible and *heterogeneous* good. This categorisation may be accommodated by Elster's framework. As a heterogeneous good the constitutive parts of public leisure services differ widely from facilities provision to different experiences. For example, consider the more passive experiences of library users and museum goers to the more active engagement in sports participation. Clearly services do not differ in their entirety (See Chapter 3 sample details). Some characteristics are common to many authorities including, sports halls and swimming pools. Others such

as revenue and capital allocations, golf courses and theatres, represent the variable elements of public leisure services.

It is important in considering preference formation to understand that there are a range of factors which encourage variations but also others working against it. If service delivery is ultimately as variable, as argued in Chapter 2, it would be rational to conclude that there must also be various mechanisms in operation which produce them. Elster lists the homogeneous influences as, 'professional norms', 'national culture', 'political regulation' and 'competition'. Of factors influencing preference formulation he includes all the above plus structural variables; organised interest groups; public opinion; incentive problems and information problems. In order to explore this issue in the context of leisure services, Elster's framework of decision making levels, is applied within the empirical work as described below.

An intentionalist explanation of distribution would appear rational. The distinction is made against other categories or explanations identified by Elster (1992: 135) as functionalist or causal. The intentionalist view is one in which the allocation and distribution of leisure services are seen as being explained by the conscious acts and deliberations of the main actors involved in the process; the main stakeholders. Within the processes of public leisure services these are represented by a number of identifiable groups. Whilst the categorisation adopted within this study is based upon Elster's (1992: 139) work (which in turn was influenced by Calabresi and Bobbit's work in *Tragic Choices* (1978)), there are two general issues that require further clarity prior to progressing to an analysis of the processes specifically involved in the distribution of public leisure services. In order to offer a critical description of Elster's framework, first, a survey of the categories as they may be applied to public leisure services will be undertaken and, secondly, some philosophical preliminaries relating to Elster's interpretation of the categories within local justice will be discussed.

4.1.2 The Scope of Decision Categories

Calabresi and Bobbit's work (1978) makes the distinction between first and second order decision-making in which first order decisions are seen as relevant in affecting

the total amount of the good available and second order decisions affecting how the good is allocated. In Chapters 2 and 3, reference was made to allocation and distribution decisions and these replicate those described as first and second order decisions in Calabresi and Bobbitt's work (1978). The decision-making framework identified by Calabresi and Bobbitt provided Elster with the platform on which he developed a more comprehensive range of decision categories. Elster both modified and expanded Calabresi and Bobbitt's definitions in order to apply them to his thesis (Elster, 1992: 139); although he disputed *Local Justice* represents a theory in itself. The adjustments made by Elster relate specifically to first order decisions and it is worth considering how these assist in making a public leisure services interpretation prior to their application to specific mechanisms.

Elster expanded first order decisions to include all choices affecting the total availability of the good including individual decentralised choices and quasi-natural scarcity. Elster's motive for this expansion would appear to be explained by its capacity to also incorporate decisions of individuals. These were seen as having a direct and significant effect upon the availability of any good, and in particular where associated with issues such as the donation of bodily parts or children for adoption. Calabresi and Bobbitt's categories are restricted to first order *political* decisions that give no credence to the ability of individual decisions to affect the total availability of the good. Elster also extended the scope of categories to include both voluntary abstention from a good and the voluntary assumption of a burden. Both of these Elster sees as having the ability to affect the total availability of the good at hand. Prior to considering the application of categories some words on Elster's revisions as they may be applied to issues of public leisure services are in order.

Elster's revisions recognise and support the influence of decentralised individual decision in effecting the total availability of the good. This prosecutes Calabresi and Bobbitt's notion that the only effects are those generated through political decision. For public leisure services, the ability of political decisions to influence the availability of public leisure goods is taken for granted, although there may be debate about preferences and mechanisms within this. The ability of decentralised individual decisions to do so may not be so obvious and therefore worthy of discussion. A

distinction between the current trend for consultation and public involvement in local government decision making, as evidenced in the Best Value directive (HMSO, 1999) and the Local Government Act of 1999, and decentralised individual decisions, referred to by Elster (1992) is important to this discussion. The latter refers to effects outside the influence of political decision makers and beyond the sphere recognised by Calabresi and Bobbit (1978). The influence of consultation work does not fit within this category. Whilst individual views may be given, they represent only one set of data used by political decision makers in decisions that remain distinctly theirs. Decisions outside of political influence made independently by individuals yet which still have the ability to influence the total availability of the good are those which fit Elster's expanded framework. The degree to which this may be seen as relevant to leisure services, at face value, is limited. Individual wants, desires and aspirations in terms of service delivery are seen as representing little more than requests to first order political decision makers.

On a general level it would appear that Elster's expansion has little to offer as a heuristic device to understanding public leisure service allocations over and above that advanced by Calabresi and Bobbit; individuals only inform first order political decisions. What provides a more fruitful exploration for leisure services is in considering Elster's second amendment of *voluntary* abstentions and burdens.

It could be argued that voluntary abstention not only occurs but has a significant presence within public leisure services. Within sports related services in particular, large sections of the community choose not to participate. On the other hand, some sections of the community may voluntarily accept an additional economic burden by choosing similar services from the private sector. It is worth recalling that Elster's rationale for developing these additional categories is based upon their ability to affect the total amount of the good available; for leisure services this may manifest itself in the levels of provision offered by the public and private sector. Whether the level of leisure provision is affected by either of the above acts; acts that are effectively decentralised individual decisions, is the matter at hand. In Chapter 3 it has been argued that leisure services represent an artificially scarce good and this definition of the leisure good is central to a consideration of any effects upon its total availability.

Within this description, providers of leisure services have the power to increase or decrease the level of provision and this is evidenced at a primary level by the variable levels of provision that prevail across authorities within England. Decisions which vary levels of provision are first order political, of the form that Calabresi and Bobbit advance. Research relating to the percentage of any population using leisure services also indicates that there are high levels of voluntary abstention. The relationship between these drivers is key in determining whether in these circumstances it would be reasonable to anticipate voluntary abstention affecting the total availability of the good.

The decision of individuals to abstain from public leisure services may have varying degrees of influence on the total availability of the good. It may alter levels of provision which have been established upon experience of uptake. This represents an indirect influence upon first order decision-making. Equally, it may have an effect on the assumption that service levels are representative of first order allocations that 'effect the prospects of non-volunteers in much the same way' (Elster, 1992: 139)

In light of the above debate Elster's framework is preferred for use with public leisure services. The following provides the framework of decision-making categories and their corresponding actors for a public leisure services practice.

Decision Making Category	Leisure Practice Actors	Referred to in subsequent sections and Chapters as:
First Order Decision Makers	Councillors Portfolio Holders Leaders Individuals	Elected Member(s) Individual(s)
Second Order Decision Makers	Heads of leisure Leisure Policy Officers Centre Managers Leisure Service managers	Leisure professional(s)
Third Order Decision Makers	Individual Users Customers Clubs and societies	Recipient(s)
Public Opinion	General community Common Understandings	Public Opinion

Table 5.1 Decision making categories in public sector leisure provision

This table represents the various levels of decision makers in public leisure services. Using Elster's categories, actors from within the public leisure sphere are classified in column two. In order to assist the reader further, column three provides the collective terms that are used throughout the text. The following section provides greater insight by setting out the boundaries of each decision-making category.

4.1.3 First order decision makers

First order decisions take two forms, political and individual. First order political decisions are concerned with the allocation of scarce resources amongst a range of activities (Elster, 1992: 140). For public leisure services this is represented by elected members who have power to allocate the available resources over a range of services; housing; environmental health; leisure etc. At this point the resource is essentially a financial one. As Elster states 'the primary consequence of such decisions is to favour certain goods and services at the expense of others.' (Elster, 1992: 140).

Decisions within the public sector have the potential to favour given individuals also. Take for example a decision to make large allocations in favour of leisure services over housing. Users of this service are predominantly, though simplistically, seen to be male, middle class and white (see for example Benington and White, 1988). Whilst it is appreciated that second order decisions relating to the principle of allocation equally affect this issue, it is tantamount to favouring this socio-economic group. Alternatively, a decision to fund housing with an alternative preference, as Elster recognises (1992), is to favour the poor. He makes a distinction between first order political and individual decisions. He claims that political decision makers are also capable of influencing the allocative principle of the good to a degree in excess of individuals; “unlike individual first-order actors, they (political first order actors) can influence the principle by which the good is allocated no less than the amount to be allocated’ (Elster, 1992: 140).

Elster offers a caveat to this point by suggesting that this is not to say that individual first-order actors are irrelevant in the choice of principle. Furthermore, he suggests that through the anticipation of their behaviour, incentives emerge to counter this influence. The distinction between individual influences at first, third and public opinion are subtle in Elster’s schema. In the general sense first order individual decisions are those which affect the overall availability of the good or its allocation, third order and public opinion influencing the principle of distribution. Elster’s comments are somewhat general, in the sense that they apply to a broad range of goods. Closer consideration of these categories for a specific good, in this instance public leisure services, should clarify the scope or boundaries of decision makers as they apply to that good.

4.1.4 Second order decision makers

Second order decision makers are those that have an influence on the principle of distribution that finally emerges in the final scheme. The major influence on the principle of distribution Elster sees as those actors operating within the institutions responsible for distributing a particular good. In Chapter 3, the leisure professionals’

role in determining principles of justice was discussed in detail, as part of the debate on public leisure services as a problem of local justice.

Second order decisions, for Elster, are dominated by officers of the institutions responsible for distribution. Whilst dominant this influence is not the exclusive domain of institutional officers. Elster recognises that both first order political and individual actors will have limited influence, as will third order recipients. The extent to which this is the case will be discussed throughout the chapter.

4.1.5 Third order decision makers

Individual users of leisure services (third order) are recipients or potential recipients of the good. The decisions and actions of third order actors have the potential to effect both the likelihood of receiving the good themselves as well as their potential need for it. Such decisions can be directly or indirectly related to the good at hand. Individual decisions to have a family may ultimately affect the ability to engage in certain sporting or leisure activities as the demand of rearing children severely curtails free time and money. Similarly, those who become clinically obese may affect their chances of receiving transplants or adopting children and find it difficult to take advantage of sports facilities. Alternatively, third order actors can act in a manner which increases their likelihood of receiving the good by influencing the supply, in the case of scarce goods, and or the principle.

4.1.6 Public Opinion

When marking the distinction between first order decision makers such as councillor and portfolio holders and public opinion, Elster notes important theoretical differences between liberal and communitarian stances. If public opinion is no more than the cumulated view of a number of individuals; which come to the surface for example by vote, the nature of the influence would be no different to that of third order actors, only in larger groups. This interpretation is frequently called methodological individualism. Here public opinion is seen as representing 'common understandings' and it becomes a requirement to explain/accept the notion of a public good. Third

order and public opinion positions are typically accommodated in both liberal and communitarian stances respectively. How are we to resolve this? Two options are open. First, the third-order category may be dismissed as minor and irrelevant in the choice of allocative principle. Yet, this choice would seem somewhat unreasonable given the strong case for its existence made by Elster (1992: 141-2). Alternatively, the philosophical dilemma this creates, that one cannot be a member of both clubs, that they are mutually exclusive stand points, may not even exist if Taylor's (1995) point relating to ontological and advocacy issues can be successfully applied to the case in question.

The research considers the formation and aggregation of allocation principles in leisure services under the framework provided by Elster. Three levels of decision making, *first, second and third order* are used. These also have interaction effects, resulting in the emergence of aggregation mechanisms and procedures. For Elster, these various levels present *prima facie* motives; efficiency; equity, local efficiency and self interest respectively. The purpose of this next section of the research is to explore the exceptions and nuances to Elster's general framework, as they apply to public leisure services

Chapter 4 offers a more comprehensive justification of the use of empirical data, including assumptions relating to the dismissal of a fact/value dichotomy. An assumption made in both undertaking and analysing the data.

4.2 Preference formation

For Elster, it is the allocative preferences of actors that provide the main input into the adoption of an allocative principle. In exploring public leisure services 'leisure professionals' and 'elected members' are taken to represent the main actors. Through the use of semi-structured interviews (see Chapter 4 for sample details) a range of factors, considered to enter into the formation of preferences, are explored. Namely: structural variables, professional norms, institutional politics, organised interest groups, public opinion, incentive problems and information problems. A comprehensive rationale for the use of empirical data within this project is given in

Chapter 4. The following statement of Elster's will act as a reminder of the relationship between the two.

I would argue, however, that knowing what others think (and what institutions do) can help the moral philosopher in what may be a somewhat stronger sense. At the very least, the knowledge that others hold or practice very different conceptions should make him scrutinise his own opinions with extra care. In these matters, more than in most others, intellectual humility is required. Secondly, and perhaps more controversially, he should not use his own views as inputs to theory construction unless he can understand why others think differently. When reasonable men hold views that differ from his own, he need not embrace their opinion, but nor should he ignore them unless he can reconstruct the causal or intellectual processes that have led them to these views.

(Elster, 1992: 193)

4.2.1 Structural variables

Elster speaks consistently of the value of philosophical reflection on practice. It is not factual information that is of the most importance but the perceptions and values held by decision makers that are of interest. Elster points to the importance of the following three structural variables, which in the case of public leisure services are held by elected members and leisure professionals, as forming part of the essential background to preference formulation:

- 1) the absolute number of people who could benefit from the scarce good;
- 2) the ratio of that number to the number of units that are available; and
- 3) how important or urgent is it to receive the good (or avoid the burden) to individuals. (Elster, 1992)

It is the views of leisure professionals and elected members, as representatives of first and second order decision makers that are presented and discussed. Beliefs and

perceptions in relation to justice preferences and mechanisms represent the primary concern of data collection.

For public leisure services perceptions of justice remain unclear. There exists constant debate about the measurement of usage and the level of service engagement (Howell and Badmin, 1996). Whilst for some services such as swimming this is a somewhat technical debate around usage, utilisation and occupancy, or how the service should measure engagement. In others such as parks, it remains an information issue; how many people use the park and what constitutes 'usage' of it.

Within the above variables Elster places an emphasis on interaction effects and in particular the relationship between the absolute number who could benefit from the good and the importance they attach to it. This relationship provides a number of initial classifications namely:

Those Benefiting	Perceived Value
Low number	High Importance
High number	Low Importance
High number	High Importance
Low number	Low Importance

Table 5.2: Benefit/Value classifications based on (Elster, 1992: 144)

Some goods affect a high number of people others low. The importance they attach to the good is also variable. For example heart transplantation affects very few people but the importance those requiring it attach to it will be exceptionally high; it may be literally a matter of life and death. Other goods may affect high numbers but have less importance to the individual recipients; university places for example. Within this part of the research insight into the stakeholder perceptions of leisure services were sought. From the interviews held there would appear to exist a large degree of inconsistency over this matter both between authorities, officers and members. As typified by the following responses:

That there's a high number of people in the district who benefit from it,, but it's probably of a medium importance rather than a particularly high or low one

(Elected Member, Authority B, 2004)

I would argue that leisure provision is very important and that's based on the health benefits that people can gain from participating in physical activity. The quality of life that people get and the aspects of, particularly with young people, that can improve community safety, fear of crime and pure academic ability can improve through learning new skills in new sports so I would argue that that there's a number of buttons that leisure can hit which puts it up there in terms of relative importance to other services.

(Officer interview, Authority B, 2004)

In addition to the personal views of officers and members a number of participants offered views about the public perception. For the most part they perceived public opinion as being at odds with their preferred view. This was of particular interest from a professionalism perspective. There appeared to be a strong 'paternalistic ('we know what's good for them') stance particularly from leisure professionals. This is typified by the following remark:

I Would you say members of the community would have the same response to how important it is to them as to what you think it has?

OA No, probably not. They probably see that what we provide is the sort of fun angle of the Council's provision; whereas, you know, refuse collection and environmental health are seen as a necessity - leisure is the nice bit on the top. Actually I see it as being more important.

I Okay. Taking those two things together, when we're talking about how many people benefit from it and how important they feel it is, from those categories, which would you categorise leisure as

OA *A (Low number/ high importance).....*

I *What would you say the average member of the community would say?*

OA *I think the perceptions amongst the ordinary members of the public would be that it's nearer (B – High number/Low Importance); they probably think there's loads of people using the leisure centres and it's relative to refuse collection and so on, it's of low importance.*

(Officer interview, Authority B, 2004)

I = interviewer, AO = Authority Officer

Throughout the data collection inconsistency was present between two conflicting views; that leisure services are a high number benefiting/low importance service and a low number/high importance. The above extract from a leisure officer interview supports the predominant view (although it has to be said a weak preference) of both leisure professionals and their view on third order recipients and public opinion. There exists a need for a more complex debate on the philosophical nuances between these two categories, which will be addressed later in the thesis, in order to delineate the significance of each and their relations. That aside, what is of importance for our current purpose is the distance between their own view and the view *they* believe public opinion would present.

The above distinction made by leisure professionals can be reflected on in light of Elster's critique of Walzer (1983) who, he believed, is mistaken in associating the internal logic of his spheres with the common understandings held by the general public. Elster claims that common understandings are not sufficient to explain the principles [of allocation and distribution] actually adopted there [within a sphere]. This would concur with the findings of this research, which suggests that leisure professionals do adopt a 'we know best' stance in relation to the structural variables involved in the service. To some degree this may have been anticipated given the

nature of the service as being supported by somewhat Aristotelian ideas and specifically the inherent ethic of the existence of a good life and is reflected in the following quote from the data:

I think that the real skill that we've got is to be able to assess what that is. What is the make-up of that particular community or particular district and then not only deliver services to meet that but to be able to develop a relationship with others and know who to speak to that brings that about.

(Officer interview, Authority A, 2004)

would you say you are reacting to the demands of the community or are you, as a professional, adopting a somewhat 'we know what's good for you' approach?

I think it's a bit of both. I think that we try to sell what we think is right for people on the back of what they're asking for.

(Officer interview, Authority C, 2004)

A rational progression of this thought leads to the existence of a paternalistic characterisation of leisure professionals (McNamee *et al.*, 2000/2001a and b). Elster further criticises Walzer for capturing 'the attitude of the professional dispenser of goods... and not necessarily that of the citizens' (Elster, 1992: 146), in defining the sphere. Whether this criticism appears well founded within leisure services is dependent on the credibility one wishes to afford common understandings and/or public opinion. What appears to be important, is that not only do different views exist between leisure professionals, but that these are often in conflict with what they believe are the views of public opinion. The paternalistic nature of leisure professionals appears continuous with the perceptions they hold. What is required, in order to understand the data, is not a justification for the rebuttal of the importance Walzer attaches to common understandings, in favour of a paternalistic role, but the development of how common understandings can be embodied into the preference formulation of leisure professionals.

What clearly emerges from the consideration of structural variables by leisure professionals is that they differentiate between their own perceptions and those of the general public. Normatively this raises a range of issues including communitarianism, methodological abstraction, paternalism and professionalism. It may be premature to move to these debates based on only this limited data of these primary variables and further consideration is required to understand both the formulation and aggregation of leisure professional's equity preferences.

In one sense structural variables provide an insight into the empirical reality of the perceptions of leisure professionals but provides little more than a platform for practical reasoning (O'Neil, 1983) and the distant attainment of an ethic for leisure justice. The next section examines the influence and existence of professional norms as agents of preference formation as the first step along this road.

4.2.2 Professional norms

Leisure management has emerged both as an occupation and profession over the previous twenty-five years. A fuller account of the temporal development was given in Chapter 2. In this section leisure professionals' views were sought on how constrained and influenced they feel in undertaking their roles by the norms of their 'profession'. The data collected suggests that the professional bodies (ILAM and ISRM) are weak in influencing the preference formulation of leisure managers. This is not unexpected given that the profession of leisure management is very young and no single institute has acted as the governing body, unlike medicine (GMC), law (LS), or teaching (GTC).

Throughout the interviews all managers expressed a high level of independence from professional bodies and whilst they had all had recent contact with them, saw the main driving forces to justice preference as locally determined. This localised view is represented by the following officer comments:

OA Aye it's local. How we get numbers up, how we get people being healthier, I think is

based on – we might have a sort of antennae to things that have been said but we'll make those decisions locally ourselves.

OA = Officer Authority A

The level of autonomy from professional norms was perceived to be high. Relative to other local government 'professions' such as accountancy, planning and health, leisure professionals felt little if no constraint from a professional group as to how they acted. Interestingly all other groups have a longer and more stable history than the leisure and sports institutes. Membership, for the leisure professionals, is on a strictly voluntary basis, unlike the more developed professions for whom membership is compulsory. It appears that the professional institutes for sport and leisure have relatively little influence over the actions of professionals who only engage with them when their directives happen to correspond with what the professionals perceive as the local need. The following quote from the interviews supports this view:

I think they're quite weak firstly, and I would say that most of my sharing of knowledge with practices is from practitioners within the geographical location so, if anything, it's shared knowledge with [other] Officers and people I have known or worked with and I would say most about networking, you know, there's been a recent release of information about rules on access to swimming pools which, I have to say in my mind, whether it's because I'm not involved in ILAM and ISRM and I should be, or whether it's because people are sending out Codes of Practice very reactively, I don't know, but I have to say I'm quite damning of some of the things that come out. Because they put pressure on professionals when you just don't need it at times and fly in the face of what's been happening for years

(Officer interview, Authority C, 2004)

It would be difficult to argue in this context that professional norms play a significant role in influencing preference formulation amongst leisure professionals. The absence of predetermined rules, regulations and protocols within the professional institutions of leisure management define its inability to impress a rigid framework upon the

practices of leisure managers. In referring to other local government professions one manager commented that,

There is a standardisation (of codes of practice) there which I don't think is there in leisure, or ever will be really.

(Officer interview, Authority B, 2004)

This form of comment was supported by further comments relating to the training routes experienced by colleagues as being very diverse. There exists no formalised route through which individuals achieved 'leisure professional' status and no single qualification was seen as the industry standard.

The existence of professional norms would have provided a platform for seeing leisure management as being the subject of end orientated reasoning (O'Neil, 1983), in which a strong sense of actions and policies to ends, as determined by the professional body, would lead to homogeneity of service outcomes. Under these circumstances the formation of equity preferences would be seen as constitutive of the 'profession' of leisure management, in which predetermined ends are embodied. The lack of professional norms as evidenced in this research makes way for the consideration of act-orientated conceptions of practical reasoning in which certain types or principles of action can be tolerated and which are more likely to lead to a wider degree of approaches to service allocation that may also be arbitrary and capricious.

Within the more traditional professions, the identification of a natural telos is much more clearly identifiable and these are possibly indicative of constraints to reasoning for its members and the subsequent consistency and generic approach to service allocations and outcomes. Whether these lead to idealised conceptions or greater abstraction in what justice would look like in these professions remains debatable.

Two things emerge from these findings 1) professional norms do not appear to play a significant role in the formation of equity preferences for leisure professionals. 2) In the building of a leisure justice ethic, constructive procedures are less likely to be developed on idealised or abstracted conceptions of leisure justice than may be

provided by a more established profession. Both these 'findings' would support variations in service provision. Not only do they provide evidence of the professional freedom experienced by leisure professionals but also a lack of a teleological foundation to reasoning in favour of action-orientated conceptions, suggesting the 'profession' is more comfortable in the adoption of a particularist rather than universal setting.

4.2.3 The norms of compassion and thoroughness

Elster states that for the most part professional norms are self-explanatory. It can be easily accepted for example that teachers wish to teach bright students. Elster (1992: 147) identifies two norms within the medical profession, namely, the norm of compassion and the norm of thoroughness as being both less obvious and having important allocative consequences. Within the interviews the existence of these norms was explored within leisure management. Whilst Elster suggests that these are unique to the medical profession, there would appear no reasoned argument as to why they could not be constitutive of a wider range of professions. Indeed, one might reasonably assume that these norms may contribute to the varying allocation patterns found within leisure services and be supportive of the concept of a leisure 'profession'. These issues were, as a consequence, embodied within the interview schedule.

The emerging data suggested that these norms exist within leisure management, although not in the strict sense which Elster identifies for the medical profession. There was clear evidence that within leisure management very similar mechanisms were in existence. The norm of compassion within the medical profession, the principle of directing resources towards critically ill patients, despite the ability of the resources to do greater good elsewhere, represents a conscious act by doctors (second order decision maker). An analogous act within leisure management might be the allocation of sports development services to highly economically deprived wards or areas. Officers often referred to feeling an obligation to direct resources in such a manner, as it was perceived that people within these areas were at greater risk from instances of poor health and anti-social behaviour, of which sport was further

perceived to be able to contribute to its amelioration. This has a number of similarities, and differences, to the medical norm which are explored in the following section.

In the first instance leisure professionals would appear to be 'compassionate', relying on the acute nature of the need as the trigger to resource allocation. Similarly, the resources may be better employed elsewhere. If the rationale of the provision of sports services is based on its contribution to improving the health of the region, and this by extension is only achievable through encouraging a long-term involvement in sport or physical activity. The ability to succeed in this, accepting the equal competency of sports development officers, is to a large degree affected by the predisposition of the recipients. It is well documented that deprivation is a prime indicator of ill health and participation in sport and physical activity (DCMS 2002; Sport England, 1999).

The likelihood of success in encouraging habitual participation in sport and physical activity, it may be assumed, would therefore be greater in more affluent areas. For the same resource, affluent areas would be more likely to result in an increase in people taking up involvement and attaining the associated health benefits than they would be within a deprived one. In terms of achieving the health objectives of the service effectively this would be the preferred strategy. Decisions to focus and operate in deprived areas may therefore be seen to be founded on a norm of compassion.

An alternative justification might be based on Rawls's 'maximin' principle in 'justice as fairness', in which the position of the worst off should be improved. In order to argue that the norm of compassion is a mechanism operating within leisure management the alternative 'maximin' principle needs to be dismissed. This can be addressed on two levels within this research; first, in an empirical manner using the interviews as episodes of leisure management discourse giving insight into principles, values and images held; and, secondly through normative intuition as applied to justice issues within leisure management. The former will be addressed within this chapter the latter in Chapter 6.

The allocation and distribution of leisure goods within deprived area and wards demonstrates characteristics which are more closely associated with Elster's norm of compassion than with Rawls's maximin principle. It is recognised that such a claim could be seen as confusing advocacy and ontological issues (Taylor, 1995). The claim of a norm of compassion is made on the basis of a strength of balance rather than a mutually exclusive categorisation. The structure of the thesis essentially deals with advocacy issues within this section and the ontological ones in the next. In Chapter 6, the issue of the maximin principle is discussed in its wider context of universalist and consequentialist assumptions.

In relation to the compassion norm, this appeared to be more forcefully advocated by elected members than leisure professionals. Elected members expressed a view that they often allocated resources to urgent rather than important issues and that this was often not the best strategy in terms of using the resource to resolve problems; another indication of compassionate actions within leisure management.

you don't put a swimming pool in a village you put it in a town – so that is slightly important and also you put them where they're going to be used. That has to be considered; you don't want to put them where nobody's going to use them. It's very important to see that there is provision for economically disadvantaged residents but not to the exclusion of others

(Elected Member, Authority B, 2004).

Whilst Elster's primary example of the norm of compassion is based in a health context, he also recognised that a similar framing could take place within other public policy. In this he suggests that allocation and distribution is a function of 'how important the problems are, not of how effective the funds would be in solving them' (1992: 147). The data from this research would indicate a level of agreement with his assumption.

Similarly the norm of thoroughness can be considered for leisure management. This norm is similar to the norm of compassion in that it provides a framework in which to assess the nature of allocative resources specifically in relation to their utility. In the

compassion norm, the focus is on 'who' receives the good or service: Is the good given to one group in favour of another? In thoroughness, the focus is on 'what', or more specifically how much of the good is given. Both these norms may be seen to be applied to the detriment of maximising marginal utility: that a greater output could be achieved by alternative strategies.

In a health context, this norm presents itself as the amount of time physicians allocate to individual patients. Elster argues that this is often too much. That by cutting down individual consultation time the vast majority of illnesses would be diagnosed leaving considerable time to examine additional patients. The result being that a greater number of illnesses would be identified. In this sense, the marginal utility of spending additional time with patients takes an exponential form towards zero.

Using the health aspiration as an example, and particularly the government target of achieving 70 per cent of people taking part in physical activity (DCMS, 2002), the amount of time and resource allocated to deprived areas (as indicative of poorer health) is disproportionate to the outcomes that may realistically be achieved. Leisure professionals expressed some concern over this and in particular to the ongoing persistence to which members and funding bodies targeted these areas with little to show in results.

However hard we try to really get to those most in need and believe me we put lots of effort into it, its those people who are not in need who take the greatest advantage of all the initiatives.

(Officer interview, Authority A, 2004)

This is not to say that such areas did not warrant such levels of resourcing but that the continuous concentration, or thoroughness, was to the detriment of increasing the overall marginal utility of resources i.e. achieving the 70 per cent target. It is the persistent targeting of resources to the same groups that constitute the norm of compassion. The difference is drawn in relation to 'need' which represents a norm of compassion. On this basis the data suggests that a norm of thoroughness exist within leisure management.

4.2.4 Institutional politics

Institutional politics may be suspected of playing a large role in influencing the actual principle of allocation that is used in the final scheme. It is unlikely that an absolute consensus of preferences between various sections and divisions of an organisation will exist. Elster (1992) demonstrates how such politics impact on the allocation on resources in hospitals. This research considers how such politics can effect leisure management.

The effects of institutional politics within leisure management are considered as having three possible influences:

1. inter-departmental disagreements
2. inter-section disagreements and
3. inter-domain disagreements.

The former referring to disputes between disciplines such as housing, planning, economic development etc, inter-section referring to conflicts between members of leisure divisions between arts, sport, finance and inter-domain being between management teams and members, officers and management.

The interviews suggested that conflicts do exist on all these levels. One interpretation of the interviews would be to see the underpinning of all such disagreements as being representative of the struggle between equity and efficiency. There appears from the data to be no distinct pattern to these disputes. The conflicts were not seen as predominantly inter-sectional, inter-divisional or inter-domain. Although not directly identified by any of the respondents, an analysis of the interviews does suggest that such conflicts are more likely amongst elected members when taking first order decisions involving the allocation of resources. For example members of a finance or budget committee would be much more likely to be in disagreement with service managers than their colleagues in portfolio roles (i.e. other elected members who can take a less self interested or organisational approach).

I think it's (disputes between members) driven by the opportunity to acquire money.

(Officer interview, Authority A, 2004)

Equally, the impression was given that disagreement was as likely between members adopting these separate roles as it was between the finance division and service delivery division. Unlike Elster's example of kidney donation (1992: 153), leisure services provide no obvious tangible compromise in the form of a points system. Such a system allows for clear criteria for resource claims in the allocation and distribution processes. The only example from the data of a points system being employed for the allocation of resources in leisure services was for the distribution of play areas. In this case points were awarded against a set criteria that included distance from other services, isolation, and poverty; all equity criteria. Set against these and with the greatest weighting, was the number of children likely to utilise the facilities. This is in reality an efficiency counter balance.

Where such points systems do exist the relative strength given to the various factors provides an overt indication of the compromises accepted together with an obvious basis on which to contest such compromises. Leisure services provide no significant instances in which such mechanisms exist and compromise would appear to be on a more subjective and concealed basis. As a result it is anticipated that greater levels of coalition building, bargaining and accretion would prevail. These are discussed in the subsequent section on preference aggregation.

4.2.5 Organised interest groups and public opinion

The development and sophistication of organised interest groups has been recognised as having a growing effect on the just distribution of leisure services over the last decade (Wicks and Crompton, 1989). They saw the emergence of such groups as being one of several issues that have recently brought leisure equity to the notice of academics and politicians alike. Elster suggests that such groups organise themselves to two ends; to increase the supply of a scarce good and/or to bargain over the

distributing principle applied to the allocation of the good at hand. A distinguishing characteristic of interest groups, as opposed to public opinion, and one that will be shown to have increasing importance, is the pursuit of a common end for all members of the group; as Elster states 'we would not expect, therefore, a group to organise for the sole purpose of deciding which of its members should be *excluded* from a scarce good' (1992: 153). Examples of advocacy groups in leisure services are common. In authority C alone, organised advocacy groups were known to the department for play provision, pool provision, music festivals, football pitches, play areas and parks.

Elster also refers to the divisive nature of organised interest groups and how such groups stop short of involving themselves in bargaining over allocative principles concentrating mainly on attempting to increase the supply of the good. Within leisure management evidence from the interviews suggest that this is not the case. Before examining the statement in more detail it is worth reflecting on the reasons Elster presents as to why such groups resist advocating a particular allocative principle. First, groups with a common interest can be seen as divisive. Elster indicates that such groups are unlikely to be comfortable advocating a given principle of allocation which they would so obviously be going to gain from personally; any allocator would be likely to see through this as self-interest.

Within the interviews this behaviour was not directly referred to but better, divisive self-interest and gain were. Play provision provides an example, in which, small, organised interest groups would make representations to the authority with the single focus of securing a play area for their estate, village or area. Both members and officers felt that in their experience none of these groups had a fixed objective of either increasing the supply of the good (in this case the number of play areas) or altering the allocative principle; neither represented the specific strategy employed or an unacceptable outcome. As long as they themselves obtained an allocation there was little real concern whether this was achieved through an increase in resources or redistribution of existing resources. Advocacy groups seeking leisure services, it was suggested, were likely to discredit other groups chasing the same resources and cases involving attempts to influence the principle of allocation and the total resource were known to interviewees.

I rarely see people from the same genre, say sport, I rarely see them coming together in a coalition to benefit sport, naturally develop, and the arts might be slightly different but I find its kind of, what's in it for this club or for my group, not what's in it for the overall good of the sporting community and most clubs don't care what the effect of them getting resources is on other clubs.

(Officer interview, Authority A, 2004)

I think that in recent years here, in terms of financial allocations, there has been a strong move towards funding what is seen as priority services expressed by both politicians' views and also the views that come back through surveys with the community

(Officer interview, Authority A, 2004)

Elster's, second reason for groups not organising themselves with a view to advocating a particular principle of allocation is that they possess no bargaining power. He suggests that their direct actions only disadvantage themselves, patients who remove themselves from waiting lists, students who withdraw applications do so to their own detriment. Elster, in this instance considers only the direct action of removing himself or herself from the process, or queue, from which they may receive the good. Nevertheless this is not the only bargaining tool at the disposal of such groups and for leisure services is not the primary course of action. On the contrary, taking play areas as an example again, advocacy groups operating within this area aspired to make themselves visible in order to be placed on lists or highlighting the lack of procedure or system by which allocation might be obtained. The threat in this case is to an organisations reputation and political accountability. From members' responses, however, it may be considered that this was a genuine threat that provided real bargaining power.

Such a threat is unlikely to be unique to leisure services. This does not alter the main point of Elster's argument, that few organised advocacy groups establish themselves to a level of sophistication that allows them to successfully promote a particular

allocative principle. Yet for leisure services, the evidence suggests this is due to the divisive and transient nature of such group populations, which seriously affects its capacity to organise itself. By definition the time of life that people tend to have small children is the time they lobby for play areas, older people bowling greens and so on and so forth. It is easy to see the transient nature of such groups. This is not to say that the issue does not remain but, as the interviews indicate, different issues emerge, often in a different location driven by the same people.

You see it so many times, the same people popping up in different groups as their interest change and too often it's the people involved that determine success not the nature of the cause.

(Officer interview, Authority B, 2004)

There are of course goods that are more generic in their nature and to which one may suspect as likely to be more stable within a population. Whilst these do exist, one authority presented a very clear example relating to swimming pool provision, that had maintained consistent pressure over a number of years in seeking an increased allocation and was ultimately successful. The leisure studies literature, in particular the fickle nature of leisure interests under modernity (Rojek, 1995), may suggest that such groups are likely to become increasingly transient in the future where they are related to clubs and interest groups.

Elster's view is that organised interest groups are constrained in their ability to promote and achieve changes to allocative principles due to their divisive nature, bargaining power and transient populations. In contrast the success of advocacy groups within leisure services, as evidenced from both officers and members, is perceived to be relatively high.

I don't think they're (clubs and societies) important enough to take as much from the public purse as they do. It's a relative judgement but they get it because they shout the loudest.

(Officer interview, Authority A, 2004)

The data presented a level of contradiction amongst the interviewees. With the exception of bargaining power, which the interviews did not present as being used on a regular basis, interview responses on the one hand suggest constraint and repression, yet on the other success and influence for advocacy groups. On first reading this suggests inconsistency in the responses. Further discussion, however, with interviewees lead to the conclusion that, whilst such groups may form for the purpose of ensuring either the continuation, increase or redistribution of a given leisure good, the need to proactively advocate their message or demands to leisure professionals seldom arises. The need to overcome the barriers identified by Elster and intuitively seen to exist by leisure professionals would only arise in a small number of cases due to the prolific levels of consultation taking place within leisure service departments. Readily available advocacy groups were found to present easy data capture for authorities, often with a requirement to give evidence of public consultation.

The data below suggests a belief, by leisure professionals and elected members that dialogue with such groups constitutes the elicitation of *public opinion*. It is suggested that this is a misconception of leisure management that has lead to a number of professionally weak positions. A fuller justification of this point will be made later in the thesis (Chapter 6, Section 3) but, for the present the important point is that, under the umbrella of consultation, organised interest groups appear to have had an elevated status in the allocation and distribution of leisure goods albeit an undeserved one.

I think we have to be very careful about it because I think there's consultation fatigue and so we need very carefully to target our consultation of those people who would like to be consulted on any issue and not to do it too frequently to avoid that fatigue - it's a very delicate balance.

(Elected Member, Authority B, 2004).

We rely an awful lot on public opinion which we gauge through our fixed facilities on ongoing feedback, which I think is very good..... So, our consultation is with people involved in sport, and people using our services, (it) is probably very healthy, or reasonably healthy.

(Officer Interview, Authority C, 2004)

So, I think there's a fine line between the detail you want and the overall views and I do think non user information is too hard to collect.

(Officer interview, Authority C, 2004)

The direction of travel of this point is one that will eventually conclude that 'public opinion' on leisure services is to a large extent illusory and that views of advocacy groups are often mistakenly misconceived or defaulted to in its absence by leisure professionals. The gravitational pull towards such advocacy groups for consultation purposes is therefore deemed to be an error. This will be discussed in greater detail in Chapter 6.

The success of organised interest groups under the proactive consultation of leisure professionals would in the circumstances be unlikely to be perceived as divisive; the suspicions of leisure professionals are less likely to be raised when they actively elicit the views and opinions of third order recipients rather than vice versa. Similarly, the use of threats and the deployment of bargaining tools are less likely to arise in a consultative environment than an advocacy one. This suggests changes in the process flow from, recipient to leisure professional, into leisure professional to recipient. This is significant in that it both, increases the likelihood of organised interest groups success and is at odds with the allocative practice model developed by Howell and McNamee (2003), and described in Chapter 3, in which leisure professionals balance the internal logic of the good with common understandings in determining allocative practice.

What emerges from the data is that leisure professionals do not differentiate between common understandings (or public opinion) and the views of organised interest groups. For Elster the two are inherently different moral and ethical viewpoints which, when confused, have the potential to delude leisure professionals into unjust allocative practices, as we have seen.

The arena of professional decisions can become clouded when the internal logic of the good recognises communitarian ethics, in which empirical understandings are

accepted as having value. Those understandings ought to be sought within the same philosophical framework; a holistic community focused public opinion. Not only are the views collected, by leisure professionals, not public opinions as they believe, they may also represent separate ontological and advocacy positions (Taylor, 1995). All this adds to the confusion, difficulty and misunderstanding that can occur in the formulation of allocative practices within leisure services.

How is this to be overcome? By making leisure professionals aware that public opinion on leisure services, except in the most significant of cases is an epistemic fallacy. In understanding the nature of the data, leisure professionals will be less prone to making decisions which they believe to be the aspiration and desire of the community but which are so often not. Alternatively they may also develop strategies to nurture a public opinion. The claim that public opinion is chimerical within leisure services requires further explanation prior to considering its consequences. A full account of this position is given in Chapter 6 based upon Taylor’s (1995) ‘topical’ and ‘metatopical’, categorisation of common spaces; the former having characteristics of ‘organised interest and advocacy groups’ the latter to ‘public opinion’.

4.2.6 Incentive effects

Elster saw a range of incentive effects arising within allocative schemes. The interviews sought to explore leisure management for occasions of the mechanisms identified by Elster and this section discusses the data collected in relation to these. The following table adopts Elster’s categories as they may be applied to public leisure services:

Participants	Reaction to
(i) Elected members/leisure professionals	Recipient behaviour: how organisations react to strategic third order behaviour.
(ii) Elected member/leisure professionals	First order behaviour; how they may try to increase supply of a good by adopting allocative principles that motivate individual donors.
(iii) Leisure professionals/leisure professional	How authorities react to the possibility that their own officers may have an incentive to deviate from policy.
(iv) Elected member/Elected member	First order incentives to shape allocation.

Table 5.3: Range of incentive effects based on Elster (1992)

In terms of the argument presented so far within this thesis interest in the first and third mechanisms may be anticipated to bear greater fruits in terms of explaining the allocation of leisure goods. The first incentive is one that has already been touched upon earlier under organised interest groups; it was seen how their actions are no more than strategic behaviour in the attempt to influence the allocation or principle of goods. The issue of moral hazard is of little relevance to Elster in relation to this form of incentive, particularly in relation to the allocation of medical resources. People are less inclined to look after themselves when the safety net of a national health service is in place. The relevance of this incentive to leisure goods appears obscure. Mindful of the earlier conclusion that leisure professionals wrongly perceive organised interest groups as representing public opinion (while it is in fact strategic behaviour by potential recipients) the proper response of leisure professionals to such actions is less than obvious.

The moral hazard of leisure (as physical activity) is embodied in its burden of exercise and benefit of health. The incentive for physical activity is the avoidance of the burdens of medical treatment arising from a lack of self-care. The moral hazard thought to be presented by the introduction of a national health care service, and to which Elster gives little weight, is the mirror argument to taking up the leisure goods. In this instance, the interviews support Elster's perception that the main incentive to access the good would not be to avoid the burden of health care but from other sources such as hedonism or vanity.

With the possible exception of gym members most people use our services simply because they have fun doing them, not because they think it'll save their life.

(Officer interview, Authority B, 2004)

The incentive to provide the good to a specific location or group would be either a reaction to strategic behaviour by potential recipients (possibly mistaken as public opinion and therefore a mis-allocation) or as a result of elected members changing principle of allocation in the pursuit of first best criterion: allocation of resources to

leisure to combat health issues. The former is a reaction to recipient behaviour, the latter to elected members. Both mechanisms would appear to play some part in the ultimate principle of allocation selected.

The influence of incentive effects for leisure services cohere with Elster's general view that 'incentive effects do not figure prominently in the explanation of allocative principles' (1992:166). The degree of influence is in part dependant upon the ability of leisure professionals to anticipate and operate in full knowledge of the prevailing incentive effects. The interviews would support the notion that this is not the case. Incentive effects are not appreciated, nor indulged, by leisure professionals in forming preferences for allocation. Indeed a naive understanding of incentive effects and their use by elected members and quangos could be read into some leisure professional responses to their use:

some (funding) schemes force the use of resources into specific kinds of areas. It's like.... as if people in them need more enticing into things and I'm not sure that's fair to others in the community who are motivated and want to use us.

(Officer interview, Authority C, 2004)

It may be unfair to suggest this as naive, rather than, a strong belief in a prima facie preference, for example, to improve the worst off through the allocation of leisure goods. But, as Elster also notes, the ability to recognise and anticipate incentive effects is perhaps underestimated and their influence overestimated by second order decision makers in general. The predominant use of incentives, in leisure services, appears in seeking responses from potential recipients as a result of leisure professional behaviour, rather than *vice versa*; leisure cards, discounting, inclusion of transport costs.

Leisure professional's responses to other leisure professionals' behaviour is also an incentive effect worth further consideration. The incentive in this context is inducements. The question to be debated here is whether such leisure professionals influence the principle of allocation essentially for their own benefit. Within the

interviews the issue of incentive effects was discussed and there was a very clear dismissal of the use of incentives in general let alone any indication that they themselves would be susceptible to such inducements.

Elster suggests that the main principle of allocation for a good may be rejected if it presents a negative incentive effect. Furthermore, he proposes a paradox in which the less a society has reason to fear arbitrary behaviour in the allocation of a good the more likely it is to press for and demand that procedures which remove any chance of such behaviour are introduced. Elster, reflecting upon such intolerance, suggests that the level of scandal transgressions ignited is relative to the rising 'level of professional competence and trustworthiness' (Elster, 1992: 162) of those involved. This suggests the greater professionalisation of the distributing agency the more scandal arousing ability it possesses. Whilst leisure services have a scandal arousing capacity it is further suggested that this emanates from its characteristic of being a public body rather than any indication of leisure managements rising professional status or the nature of the good.

Interestingly within leisure management there is little, if any, real move towards non-discretionary criteria for provision. Whilst there is increasing stewardship on decisions there is little evidence to suggest, and the interviews endorse this, that decisions themselves are subject to highly mechanical procedures or criteria. Elster, provides an example for student selection which describes how leadership as a criterion for selection can move from being at the full discretion of the admissions officer to being eliminated entirely in favour of a grades based system.

Within leisure services no evidence of incentive effects being used were found. One example of leisure professional behaviour to ensure or prohibit self-interest was. Authority C had developed and used a set of criteria based upon a points system for the allocation of equipped play areas. The reason given for the introduction of such a system was to combat elected members self-interest. Indeed, the criteria for the allocation of this scarce resource (there were less play areas than wards) was made deliberately complex. The complexity was to the extent that members considering the criteria would not be able to work out how it affected their own position. The criteria

were presented in a separate paper and members were asked to agree the basis of allocation effectively from behind a Rawlsian veil of ignorance. The officers involved deliberately introducing this procedure in order to prevent members behaving in a self-interested manner. The interpretation of 'self' interest in this context requires some qualification.

In the instances described above, 'self' in self-interest should be taken to refer to the benefit to their specific ward and community at the expense of another within the district. It does not refer to the direct personal gain of the individual beyond political kudos. For the particular leisure professionals involved this represented a very desirable move. Not only did they feel they had avoided a protracted political debate in which members sought reasons to reject or accept proposals based neither on fairness nor need but, that their professional input had not been diminished. On the contrary, they felt that the development and setting of criteria had further professionalised their input.

It was certainly a more skilled and satisfying job to develop a criteria that guided members into the right decisions and stopped them just doing what suits them or their ward.Yes, it was a more professional job than just laying out facts in a report.

(Officer interview, Authority C, 2004)

Whilst 'self' interest for leisure professionals was difficult to identify at officer level and none of the interviews provided evidence of such behaviour, there is a general acceptance within leisure services that the mix of services is often influenced by the interests of officers working within the service. This may be between say, sport and the arts, or at a more specific level where a sports centre has for example, a former footballer, county representatives or specific sport interests at a senior level, these sports often feature prominently within the programme. Whether this may be determined as self-interest or utilisation of specific skills remains debatable.

In summary, Elster does not hold strongly with the idea that incentive effects play a major role in influencing the principles of distribution. He further reflects on the fact

that some incentive effects no doubt do exist but are elusive and bound in to complex mechanisms making them difficult to observe. From the observations of this research it is suggested that this is also the case in leisure management and that 'self' interest,^{vii} whilst not influential, will prevail to some degree and in certain quarters. The point of debate, however, is focused upon whether or not these ultimately affect the principles of allocation selected. The emerging picture from this research is that within leisure management this is not the case.

This is not to say that within public leisure services, mechanisms and procedures have not been adopted which are subject to both scrutiny and accountability. This is to be distinguished from influencing the principle itself and as has been stated earlier, wide discretion remains in determining the allocation and distribution of leisure goods. With the exception of the play example given earlier the use of objective criteria is mostly absent in such decisions. Further, the procedures of accountability are those universally applied to UK public sector decisions, scrutiny panels, district audit and internal audit requirements. It is difficult to suggest that mechanisms for anticipating and controlling behaviour in decision making are born from, or related to, specific concerns in leisure. An alternative view may suggest that such procedures are firmly the result of the scandal arousing capacity associated with the use of public money.

Decision-making within public leisure services remains a highly subjective matter. The development of meaningful performance indicators has been and remains problematic for leisure management (Howell and Badmin, 1996). Whilst this may blunt aspirations for prescriptive criteria, or pre-determined outcomes, the processes within public leisure services remain open to elected member and leisure professional's preferences. From this research, there is little evidence to suggest that Elster's view of incentive effects, as insignificant, does not hold for leisure management in the context of the present data set.

4.2.7 Information Problems

The level of information used in the decision-making processes is closely related to the principles selected for allocating the good according to Elster. Moreover the

trade-off between the cost of providing further or better information and its utility is the point over which second and third order decision makers often wrestle. Elster claims that the level of information can be decisive in the choice of *principle and procedure*. The interviewee stated that the level of information merely affected the procedure or mechanism but not the principle. Some explanation of this discordance is required.

Nearly all respondents felt that they had a clear view of the basis upon which they felt public leisure goods should be distributed. Whilst there may be various influences on the particular mechanism chosen it was suggested this was independent of the principle chosen.

The principle of who the priority is, children, the unemployed, the unhealthy, is made at a strategic level, a level that is, which is often very separated from thinking about how that is achieved.

(Officer interview, Authority C, 2004)

What this leads us to consider is how discretionary or mechanical the procedure adopted is. For decisions within public leisure services two distinct stages can be identified. First, the principle of allocation and secondly, the mechanism. In the case of leisure the former may be *need* as determined by deprivation, health, availability of other services. In the latter, professionals' choice in selecting a mechanism on the continuum between discretionary and mechanical.

Given the scarce nature of public leisure goods as set out in Chapter 3, the information problem presents elected members and leisure professionals with the problem of determining the mechanism or procedure for distribution. As discussed earlier in this chapter the existence of incentive effects can result in a highly mechanistic procedures being adopted. At no point is either the level of information or the potential incentive to act 'self' interested suggested as likely to influence the principle from need to say most cost efficient. Mechanism and procedure remaining independent of the principle selected. Reflecting on this Elster states that he believes, 'good professionals are

better than any formula, including any formulae based on their own past decisions', in determining distribution (Elster, 1992: 170).

Whilst Elster gives considerable time to the issue of information problems, his discussion is focused on goods for which 'application' is the process for obtaining the good. Leisure, on an individual basis, does not cohere with this except in some extreme cases associated with a severe lack of supply. For the most part the allocation process involves elected members and leisure professionals assessing the characteristics of communities, wards or neighbourhoods as needy rather than individuals.

This raises the debate of whether leisure is to be seen as an irreducible good (discussed in more detail in Chapter 6). For present purposes it should be noted, however, that within a communal approach both the level and nature of data that can be obtained impacts on the procedures and mechanisms adopted. First, potential recipients do not make application for the good. Effectively the case for receiving the good is constructed by the professional who may also have been responsible for proposing the principle. This would appear to represent an additional professional burden when compared with other welfare goods in which the professional may determine the principle and mechanism but where the recipient is left to make his or her own application/case/appeal. Where leisure management would appear to cohere with Elster is on the basis that no scheme can single out all and only those who need the good. This is no doubt exacerbated by the collective rather than individual approach adopted in the distribution of public leisure services.

4.3 Preference Aggregation

Up to this point the motives and actors involved in the formation of distribution preferences have been discussed. This section now considers the explanatory issues of how final outcomes emerge from the motives and constraints facing all level of decision makers. Within the research, as in Elster's work, the interviews sought to explore the mechanisms of coalition building, bargaining and accretion.

4.3.1 Coalition Building

From the preceding discussions and the empirical work undertaken, it is apparent that any individual preference for allocation can emerge and be justified from a number of perspectives. For example, the building of an athletics track in a given location may be driven by a public opinion on planning issues, yet by elected members on economic grounds. They both desire the same outcome but for independent and indeed mutually exclusive reasons. Alternatively, such a situation may develop a coalition between the groups possibly recipients or leisure professionals, who may seek a different location or some other use of the resource. The research identified a number of types of coalitions that are present within the provision of public leisure services which are discussed in the following sections.

Elster (1992) refers to two forms of coalition building; those resulting from *over determination*, the ability of a principle or mechanism to be justified from several points or groups and *logrolling*, procedures which represent partnerships formed on the basis of trade-offs or reciprocal support for various priorities between two or more groups of actor. Whilst Elster makes no reference to the matter, coalition must be intrinsically linked to broader forms of incentive effects discussed previously and grey ground is perceived to exist between the two. This is because on both accounts there is a danger of over simplification. Indeed, in exploring the issue of coalitions within the interviews a cautionary note must be added to the effect that whilst the observation of coalition building is important in building an understanding of the determinates of final outcomes, it is the data collected and analysed here that will be used to determine the matter. This is probably more the case of 'logrolling' in which there is less likelihood of openness as a result of the potentially divisive nature of such agreements.

In exploring the possibility of coalitions being built within the distribution and allocation of leisure services the following dual^{viii} coalitions were deemed feasible based upon the combination of category's given by Elster (1992):

Elected Member and Leisure Professional

Elected Member and Recipient

Elected Member and Public Opinion

Leisure Professional and Recipient

Leisure Professional and Public Opinion

Recipient and Public Opinion

In exploring coalitions within this research, a number of amendments and additions were made. Coalitions involving public opinion are not considered feasible. The philosophical reasoning relating to this has already been stated earlier based on Taylor (1995) and is discussed in further detail in Chapter 6. Essentially, public opinion is seen as a meta-topical space incapable of forming a relationship of the nature required to act in 'coalition' and that the views and actions of advocacy groups or third order decision makers are mistakenly taken to represent public opinion.

The emergence of coalitions can be based upon a number of different principles that happen to point in the same direction. Alternatively, they may be based upon a variable conception of the same principle. Elster provides an example (see Elster, 1992: 173) in relation to the latter for the importance of time spent on the waiting list within a points system for kidney allocations for replacement operations. Within his example three different conceptions of equity provide support for the procedure of 'waiting', despite representing different conceptions of distributive equity. Coalitions may also form where very different principles happen to prove of equal interest. Examples of such arrangements can be found in allocative systems for redundancies and college placements (Elster, 1992). Within both of these procedures there exists attraction for both those seeking fairness through mechanisms of grades and seniority as well as efficiency to managers and administrators.

Within the interviews for this research, participants were asked if they could identify coalitions and to what degree these were employed. From within the interviews it was identified that the development of coalitions to influence the allocation of resources exists. Before discussing the form of coalitions that emerged within a leisure services environment it is worth noting that a strong theme identified was one in which coalitions did not manifest themselves. It was apparent from the interviews that

individual clubs or groups, football clubs, arts societies or even at a more general level of sport and arts, acted self-interestedly.

Whilst examples of their involvement in other forms of coalition were identified these were seldom between similar clubs or groups. This was somewhat surprising. At face value the benefits and influence of such a coalition suggest significant potential. This would appear to weaken the ability, of say voluntary sports organisations, to organise themselves to maximise resources. This may be a role that the recently formed County Sports Partnerships have the ability to pursue in the UK, particularly through the concept of 'sporting hubs' which they advocate^{ix}. Further interviews with both clubs, County Sports Partnerships and Sport England representatives, together with County Cultural Partnerships for arts, would be needed in order to gain greater insight into the dynamics of how distribution patterns and their ability to establish forceful coalitions. From the interviews undertaken there was more of a sense of competition rather than coalition at this level. The follow quote given earlier (page 127) highlights this point.

I rarely see people from the same genre, say sport, I rarely see them coming together in a coalition to benefit sport, naturally develop, and the arts might be slightly different but I find its kind of, what's in it for this club or for my group, not what's in it for the overall good of the sporting community and most clubs don't care what the effect of them getting resources is on other clubs.

(Officer interview, Authority A, 2004)

Two forms of coalition are said to be operating within leisure services. Those, which develop between, elected members and recipients and those between recipients and leisure professionals. To a significantly less degree, coalitions were known, to participants, between elected members and leisure professionals. The first of these coalitions reflect instances in which professional input is bypassed, the latter when professional views dominate.

Neither, are necessarily comfortable positions as there is inevitably a third party who will feel marginalised. When all three decision-making groups are in agreement, this

is better thought of as a consensus rather than a coalition. Coalitions involving public opinion are considered false due to the nature of public opinion adopted (Taylor, 1995). Nevertheless, public opinion is often legitimately used to strengthen arguments yet should not be considered as a coalition as there is no conscious body with which engagement to cohere can be made. The erroneous use of advocacy groups to represent public opinion, in both the concept and language of participants, is interpreted where appropriate as third order references. With respect to the development of coalitions between politicians and recipient advocacy groups, the relationship is often built upon geographic relations in which a local ward group provide the argument or rationale that the politicians can use to argue for resources to be allocated to his/her ward. A successful coalition of this type not only gives strength to the likelihood of securing resources for the particular good but also that these resources will be deployed specifically in the desired area, from the advocacy groups perspective. From the elected members' point of view there may be little (if any) desire to provide the particular good to a particular group. Yet they may well support a more general utilitarian approach to the procurement of financial resources to the wider political ends. In such instances it would difficult to determine where advocacy ends and coalition begins.

It is further suggested that there exists, by definition, some inherent coalitions within the political make-up of local government; party politics although none of the authorities, which participated in the research, had particularly strong political opposition, Within the system there therefore exists the potential grounds for a coalition between first order decision makers on political grounds. This coalition often represents a benchmark of thought/ideology and one which others must, if they wish to succeed, challenge and defeat in many instances publicly at council committees; often the decision arena. For coalitions between third order actors and leisure professionals this can represent a difficult challenge that may result in bargaining and more likely compromise.

4.3.2 Bargaining and compromise

Coalitions are a prior consideration to the subsequent bargaining and compromise in decision making in the political environment. It is only when coalitions have been taken to their maximum level of cooperation that bargaining, individually or as a coalition begins. Within the interviews professionals felt that this was a stage in which their 'professionalism' was valued, as opposed to in coalition building when they could often feel excluded from the process. Where an autonomous respectful paternalistic model of the leisure professional is accepted (McNamee *et al.*, 2000), it is easy to envisage how the professionals' role in advising, mediating and co-ordinating is accepted and enhanced. This stands in contrast to the situation in which coalitions emerge and drive decision-making. An increased role for professionals rests in both the engagement of mixed principles and bargaining power. It is via threats or the ability to convey them that the dynamics of bargaining and compromise can be best understood. As Elster put it 'credibility (within bargaining) rests on the ability to harm the other party without conferring excessive harm on oneself' (Elster, 1992: 175)

On this basis Elster suggests a number of sources of bargaining power for the main actors in the process. A similar exercise is undertaken within this research to explore the dynamics as either cohering or not with Elster's generalisations. Elster believes that first order actors have considerable leverage through which they can impose their aspirations in relation to the allocation and distribution of the goods of an organisation. Within the leisure arena, as in the general form, first order actors have control of the scarce good to be allocated. Elected members are clearly seen by leisure professionals and recipients as the ultimate gatekeepers to resources. Whether in coalition, compromise, bargaining or self interest the decision, particularly in relation to allocation, rests squarely with elected members.

The distinction is worth making between allocation and distribution, in which this particular characteristic is more forceful in allocation than in its distribution. First order allocation decisions in the main are less vulnerable to influence particularly by leisure professionals than subsequent distribution decisions. One explanation for this may be the status of leisure professionals within authority structures. Allocation decisions are inter-service choices. Elected members must decide how much of the

available resource goes, say, to refuse collection, environmental health or leisure. Whilst some services may be statutory and others not, there remains significant choices to be made as allocation even within statutory services are or can be in excess of the laid down requirements of national government. Where leisure professionals are positioned below the senior management team, as they often are, and all were within the authorities in this research, their influence is significantly reduced. Add to this scenario the loss of leverage afforded to statutory services and the ability of leisure professionals to influence allocation decisions is greatly weakened.

The officer's role is, as far as possible, to put facts before Councillors, to gather as many facts as they possibly can in the preparation of that decision, so that Councillors can take a decision from accurate information

(Elected Member, Authority B, 2004)

And the member's role is? Is to take a decision based on what they feel is going to be most important to people out there.

(Elected Member, Authority B, 2004).

Third order actors or recipients, often using public opinion, provide a check to this situation. Public opinion in leisure services, if we accept Taylor's conception (1995), can only be claimed to exist for the more significant service issues i.e. those issues that enter into the public domain beyond recipients and have a significant potential for being scandalous. For leisure these are limited. The loss of major facilities, health or safety issues are examples that have the capacity to arouse 'public opinion'. Whilst third order recipients often initiate such issues via advocacy groups, their ability to influence matters is limited. It is only in instances in which public opinion can be aroused that elected members, careful to protect votes, are likely to enter into bargaining arrangements or compromise their first best allocations. This can arise when advocacy is perceived as public opinion and they act accordingly. The extent to which elected members attempt to anticipate such issues is not clear but, this form of strategy would no doubt represent a compromise on their (elected members) behalf.

The unjust withholding of resources has a far greater scandal arousing capacity than the inefficient use of allocated resources (Elster, 1992). Whilst Elster refers to medical examples, such as the distribution of organs, which no doubt have a greater 'scandal arousing capacity', the notion is still relevant within leisure services. The data supported this view, interviewees presented issues of: replacement facilities: lack of play provision: lack of discounts: lack of sports opportunity: all of which are grounded in a fundamental concern over the withholding of, rather than the wasting of, services and resources. They are characterised by the unfairness of the allocation rather than its inefficiency. Not only does this raise again the issue of public opinion as a key reflective topic for leisure management and professionalism, it would also appear as, a necessary ingredient to influencing first order decisions of allocation.

Given that for leisure, bargaining and compromise are infrequent over issues of allocation, when they do occur they are likely to be considered significant. Indeed, it is this process that fuels a further mechanism, that of accretion. When first order actors compromise on unjust allocations it is rarely resolved by removing resources from those who already have them in a vein attempt to restore equity. The usual response is to compromise or bargain about the level of resource to be given in order to compensate for unjustness. If low priority services, are not removed simultaneously to higher ones being added accretion results. This point merits further discussion.

4.3.3 Accretion

The accretion of a given good is the result of internal and external pressures that give rise to new demand (in this case service requests) without any of the old ones being withdrawn (Elster, 1992). What is to be cautioned against is accretion which results from the avoidance of scandal when the scandalous capacity is mistaken. Where recipient advocacy group data is mistaken as public opinion elected members may well over estimate the scandal raising capacity of their decisions.

In these circumstances accretion can be either inclusive or exclusive in nature.

Exclusive accretion applies to situations in which there is an increasing reduction in the availability of the good. Elster provides a good example in the form of

immigration policy, which he demonstrates has over a period of time developed on the basis of excluding more and more people as the policy is continually refined to exclude people from the good, in this case access to a desired foreign nation. Where accretion is of a predominantly exclusive nature it presents fewer resource implications as the availability is increased relatively to those who have a legitimate claim to it.

Inclusive accretion, needless to say, can have the opposite effect. In these circumstances the good is increasingly made available to more and more recipients. Where policy is continually amended in this manner, there may be an imperative for resources to grow proportionally. Where this does not occur, this inevitably results in those in the previous distribution experiencing a down turn in the availability of the good; the same size cake sliced into smaller parts. Such a reduction may take many forms and have varying consequences, depending upon the good at hand.

In the first instance the interviews explored both the existence and nature of accretion in leisure services before looking at the consequences. The process of accretion was recognised by the majority of interviewees. Leisure policy was felt to be under constant change by elected members and leisure professionals; the nature of the good and its 'fad' based characteristic has meant that leisure policy has been constantly revised. Whilst these characteristics would cohere with leisure being particularly prone to the fickle trait of modernity (Rojek, 1995), the increasing rate of political reform was also seen as a contributor.

In all the examples of refinement in leisure policy the resulting service implication was *inclusive accretion*; providing additional services/ goods in order to bring more members of the community within the bounds of recipients. Seldom, however, could additional resources be identified to support new demands. Demands to expand the range and scope of services were more commonly juxtaposed against budget cuts and efficiency requests.

I mean what's been a facet I think of my time here and, to be honest, my time in other jobs is, Council seems to spend a lot of time saying right, we're going

to start and issue our priorities and once we know what our priorities are, we're going to fund them. Not too difficult except no-one simply says then, what we're going to do with our non-priorities.

(Officer interview, Authority A, 2004)

I think what politicians would like is, they would like to give more money to their priorities and just leave the non-priorities as they are. But in a world of constrained finance, you know, of a ceiling of what you can spend, you can't do that.

(Officer interview, Authority A, 2004)

Other examples of accretion in public leisure services, from the data, are found in the contribution leisure is requested to make to both crime reduction and health. Both these have, as a result of policy shifts, become more important to local government (DCMS, 2002)). Demands to work in partnership with local primary care trusts and with youth justice boards have expanded the programmes delivered by leisure services, examples of service expansion include GP Referral Programmes, Cardio Rehabilitation, Positive Futures Projects. Few examples can demonstrate additional resources to do so, although there are some exceptions relating to high deprivation areas such as Neighbourhood Renewal programmes. Skate park provision, lottery funding of new facilities, increased childcare legislation and prestige events provide further examples of how the availability of capital resources for the expansion of services still result in resourceless accretion at a revenue level. Whilst one officer made the comment that 'they were getting better' (Officer interview, Authority A, 2004) at identifying and removing low priorities this was not a common practice within the leisure divisions taking part in the research.

I mean it's not radical changes, where I think we've been unsuccessful is bidding for new money that's available for the authority coming to leisure. I think what you've just said in terms of an example, I don't think would happen here, I think they would just well, yeah we've got that successful, we've got that, right, well, we can't do anything then, can we because we can't take that £100,000 away from play schemes if we want to do that I'll tell you what,

we'll do it but we'll just leave the play decision a bit longer, because this negative decision is too difficult to deal with.

(Officer interview, Authority A, 2004)

The desire of first order actors to continue with existing services in this manner helps to characterise leisure as the subject of 'inclusive accretion' that has a negative effect not on the scope but the quality of services provided. When this is reflected upon as a mechanism of local justice, one ideal could be as follows.

The reason first order actors remain reluctant to identify, and remove, low priority goods and services is due to their fear of the 'scandal arousing' potential of doing so; the inefficient use of allocated goods being less scandalous than the unfair withholding of goods. Such a fear is also based upon an, 'inclusive imperative' of a similar form that adds new and additional demands on the service in the first place. The result is a reduction in the quality of services; the same resource is divided between a greater number of recipients. Given that scandal is perceived to take place in the public arena, in common topical space (Taylor, 1995) a negative public opinion is a prerequisite to 'scandal'. Elected member responses are, therefore, often in response to or in anticipation of public opinion. Where first order actors interpret 'advocacy' of recipients as public opinion they create an increased probability of over estimating the scandal arousing nature of any demands. It is suggested that the likelihood of this mis-judgement is enhanced within leisure services when third party recipient information is perceived as public opinion by both elected members and leisure professionals. Accretion is therefore avoidable within leisure services and for the most part changes in policy direction should equate to changes in service scope and levels. The interviews indicate that this is not the case and leads to a belief that unnecessary inclusive accretion is a common characteristic of leisure services. The strength of the above argument is heavily reliant upon the acceptance of Taylor's conceptualisation of public opinion and its case within a leisure context; this is made more fully in Chapter 6.

4.4 Justice preferences in public leisure services: mechanism and process

The consistency of equity preferences, both between and within levels of decision-making, does not appear from the research to be robust. Crompton and Wicks' (1986) typology of equity preferences was used within the research to explore the intuitive preferences of leisure professionals. The following categories were shown to interviewees and they were requested to select their preference for the distribution and allocation of leisure services. Specifically the choice comprised:

- a) to those with the greatest need;
- b) equally to each individual or unit of analysis;
- c) where fewest examples of service exist;
- d) where the service is most used;
- e) where levels of citizen advocacy are greatest;
- f) to those who pay the greatest taxes;
- g) where fees cover cost; and;
- h) where the cost of service provision is lowest.

The responses demonstrated a high level of inconsistency both between different actors at the same level (i.e. members in different authorities) and within authorities at different levels (i.e. between officers and members in the same authority). In addition, all respondents found it difficult to select a single preference and attempted to enter into debates about different services for which different preferences may apply. With the exception of preference f), all others were given some degree of consideration, preferences a) to d) receiving the most but, not exclusive, attention. From within the responses it would be difficult to provide trends either within or between authorities and it must be concluded that equity preferences are neither, consistent or collective.

On first reading the inconsistency in equity preferences is no more than a description of the data, collected via the interviews. Its significance is in relation to the remaining points. What will be argued is that the inconsistency at the point of expressed equity preference is an indication (although not a forceful argument as yet) that a liberal, Rawlsian, universalist justification fails to illuminate how public institutions allocate leisure goods.

It might be hoped that collective groups within the process; professionals, members etc, would have similar professional aims/life plans and therefore have some level of consensus despite not standing fully behind a veil of ignorance. These initial equity preferences are but the first step on the road to the selection of a final principle for allocating leisure goods and are developed by the subsequent processes of aggregation. It is these processes, as discussed in the previous section, that begin to reconfirm a communitarian position provides a more coherent insight into just leisure allocations in the public sector. This is an argument that will be taken up more fully in Chapter 6.

The equity preference of those in the sample could be considered as already heavily contaminated, where the philosophical devices of the veil of ignorance and individual concepts of the person are engaged in. First, decision makers live in the real world and are fully aware of their position in life and are incapable of determining principles in isolation of this information and without a significant degree of understanding of how it will effect their position. Rawls (1972) suggests *how* the principles of justice should be derived, so too does Walzer, albeit differently. Elster (1992) describes how they *are* derived and concurs with Walzer (1983). Just because they appear derived for leisure in a manner that coheres with Elster (thereby also supporting of Walzer) does not of course justify it.

Determining the morally appropriate level of leisure goods may still rest on a utilitarian, liberal universalist principle, which leisure professionals and elected members fail to apply. Questions as to how the good *is* distributed are therefore central but only to the point that any view can legitimise a given conception of justice. On this basis the methodological abstraction of liberalism is suggested as the main stumbling point (See Chapters 4 and 6), but not the only one, that goes beyond the point of being tenable. The evidence of this section confirms and supports this through the identification of an explicit relationship with the emphasis on the community as central to preference selection.

The research also raises concerns over the adoption of an 'overly communitarian' account of justice in leisure services. The adoption of mechanisms and procedures that

embrace common understandings or 'public opinion' are undoubtedly constitutive of a communitarian approach. This research would indicate that leisure services are managed in a particularist context that involves taking account of the physical world that is inhabited. This point will be explored below and more fully in Chapter 6.

Two dangers exist with this approach. First, too much emphasis is given to common understandings and none to the internal logic of the good. For leisure management this would manifest itself in a 'demand' based administration devoid of the need for an 'autonomy-respectful paternalistic' leisure profession (McNamee *et al.*, 2000). The picture emerging from the data suggests that neither elected members nor leisure professionals operate in this manner. Leisure managers would find it difficult to argue that they did not, in the course of their work, uphold and prescribe certain values, images and perception of the good life. At best they have made minor shifts away from this position under the market driven ethics of Compulsory Competitive Tendering, reacting more directly to customers desires with somewhat less ethical considerations. This shift, however, must be considered minor within the philosophical spectrum, as it did not come close to exceeding what could be considered the traditionally conceived scope of leisure services. An examination of the existing service priorities as including health, anti social behaviour, social inclusion, stronger communities and physical activity are by definition prescriptive of living life in a certain manner (Game Plan, 2002). There is no evidence from this research to indicate that an error of this form is occurring.

Secondly, an error may occur in attempting to interpret, understand or engage the community when professionals make claim to the wrong repositories of public/common values. This research has confirmed that within leisure, in line with Elster's thinking in relation to other goods; redundancy, health care, college admissions and so on that third order recipients act in a self-interested manner. The interviews, together with wider observations of public leisure organisations, also demonstrate that no clear definition exists between what could be considered 'recipient advocacy' and 'public opinion'. The terms are used freely and interchangeably as the following extract demonstrates:

We are about, here in (Authority B), to change over to a portfolio system and an enormous amount of responsibility is suddenly going to devolve on the Cabinet Member who is going to, more than ever, need to keep in touch with those outside groups we were talking about; it's going to become so important to stay tuned into public opinion in this way.

(Elected Member, Authority B, 2004).

Given this evidence it must be concluded that there is a significant likelihood that an error of this form occurs in the allocation of leisure services. Many organisations believe that by engaging, for example voluntary sports clubs, they are eliciting 'public opinion'. This is not the case, as the earlier discussion on advocacy has shown; the moral stance of advocacy being explicitly self-interest. The striking implication of this error is to alter the essential background on which the leisure profession appears to be working from a communitarian to a liberal one. If self-interested views on services are assimilated as a constitutive part of equity preference formulation then this must represent a swing in the priori consideration from 'community' to 'individual'. Philosophically, this works against the grain of the ethic for just leisure, which has been developed thus far.

There would appear no support from this research that such a position is the outcome of intentional actions of either leisure professional or recipients. This is an important point given that the explanandum of allocative principles for leisure services has already been identified as the outcomes of deliberations of, and conflicts among, conscious actors; intentionalist. It must therefore be an error by leisure professionals, with the potential to significantly alter the scope, nature and allocation of services. This is an issue that warrants further reflection and is again taken up in Chapter 6.

4.5 Conclusion

The starting point of this thesis were perceptions of inequitable resource allocation within leisure services. In concluding this section, which has laid out the landscape on which justice preferences are both formulated and aggregated within leisure services, some final comment is required as to how the detail of these mechanisms and

processes can be drawn together to contribute to understanding leisure practice as a function of indeterminate principles of justice. In drawing these threads together, an appraisal of both the empirical and intuitive constructs developed in this section will be necessary, prior to a fuller examination in the final chapter. In so doing the heuristic value of the work in supporting or challenging the following substantive points requires clarity:

- a) is there anything to support the notion that preference formulation for leisure services is good or location specific?
- b) do preference aggregations in leisure services contribute to the exaggeration or minimisation of differences between other goods?
- c) does the research present any explicit or implied criticism or support for a liberal or communitarian stance to leisure justice?
- d) how unique is leisure in the formulation and aggregation of principles of justice?

It should be appreciated that these questions are not mutually exclusive and whilst the following section attempts to address them, in turn, there is inevitably a blurring of the edges between responses.

From within the data a number of indicators emerge that allow the conclusion, that the formulation and aggregation of principles for the allocation and distribution of public leisure goods are 'good' and 'location' specific. In assessing this, two variations were sought, first between authorities within the sample as an indication of being location specific. Secondly, between Elster's findings and the data, the latter as an indication of good specific; Elster dealing with goods other than leisure. In addition to this, variations between the levels of decision-making would also provide evidence of the specific nature of the distribution whilst containing it within an ethically justified framework.

First, evidence of between authority variations is high. The data suggests a number of characteristics in which variations are apparent. Within the *structural variables* (take-up and importance attached to service) discussed at the start of this section

conflict and inconsistency was found between the perceived proportion of the population receiving the good and the perceived importance attached to it. As stated earlier the data presented two main schools of thought that are significantly polemical. Such contrast in the perceived context of service delivery must contribute to an expectation that public leisure service goods are somewhat locally determined.

The examination of *professional norms*, which found high levels of professional autonomy, a lack of teleological foundation and disparate approaches to service delivery, are further example of how locally preferences are formulated. Were a stronger profession in existence, it must be assumed, the bounds and scope of such matters would be subject to significantly greater constraint at a local level.

The non-statutory nature of leisure services also facilitates greater degrees of debate at a local level. This was evidenced in the discussion on *institutional politics*, in which, the main arena of debate was found to be at the level of allocation. This resulted in variable levels of success between authorities, further evidenced by the variable levels of expenditure. All the above are claimed to have an influence at a local level, but none more so than the form of engagement with the local community. The data supports that *organised interest groups and public opinion* form an integral part of how elected members and leisure professionals determine equity preferences.

Particularly relevant to this point is the evidence provided in relation to organised interest groups influencing, not only the supply of the good but the principle of allocation also. A process that was not evidenced by Elster in his study of other goods and, which indicates for leisure services, the final principle is locally determined.

There is evidence therefore to support the notion that preference formulation for public leisure services is both good-specific and geographically-specific. Whilst the above sections show the level of influence, both the nature of the good and the location have in determining preference formulation it is not suggested that leisure shows no common characteristics with other goods and locations but, that these are secondary influences. The mechanisms and processes exposed by the research support Walzer's proposition that 'different social goods ought to be distributed for different reasons' (Walzer, 1983:6) and further more, there is empirical evidence within the

research that can clearly demonstrate that these reasons, for leisure, are either good-specific or geographically-specific. In addition, a clear contrast has been drawn, between the specific mechanism and or principles identified by Elster for other goods.

On the issue of whether preference aggregation in leisure services contributes to exaggeration or minimisation of differences, in relation to other goods and locations, there are a number of characteristics on which such a conclusion should be drawn.

From this research *over determination* (agreeing on the same principle for substantively different reasons) has been identified as the predominant basis for coalition building in leisure services. This is not a unique process, Elster recognised a similar process in layoff decisions and how substantively different positions can result in collective agreement in their conclusion. Elster also demonstrates this point on a more normative level, showing how desert-based constructs and rule-utilitarian constructs can lead to similar conclusions.

On first reading of the evidence in this research, one may be lead to a conclusion that any differences are tempered by virtue of the processes involved, over determination in preference aggregation. The employment of alternative processes, such as log-rolling, would have allowed for more extreme and dominant views to prevail, exaggerating differences between both other goods and authorities. The uniqueness of leisure services lies not in the processes employed but on the inability to capitalise on the development of strong coalitions, particularly between voluntary sports and arts clubs and societies for which no evidence of any coalition was identified. Even when frameworks are provided, FA Community Club Schemes, Sporting Hubs (Sport England National Framework for Sport, 2004) resistance to collaboration is high, possibly due to the self-interested nature of these recipients, third order decision makers. Should coalitions between such groups be increased this would be likely to exaggerate differences both between authorities and other goods where local cultural and historic differences are reflected more successfully in recipient demands.

Accretion also plays a role in tempering differences, particularly given the inclusive nature of the process identified within this research. By being able to accommodate an increasingly wider variety of approaches to service allocation the likelihood of introducing common elements rather than exacerbating differences is increased.

Difficulties arise, with this conclusion, when consideration is given to the role that public opinion plays in the process. Public opinion is central to all the above processes and would, at face value, contribute to the thought that differences between other goods and location are likely to be minimised. By definition, the all-encompassing nature of public opinion would be expected to infiltrate all goods and locations.

Where public opinion is replaced at a local level by advocacy, the dynamics of the situation are changed. Advocacy by contrast is the locally determined, strongly self-interested view of third party recipients, possessed with an ability to propose stronger views capable of exaggerating differences. As this thesis has progressed it has put in place a number of arguments that have set in train support for a 'communitarian' interpretation of leisure services. Having critically examined this view normatively (Chapter 3) and empirically (Chapter 5) it is worth reflecting on the evidence, explicit or implied, which suggests that this view is erroneous. One way of undertaking this is to adopt an exegetical approach from a liberal perspective to both the empirical and intuitive findings of this section. Taking Mulhall and Swift's (1992) interpretation of what constitutes the 'liberal package' provides a starting point to considering this. The liberal package containing:

the commitment to the freedom of the individual embodied in the standard liberal support for civil liberties, and that belief in equality of opportunity and a more egalitarian distribution of resources than would result from the market alone which leads to a support for a redistributive welfare state.

(Mulhall and Swift, 1992: xvi)

Rawls' (1972) *A Theory of Justice* is taken as the paradigmatic commentary of contemporary liberalism within this thesis, as in many other works on justice, and a more substantive explanation of its selection to this role has been given in Chapter 3. The 'simplified' liberal position described above, by Mulhall and Swift, and embodied within *A Theory of Justice* is criticised by libertarian and communitarian thought. Each of these, what can only loosely be called schools of thought, contest the Rawlsian conception of justice albeit from different directions. In relation to the task at hand two issues emerge, first, does the research provide any evidence that the

individual is a prior consideration to the community?; and , secondly, is the conceptualisation of justice presented within the research of an egalitarian nature?

In relation to individual liberties, no intention or aspiration to deal with individual concerns was evidenced by participants. The only oblique reference to this relates to claims to the 'right to leisure'. Nevertheless, where these were made the context suggested no prior claim to this above the claims of welfare or community. Indeed, many of the service outcomes present in the sample authorities, in particular sports development programmes, present characteristics of an Aristotelian position in which a particular lifestyle, plan or good life is advocated. A libertarian, focused on the lack of emphasis on individual freedoms, would be unlikely to condone such actions as those found in the delivery of sport development programmes in which the emphasis is one of intervention rather than freedom. Conversely, reference to community was evident and consistent references were made to it within the data.

In particular the requirement, of leisure professionals, to engage with the community was presented as a significant process in the formulation and aggregation of the principles of allocation. Public opinion was considered a constitutive part of arriving at a final principle and is indicative of a particularist rather than a universalist position. This form of context is also supported in the research when *professional norms* are considered through the high levels of professional freedom in which idealised or abstract conceptions of just leisure are less likely to feature in the formation of a 'just leisure ethic'. The examination of '*information issues*' also provides support to the prior consideration of community by evidencing clear support for the notion that information, on which decisions are to be made, is collated on a community wide basis rather than an individual one. On the above evidence a communitarian setting would seem appropriate.

What is to be cautioned against is the perceptions, images and understandings of actors within the sample and the intuitive conclusions that may be drawn from them. The issue of public opinion is one such aspect, or (better) the proposition that should 'public opinion' be accepted as chimerical within most leisure service arenas. In this context the intentions of elected members and leisure professionals, to prioritise the

community before individuals is compromised as a result of a default to data from advocacy or interest groups. Whilst those involved in the process have shown a belief in the priority of community over the individual, accepting the views of organised interest groups, even in error, places individuals to the forefront of preference formulation and aggregation. So whilst leisure professionals and elected members have a belief in community, this is betrayed by their actions.

So whilst there exists a desire and belief that leisure services are being managed in a communitarian or community sympathetic setting, attuned to common understandings, in practice this is not the case. The collective desires of organised individuals operating in a self-interested manner are being given consideration. The evidence of this research shows no empathy with liberal thoughts although its outcomes would appear inadvertently to have seeped in the form of advocacy.

Finally, on the issue of equality Elster suggests a distinction between three forms of equality, direct equalisation, indirect equalisation and compensation. A brief interpretation of how these may apply to leisure services may be of assistance in appreciating the liberal tendencies of each. A direct way of distributing leisure services would be to ensure that proportionally all sections of the community were represented within recipients of the service via the introduction of quotas for access. Indirect equalisation would be to educate, cajole, discount and generally encourage under-represented sections of the community to equip them with the tools to be recipients.

Compensation would lead to abandoning the idea of equal participation in leisure and offering other goods instead; better hospital care to deal with the plagiaries of a sedentary lifestyle for example. Direct equalisation is indicative of an egalitarian aspiration, characteristic of the right of every individual to obtain his/her share of the good. Indirect equalisation is probably the form that can be best associated with leisure services; the service being unequally distributed to increase participation for those holding certain characteristics, poverty, poor health, unemployment.

Compensation for not receiving the leisure good is not common, receiving the leisure good in compensation for some other misfortunes in life, poverty, health and so on is.

For leisure services indirect equalisation is dominant and shows a preference for community responsibility rather than individual rights.

This section has further demonstrated that 'leisure services' are unique, in contrast to other goods considered by Elster, and a concern of 'local justice'. That variable leisure service patterns are the result of a range of mechanisms and procedures, characteristic of local justice, but which produce locally determined forms and outcomes yet which, can be ethically justified. Whilst previous sections (Chapter 3) have cautioned against the over weighting of 'public opinion' within autonomy respectful decision making by leisure professionals, this section further develops the concern that 'public opinion' in leisure services is chimerical.

The nature of all but the most significant leisure goods are seen as incapable of arousing 'public opinion' and in its absence 'recipient advocacy' is accepted. The philosophical consequences of the findings are addressed in this section, in relation to the direct and substantive position, of a 'local justice' understanding to service allocation. In order to provide a more complete philosophical argument; in the form of a more rounded ethical justification, there are a number of gaps which require acknowledgement. These include:

- i) a fuller account of why public opinion is illusionary for leisure services;
- ii) a robust support for leisure services as a social good;
- iii) the need to clarify the ontology and advocacy assumptions as distinct and specific positions underpinning the landscape of leisure services; and
- iv) the need to justify intervention and paternalistic forms within leisure services. The next chapter will attempt to deal with these issues.

5 CHAPTER 6

LOCAL JUSTICE, COMMUNITARIAN LEISURE AND PUBLIC OPINION; A DEFENCE

5.1 Introduction, order and context

Having concluded the empirical stage of the research this chapter now seeks to reflect on the issues that have emerged and consolidate them with understandings developed earlier in the thesis. Now that an understanding of the mechanisms and procedures involved in the allocation and distribution of public leisure goods has been established (Chapters 4 and 5), philosophical consideration can be given to the normative tensions that such observations present. What these look like for public leisure goods is reliant upon a clear articulation of what the key outcomes of the interviews have been and how these empirical conclusions refract normative understandings of justice for public leisure goods; including both those developed earlier in the thesis and those which are only now emerging from the data.

The chapter will set out a range of philosophical devices that seek an ethically justified understanding of public leisure practices. The intention is not to present a *model* of just leisure which prescribes specific actions or outcomes, rather to provide agents with an understanding and framework in which to justify a wide range of moral actions in the distribution and allocation of public leisure goods. This is not to give justification to all moral actions or legitimise all directives within public leisure policy as grounds to variable service outcomes that do or could exist. An ethically justified, heterogeneity of services, beyond a naïve cultural pluralism, is what is aspired to (Henry, 2001). The intention is to provide a more stable ontological landscape on which agents' moral and ethical actions can be formulated in the production of unique, locally derived, conceptualisations of just leisure. To this end the research is seen as being of heuristic value in guiding, steering and educating agents, rather than prescribing, in the pursuit of just leisure services.

The direction of travel developed within the thesis, and expressed in the above paragraph, has been somewhat linear. From a starting point of the problematic notion of social justice for public leisure professionals, Chapter 2 of the thesis provided a context to current distribution practice through an exploration of the rationales and historic context of public sector leisure provision in the UK. Chapter 3 explored public leisure services as a problem of local justice. In Chapter 4, a line of thought was developed, by contrasting public leisure goods with a range of political conceptions of justice (Rawls, 1972; Nozick, 1974; Walzer, 1983 and Elster, 1992), which supported a communitarian setting as being the most appropriate way to conceive public leisure goods.

The rejection of the liberal package was focused mainly upon its universalist view and support for the communitarian setting predicated on its commitment to a particularist conception of the practice; more specifically Walzer's (1983), 'differentiated substance' and 'particularist methodology'. Chapter 3 refined Walzer's (1983) concept of sphere-related justice through a critical examination of its content (rather than scope) and characterises leisure services as a problem of 'local justice' (Elster, 1992). It further categorised the service as providing an *artificially scarce, divisible and heterogeneous good*. An image of allocative practice for public leisure goods was then developed based on Elster (1995), which sets out the interrelationship between common understandings of public sector leisure, its internal logic and leisure professionals themselves.

In the previous chapter the thesis explored, through a range of semi-structured interviews, the detailed mechanisms and processes that are invoked within this image, and developed a typology of the contents of public leisure goods in relation to *preference formulation* and *aggregation*. Having arrived at a number of preliminary conclusions in relation to this, a range of philosophical assumptions and devices require running back through the argument in order to ensure a coherent ethic for the just allocation and distribution of public leisure goods is presented. As the argument develops, its complexity is increased but so too are the tensions within it.

The starting point in considering these tensions and wider philosophical assumptions is the specific issues that have emerged from the research so far. These may be summarised as follows:

1. Public leisure goods represent a problem of 'local justice' (Elster, 1992) as defined by their characteristics as an, artificially scarce, divisible and heterogeneous good.
2. Public opinion and organised interest groups present different influences on the allocation and distribution of public leisure goods in contrast to those that Elster (1992) claims for other goods. In which public opinion is misunderstood and organised interest groups are able improperly to influence both the supply of the good (allocation) and the principle of distribution (distribution).
3. The agents of public leisure goods present high levels of inconsistency in their perception of the goods structural variables, in particular, the importance of the good and the number of people benefiting from it. Professionals also demonstrated strong contrasts between their own preference and their perceptions of recipients relating to structural variables.
4. Leisure professionals are able to demonstrate high levels of autonomy as a result of low professional body influence and/or constraints.
5. Information problems in decision-making are exaggerated as a result of generalised data, which utilises group or categorised data sources rather than individual data. The none-application nature of the good also creates an additional information burden; as the essential background of potential recipients is unknown, unlike job applicants, social housing and layoffs.
6. Public leisure goods demonstrate a tendency to develop by 'inclusive accretion', (the process by which the burden of additional categories of distribution are added to an existing resource allocation without removing old or redundant ones. Any resource is subsequently spread more thinly over a greater range of claims).
7. Justice preferences are not stable and provide little consensus amongst significant agents in the allocation and distribution of public leisure goods.

These points represent the significant issues to emerge from the previous chapters. They demonstrate the contrast and similarity, from those goods which Elster considers, and confirm the specificity of the mechanisms and procedures of public leisure goods. If Elster's (1992) thoughts on justice are to be accepted this difference is not surprising and supports the general notion of local justice in which outcomes and distribution patterns are both location (particularist methodology) and good specific (differentiated substance). Now that these contrasts are understood, consideration of their implications on a normative level, in providing for an ethically justified framework for public leisure goods, can be given. More specifically what issues, concerns and tensions are raised as a result of these understandings beyond those raised in Chapter 5. Reflecting in this manner may take two directions. First via the reconsideration of the assumptions and normative positions taken earlier in the thesis, as to whether these are compromised or prosecuted by new understandings, and secondly, regarding how the philosophical argument can be developed in light of the findings in order to provide a more robust ethically justified understanding of what justice might look like for public leisure goods.

The earlier debate focused very much on the nature of the good at hand and concluded in seeing communitarian thought, and Walzer in particular, as better able to support the concept of public leisure goods and provide an ethically justified account of their allocation and distribution. This debate took place early in the thesis in order that its conclusions could inform the empirical investigations described in Chapter 5. As a result our understanding of the mechanism and procedures involved in the allocation and distribution of public leisure goods is enhanced by the points that have emerged directly from the empirical work. It is important to now re-evaluate how the earlier interpretations of liberal, as well as communitarian, conceptualisations of justice may be reviewed in light of these emerging issues. Whether a more detailed understanding of its contents bolsters and supports the reasons previously offered for communitarian leisure goods or provides information capable of successfully prosecuting this claim must now be established.

In order to reflect on these issues fully a communitarian, and liberal interpretation, is made. It is only by doing this that the necessary confidence to proceed can be gained. For example, does the claim that, public opinion of public leisure goods is chimerical, add weight to Hayek's (1960) libertarian view point that, individualism provides the most appropriate economy in which to think about these goods. This begins a thought experiment which starts with no 'public opinion' supports a 'no society' thesis and concludes, that on this basis there can be no rationale for state intervention, therefore, no legitimacy to the existence of public leisure goods and by definition no need to consider their allocation or distribution. What this claim of public opinion entails for the communitarian doctrine is not so easily brought to mind and suggests a significant tension in accepting its general position. At its strongest the impossibility of public leisure may be argued.

Similarly, the question marks over the adoption of a liberal setting has rested, to this point, on the egalitarian, rather than freedom related, aspects of the liberal position (Rawls, 1972), mainly through a criticism of its universalist claims (Mulhall and Swift, 1992). The emerging view of a wide autonomy and paternalistic attitude of leisure professionals, together with a lack of consensus in justice preferences provides the contents on which to consider the liberty aspects of the liberal package; how they refract and temper concerns relating to concepts of the person, neutrality, subjectivism and asocial individualism will all be addressed. Indeed, all of the findings must be cross-examined in a similar manner. The strength and conviction of the communitarian interpretations must be such as to outweigh the contrasting views if the conclusions are to be widely canvassed.

In the first instance the relationship between the individual findings and theoretically contested characteristics are given; why a certain finding should lead to a debate on say neutrality or subjectivism. The concerns raised by each are neither common nor mutually exclusive to the contested characteristics, and therefore there is no need to consider every aspect of each of the broad theoretical packages. How the pertinent points of each normative position may interpret individual findings are then considered and the most appropriate setting concluded. To continue this thought requires not only consideration of how each finding is to be thought about in relation

to particular devices but also how they should be thought about in relation to each other. A coherent ethic will require a level of consensus on the appropriate setting and an explanation of remaining tensions. The emerging issues are not arbitrary, unrelated issues and if the conception of leisure management to be evoked is to be a cogent one, the above philosophical concerns, arguments and constructs must be articulated, not as independent devices that support specific issues that have emerged from within the research but rather as a coherent ethic in which the philosophical lexemes of 'local leisure justice', are set out in a clear and ordered manner. In order to achieve this, issues relating to the appropriate relationship between empirical findings and normative analysis must also be returned to (Chapter 3). The relevance of common understandings to the internal logic of a distributive practice will be significant in how the above issues are ultimately delineated or read. The chapter concludes by returning to this debate as a possible explanandum to outstanding tensions.

The order and development of this section is to (i) clarify the findings; (ii) identify areas of tension between the key points and a range of normative positions; (iii) reflect on the appropriate normative setting; and (iv) articulate a coherent, ethically justified way of thinking about the allocation and distribution of public leisure goods. The first task of this section is therefore to provide a level of order to the philosophical doubts being evoked by the findings and provide a rationale as to their relevance. The second task is to suggest the moral stance or policy positions that leisure professionals should adopt in relation to these.

5.2 Emerging Cohesions and Tensions

In developing a general position on how justice issues for public leisure services should be thought about and applied, normative intuitions have emerged from the thoughts reflected in Chapters 3 and 4. Within this process intuitions are critically examined in an attempt to make sense of the issue in a coherent, bounded manner. In undertaking research of this nature it becomes easy to omit, ignore or play down those issues that present doubt, weakness and concern, eliminating them from the final reasoning, debate and even text. Empirical findings do not allow gazes to be diverted quite so easily, drawing attention more overtly to potential problems and tension

within the view being developed. This is not to say that empirical findings represent or make claim to the real truth. Rather that, by virtue of being a separate data set, they provide a clear demarcation for contrast.

In this respect the findings of this research are no different; A range of points emerging from the empirical data which give rise to a number of tensions with the normative position. In order to delineate and make sense of these tensions the most fruitful debates will no doubt be had around converging issues, when the strands of such tensions are anchored both within and between normative intuitions and empirical findings.

In order to provide some order and confine the scope of the debate, the expressed issues from Chapter 5 are set against a number of critical issues in the liberal and communitarian debate. Within which, the seven findings are juxtaposed with five critical issues of the liberal and communitarian debate namely:

- (i) the concept of the person;
- (ii) asocial individualism;
- (iii) universalism;
- (iv) subjectivism; and
- (v) anti-perfectionism/neutrality (Mulhall and Swift, 1992).

In bringing the main debate into focus consideration should be given not only to the general communitarian position but also to the specific conceptualisation of it that has been developed within the thesis, namely the Walzerian perspective (1981,1983).

Within the standard liberal position it is the liberty aspect, rather than the equality aspects, that represent the main criticism from communitarians; Sandel (1982), MacIntyre (1981) and Taylor's (1995) critiques follow this form focusing mainly on issues of the concept of the person and asocial individualism. Walzer takes a different approach in his criticism, choosing to assert his differences with Rawls on points of universalism and particularism; points embedded within his substantive differential and particularist methodology.

This is not to suggest, as other writers have done (Mulhall and Swift, 1992) that, Walzer does not sit comfortably within the main communitarian school of thought, in as much as one can be claimed to exist. Whilst Walzer's primary disagreement is undoubtedly a universalist one, he can also be read if focus is given to the cultural specific aspects of his thesis, as having something to say on the priority of the individual over the good as given by Rawls. Walzer should be read as providing both an underpinning support to the liberty and freedom critique as well as a substantive one to the equality and distribution aspects of communitarian criticism of liberalism. In this sense Walzer may be seen as providing as wide and coherent criticism of liberalism as Sandel or MacIntyre; a criticism that includes commentary on both the contents and scope of the theory. On this point, Mulhall and Swift disagree.

Within Chapter 5 the contents of local leisure justice were examined through an exploration of a range of mechanisms that Elster (1992) had previously characterised, for a range of other goods, and which are indicative of Walzer's substantive differential and particularist methodology position. The findings of Walzer's work were also discussed in the previous chapter in relation to the direct and substantive position of a local justice understanding of service allocation and distribution. The purpose of this section is to now consider the findings of Chapter 5 from a wider philosophical point of view in order to understand what they look like not only for the wider school of communitarian thought but critically within the liberal package. Normative consistency is what is sought and by examining the previous findings by laundering them back through both the wider communitarian and liberal view any inconsistency and tensions should emerge.

The five substantive critical issues of the liberal and communitarian debate given earlier in this section (p. 165) utilise the same agenda/framework that was used in Chapter 3 in debating the general merits of the liberal and communitarian positions for leisure good. It is not the intention to go over this ground again but to apply this understanding to the specific findings developed in Chapter 5.

5.2.1 The concept of the person

Much of the criticism of liberalism and Rawls in particular, has focused upon the concept of the person presented within those theories (Mulhall and Swift, 1992). The distinction drawn between the individual and his/her values or conception of the good is considered, by those of a communitarian persuasion, as failing to recognise the true relationship in which it is precisely an individual's values and conception of the good that defines and constitutes who they are.

Local justice (Elster 1992), following Walzer (1983), formulates its objection to liberalism's conception of the person on the grounds that in considering issues of justice people cannot and should not be thought about as distinct from their particularity. A position Walzer makes clear in his *particularist methodology* stance in *Spheres of Justice* (1983). This thesis in both its normative intuitions and empirical investigations has, at various times recognised, suggested or made claims which support an understanding that particularity plays a large part in determining what justice looks like for public leisure goods. How the findings of Chapter 5 refract within different conceptions of the person are now considered.

Two issues are cautioned against in considering the data of Chapter 5 in light of competing conceptions of personhood. First, the substantive commitment to community that is present throughout this thesis is not put on trial in contemplating issues of the concept of the person. These are left to the associated debate on asocial individualism when the relationship between the individual's conceptions of the good as independent of, or constitutive of, the communities in which they exist are considered.

Secondly, Walzer is often read (Mulhall and Swift, 1992) as somewhat of an outlier within the communitarian school of thought; his colleagues, Sandel, Taylor and MacIntyre formulating their own theories and criticising those of the liberal school on issues of *content*. Walzer on the other hand is seen as having concerns relating to the *scope* of such theories. Whilst Mulhall and Swift suggest that what is claimed in relation to contents has nothing to do with the scope of any theory, such a view fails to recognise the strong regression qualities associated with the common characteristic of community. Walzer's particularist, anti universalist, stance does not mean he should

be read as having nothing to say in relation to issues of content such as the concept of the person. Elster's *Local Justice* (1992) supports this point in that it builds upon Walzer's *Spheres* specifically through an examination of the contents of his theory, albeit from a perspective of the nature of (e.g. employment, education or health) goods rather than an individual perspective.

From the findings of Chapter 5, there are three particular areas of interest in relation to concepts of the person; professional freedom; non –robust justice preferences and public opinion. First, the wide scope of professional freedom that was enjoyed by all managers within the sample evidences recognition of the appropriateness of a particularist environment. A wide continuum of operational practices and freedom for professionals suggests a need to access and adjust actions against specific contexts, to respond to the particularist needs of the delivery context through the selection of a range of available practices. Where a strong belief in a universalist-liberal concept of the person exists, in which an individual remains separate from their values and conception of the good, the professional response is more likely to take on an idealised, universal look. In such a scenario the bounds and limits of professional practice would be expected to reflect a more tightly controlling professional body that constrained the scope of available actions. Alternatively, the provision of public leisure services to meet and respect the freedom and liberty of individuals to frame and revise their conception of the good may also demand a wide and more eclectic range of delivery mechanism in response.

Neither of these comments are particularly helpful as they do not distinguish professional freedom as supporting either a liberal or communitarian setting, that is, until it is recognised that the liberal stance, taking Rawls (1972) as the paradigmatic, sees the framing of an individual's values and conception of the good takes place distinct from their particularity, in this case behind the veil of ignorance. That ultimately there is also consensus, albeit overlapping, on the matter. Such a consensus is universalist, requires a single delivery response and does not require high levels of professional freedom. On this view there would appear a stronger degree of empathy between a particularist rather than universalist conception of the person and the emerging level of professional freedom observed. Similarly, the lack of stability or

consistency of the justice preferences of leisure professionals and elected members, and to a lesser degree the mixed perception of structural variables identified in Chapter 5, underpins the same argument, that they have emerged to facilitate service requirements found on a particularist conceptualisation of the person.

The absence of public opinion, at first reading, appears counterintuitive to the communitarian position that has been supported so far. In terms of a concept of the person that may be upheld, public opinion is conceptualised from a liberal and communitarian perspective. It would be further anticipated that these differences would be visible within the practices and mechanism of actors investigated within the sample.

Rawls (1972) view of the concept of the person is that of unencumbered individuals capable of selecting, voluntarily, the ends they wish to pursue without this constituting who they are. Individuals being capable of attaching and detaching themselves to any concept of the good. It is how these various concepts of the person react to substituting 'public opinion' with 'advocacy' that is the task at hand. Whether or not individual values and conceptions of the good are considered constitutional to who those individuals are would not suggest that there would be no requirement for institutions to have some understanding of what those values and or conceptions of the good are. The ontological understandings of such information would undoubtedly, manifest into different actions but would not abdicate the requirement to collect and use information relating to individual ends. The concept of the person held would be relevant to what that information was required to look like, in order to meet the purposes to which it was to be used, but not to deem such information irrelevant.

It may be concluded that the concept of the person held, in itself, does not alternatively place a requirement on the theoretical framework in which public leisure goods are to be considered. The argument centres, rather, on whether the values and conceptions of the goods are constitutive of individuals or are rationally chosen by them. They are, nevertheless, still the things that at any given time channel and drive the requirements of the state; regardless of what that requirement looks like. Agencies and or institutions seek to engage, to a lesser or greater degree, the ends that are being

sought by individuals and/or communities so as they may make appropriate service responses. In which case the concept of the person invoked may be seen, for the most part, an aside to the issue of local justice in leisure.

The overlap with issues of asocial individualism are considerable here and when dealing with public opinion, a social and community based notion in itself, there should be caution against too much blurring of the borders. Over-simplified, concepts of the person are concerned with the relationship of individuals with their ends (values and concepts of the good), asocial individualism, the relationship of the individual with the community; both have particularist and universal implications. For concepts of the person, the respective liberal and communitarian positions being, for the former, that the individual should be thought about as separate from their ends. For the latter, that those ends play a constitutive role in making individuals the people they are. There is some argument that the self-interested individualism of advocacy groups may be seen as supporting the unencumbered concept of the person over the more grounded idea that values and concepts are constitutional and must emerge from the social matrix. Such arguments rest on issues of asocial individualism not concepts of the person.

5.2.2 Asocial individualism

As defined previously, asocial individualism is concerned with the relationship between the individual and the society or community in which they exist. This relationship is a common line of attack in the communitarian critique of liberalism (Mulhall and Swift, 1992; Sandel, 1982; MacIntyre, 1981) and therefore provides another theme or framework through which to critically examine the findings of Chapter 5. In selecting particular aspects of Chapter 5's findings it is *professional freedom, public opinion* and *information problems*, that best raise issues as to how the relationship, between the individual and their community, is to be characterised and what implications this has for the allocation and delivery of public leisure goods.

This aspect of the communitarian critique of liberalism has as its target the contractual view of political theory. It is claimed that contractualism is mistaken in seeing

people's ends, values and concept of the good, formed prior to and independent of society. The general claim is that liberals in general and Rawls (1972) in particular are committed to this position; a position which communitarians see as failing to recognise the constitutive role society plays in shaping who people are.

In what sense do the findings of Chapter 5 resonate within these two, contrasting conceptions? First, consider the finding that information problems in decision-making are exaggerated as a result of generalised data, which utilises group or categorised data sources rather than individual data. The initial thought may be that the use of generalised data in some sense recognises the collective nature of society. That society is broader, more influential, in determining and shaping who individuals are, that where this is the case a greater consensus of ends may be experienced and therefore collective generalised data would be capable of capturing the essence of everyone's preferences within these broader data captures. Unfortunately the findings also indicate, that the use of this form of data collection is not seen as ideal by actors. Second order actors express the difficulty in capturing individual level data, which they express as their preference (second order actors Authority A and B), although they recognise it as an impractical way of collecting information. If anything, this suggests that actors would, if feasible, work on an individual level. Whether this tells anything of a preference or understanding of where individual's ends are formulated, pre or post society, is contestable.

On the one hand, influential second order actors present an aspiration for individual level data, have a data collection mechanism which reflects many associations with individualism through the use of advocacy or organised interest groups, and it has been argued that public opinion is not achievable for public leisure goods. On the other a train of thought can be forwarded which leads to support for the idea that public leisure goods should be thought about within a communitarian framework in relation to matters of justice. This is clearly a counterintuitive position. The body of evidence would appear to be gravitating away from ideas and concepts of community towards asocial individualism. An attachment to some of the ideas contained in *A Theory of Justice* (Rawls, 1972) can begin to emerge when we start to think about third party actors in this way.

The contractual tradition of liberalism, in which Rawls plays his part, makes a number of claims to which the findings of Chapter 5 would appear to show significant levels of synergy and cohesion. The liberal idea of society as a contract entered into by individuals seen as free and equal and, as a means to furthering their individual ends coalesces with the idea of self-interested individuals agreeing to come together as a sporting club or group of participants, in order to lobby for additional resources (be it pool water time, coach education, new facilities or any other resource, to the sole end of furthering their individual aspirations). These aspirations, having been determined prior to their coming together, coheres very much with the liberal view.

To think about matters in this way leaves no room for the idea that people draw on the social matrix in order to understand and formulate their ends. In fostering this pre-social idea of the individual, liberalism makes a clear statement about the relationship that an individual has with his/her community and at first reading this is one which the results of the empirical stage of this research would have difficulty rebuffing. The origin of individual's self-understanding as socially based is difficult to recognise within the advocacy groups described in Chapter 5.

When the implications of Chapter 5 were considered under the heading of concepts of the person (the inconsistent use of public opinion and advocacy groups by first and second order actors) they were seen as morally irrelevant within the substantive normative positions. When the ends that have been arrived at, by whatever means, are considered in light of their relationship to the community, a somewhat different view emerges. As previously stated the link to the concept of the person held is strong; a commitment to one determining one's position on the other. It is, however, the relationship that the individual is seen to have with the community, rather than with his/her ends, that will provide insight into the findings of Chapter 5 in relation to organised interest groups and public opinion.

In the general sense liberal thought sees community as an aggregation of individuals, not recognising a collective whole. It would be anticipated that these positions would be reflected in how a liberal would attempt to collect and understand information

relating to that world. How this is done is under pinned by the ontological position adopted and is something of a stretch of the idea to imagine how public opinion could take on a significant role in an individually focused context of liberal thinking. 'Rawls thus excludes the possibility of purposes and ends held in common with others' (Mulhall and Swift, 1992: 51).

The argument is constructed not from a claim to asocial individualism, but from a suggestion of the constraints of language from within a social setting. It is the particularity of public leisure goods that bring about this constraint. Whilst this begs explanation, it does not necessarily distract from the substantive position on which the individual's relationship with his/her community is formulated. The issue is about how goods, rather than individual relate; the premise methodological rather than substantive. This further suggests that the absence of public opinion is a reflection of the methodological constraint rather than the substantive theoretical position. If a communitarian position is to be maintained, a basis for dealing with this particular constraint will need to be developed. The concept of paternalism as a philosophical device may act as a potential defence to this apparently counter-intuitive position.

5.2.3 Subjectivism

Having considered under the previous headings a number of themes of the liberal and communitarian debate the inter-relationship between themes, as they apply to public leisure goods, is beginning to emerge. The liberal position has shown that individual's ability to frame, revise and rationally pursue his/her own conception of the good is of the highest priority and it is the accusation of communitarians that this commits liberals to a belief that such choices are arbitrary expressions of preference. In contrast, communitarians support the argument that such choices should be thought about as objective and that clear distinctions can be made between what is a better or worse way of life. Within this section, moral subjectivism, or scepticism, as representing a tension between the liberal and communitarian positions is used as a device to explore the commitments of specific findings from Chapter 5. In particular

issues relating to positive accretion and structural variables provide further illumination for local justice in leisure.

Within Chapter 5, public leisure goods were identified as possessing a process of *positive accretion* (the process by which the burden of additional categories of distribution are added to an existing resource allocation without removing old or redundant ones. Any resource is subsequently spread more thinly over a greater range of claims). This is a clear indicator of not only the changing ends of the good but also the ability to revise and frame these ends. In the sense that the accretion is positive says something against the ability to 'reframe' the goods but, nonetheless there is clear insight into a good whose ends are subject to constant and continual revision. The substantive question that arises from this observation, in relation to moral subjectivism, is how, why, and by whom are these revisions undertaken. Readers will recall that accretion formed part of the process of preference aggregation (Chapter 5) and it is therefore issues of preference formulation that may tell most of the subjective or objective underpinnings of these revisions.

Given that a complex and dynamic inter-relationship is at play between first, second and third order actors the origins underlying these questions are not so easy to uncover. Whether such revisions represent institutional responses to advocacy by self-interested organised interest groups or, formed by professional paternalistic responses, the result of rational objective revisions is the issue at hand. Insight into what public leisure goods look like from a moral subjective and objective perspective is sought from the findings of Chapter 5 relating to structural variables.

One of the main findings in relation to structural variables was the inconsistency both within and between leisure professionals and elected members relating to the importance and usage of the service. Of more importance was their perception of third order recipients which differed, and was less informed and inferior from their own. Their responses speak to the paternalistic posture of leisure professionals and is clearly an indication that accretion takes place within institutions as a result of professional judgement. Accepting that service choices represent, if only indicatively, expressions of values and conceptions of the good, the evidence suggests that their

policy choices are the result of the rational objective thought of professionals rather than subjective choices of individuals.

Alternatively the degree of professional freedom identified in Chapter 5 may be read as indicative of a profession that has developed to deal with a wide array of issues in response to demands from individual arbitrary subjective responses. A clear objective rational view would be likely to provide a more constrained profession with a narrower more clearly defined set of practices and procedures. This view is incongruous to those given above, which support the foundations of allocation and distribution as being of rational objective reflections.

5.2.4 Anti-perfectionism/neutrality

The communitarian and liberal tension is political where anti-perfectionism is concerned. Anti-perfectionism represents Rawls' (1972) position in which priority is given to the individual over the good. Where priority is given to the good, political institutions seek perfection through the pursuit of specific ideal perceptions of those goods that are deemed prior to others. Rawls prefers political institutions that provide a neutral framework capable of supporting individual rights to choose, revise and pursue their own conception of the good regardless of what they may be. This again represents a significant area of disagreement between liberal and communitarian though that will be insightful in framing the findings of Chapter 5.

For public leisure goods Rawls would make no value judgement between betting, recreational drugs, bingo, opera, Shakespeare-worshipping or any other pursuit or activity. Where as a perfectionist approach would support intervention by the state that may manifest itself in tax and legal frameworks that encourage some and constrain others; for local government licensing and the nature and levels of provision would be affected. In order to gain insight into the perfectionist posture adopted by public leisure institutions the findings from Chapter 5, associated with public opinion and information problems are of assistance.

It was determined in Chapter 5 that the case for receiving leisure goods is constructed by the professional who may also have been responsible for proposing the principle. This would appear to represent an additional professional burden when compared with other welfare goods in which the professional may determine the principle and mechanism but in which the recipient is left to make his or her own application, case or appeal. Such evidence provides little support to the idea that an anti-perfectionist approach to provision is being adopted for public leisure goods. In order to argue an anti-perfectionist case a residual view of public leisure goods (Roberts, 1970; Coalter, 1986) would need to be advanced, in which authorities were seen as filling gaps left by the market to facilitate individuals in pursuing their own concepts of the good and thus allowing the authority to act in a neutral way.

If what underpinned the actions of first and second order decision makers was truly a desire and aspiration to act in the pursuit of a neutral framework the principle of allocation would be expected to be stable and the scope of professional intervention restricted. Neither of these characteristics presented themselves within the empirical phase of the research. The evidence strongly suggested the contrary; first, equity preferences are not robust and gravitate away from principles of demand. Where an anti-perfectionist stance is adopted it would be anticipated that preferences would be both more stable and centred around demand led principles. This in turn would lead, secondly, to a more constrained profession focused on the task of identifying and responding to gaps in the market; a position that McNamee *et al.* (2000) would no doubt argue as representing a dismantling of professionalism in favour of managerialism. A wide degree of professional freedom with strong norms of compassion, as presented in Chapter 5, would seem incongruous to the neutrality approach.

The findings of Chapter 5, in relation to organised interest groups and public opinion, say much about concepts of the person and asocial individualism, which resonate into considerations of anti-perfectionism and neutrality. Liberalism has been criticised in an earlier section for ignoring the constitutive importance of goods held in common, not so much on the basis of ignoring their social origins but on their contents; as failing to recognise the full importance of these ends to individual identities (Sandel,

1982 cited in Mulhall and Swift, 1992: 56). Sandel then uses these points to cast doubt on whether liberalism can claim maximum neutrality against a wide range of competing conceptions of the good. The purposes of this research is not so much a challenge to the coherence of this position, rather the general aspiration to neutrality, which is relevant.

The absence of a public opinion on public leisure goods may be seen two ways in this context. On the one hand, it might be argued that there was no foundation on which to support a belief in common goods, in spite of perfectionist policies and actions; On the other hand it could be seen as paving a way for a paternalistic role for second order leisure professional decision makers. The first case supports an anti-perfectionist liberal view, the latter provides for a communitarian view in which ideals are the judgement of and championed by state apparatus via leisure professionals. Precisely which of these views the data of this research supports, is the concern of the following paragraphs.

In the former case, this needs to be tied into the views on asocial individualism given earlier, and particularly the liberal notion that concepts of the good are not constitutively connected to what makes individuals the people they are. If a perfectionist state is considered in operation, advocating particular values and conceptions of the good, they may be resisted as a result of the absence of both common ends and a sense of community within individuals. This may ultimately fail to establish a public opinion. In this sense a lack of public opinion is viewed as the result of a failed attempt at perfectionism.

In the latter case the idea and its consequences work in reverse. The absence of public opinion on the allocation of public leisure goods is originated in the nature of the specific good of leisure. Leisure services being of low interest to the majority of individuals despite being constituted by the social matrix and for the most part sharing common ends. Individuals accepting a paternalistic lead from an institution, as long as a level of respect is given to the individual's autonomy (McNamee, 2000 *et al's* autonomy respectful-paternalism). In the former case a lack of public opinion results

from the absence of community. In the latter, due to the specific nature of public leisure goods.

5.2.5 Universalism

A main theme of this thesis has been cultural particularity. This has been followed throughout the thesis by examining what might be termed the particularist nature of both public leisure goods and the mechanisms and procedures through which they are allocated and distributed. In Chapter 4 the particular characteristics of public leisure goods were critically examined and determined as being artificially scarce, heterogeneous and divisible. In Chapter 5 the contents of justice issues for public leisure goods were empirically explored and a number of contrasts to other goods identified by Elster (1992) found. In the general sense these provide a support of particularist demands of justice for public leisure goods. The purpose of this section is to consider the specific findings of Chapter 5 to ensure that such a view is consistent. One way of approaching this task is to ask whether the findings of Chapter 5 would support a liberal concept of public leisure goods that a view can be universally applied without regard to cultural particularity. From Chapter 5 it is issues relating to, *structural variables*, *variable justice preferences*, and *public opinion* that best comment upon the particularist and universalist tendencies of justice for public leisure goods.

In the sense that structural variables are indicative of the view held by actors in relation to both the importance they attach to services and the numbers of people who access the services, this actually tells little of universal or particular tendencies in themselves. It is the inconsistency of views that provide insight into the degree of abstraction.

There are two views that may be adopted when reflecting on the inconsistency found in structural variables and variable justice preferences. Inconsistency, both within and between authorities, may be seen as reflecting interviewees' ability to determine, refine and reframe their values and conceptions of the good. That variations are the result of individuals producing a wider array of ends from the priori rights given to the

individual. Alternatively, where ends are derived from the social matrix, variations between goods and authorities would be consistent with the idea of cultural particularity. Greater stability would, however, be expected within spheres as a result of socialisation and the emergence of common ends.

If service outcomes, in terms of their nature and scope, are examined across the sample, wide inconsistencies can be seen, albeit within a normally perceived array of service options (Chapter 3). When added to the earlier conclusion in Chapter 5, that public leisure goods present a number of different characteristics, to those goods discussed by Elster (1992), there is grounds to support both Walzer's (1983) 'differentiated substance' and 'particularist methodology'; that goods are distributed in relation to both the nature of the good and its cultural context. It would be difficult to disagree with Walzer's general position when thinking about public leisure goods:

different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and all these differences derive from different understandings of the social goods themselves

(Walzer, 1983: 6.)

It is the 'particularist methodology' aspect of Walzer's work that provides a criticism of universalism and the general approach of liberalism. In order to provide support to the particularist view, the findings of Chapter 5, should be capable of demonstrating variations between authorities. This is possible in relation to service outcomes, but not so in relation to how first and second order decision makers perceive the service. Both are consistent with Walzer (1983). The idea of rational service outcomes is consistent with cultural particularity and reflects the specific cultural context or authority in which they were developed. Consistent inter-authority perceptions cohere to a 'differentiated substance' view, as the good, public leisure, is specific across all authorities. The public leisure goods ultimately chosen being reflective of the particular context in which the principles of distribution were arrived at despite consistent procedures and mechanisms associated with the good: over determination.

Crediting variations in service outcomes in this manner provides little scope for accepting a universalist view. The alternative view would be one in which variations are seen as the result of a multitude of ends arrived at by the priority afforded to the rights of individuals, in priority over the good. This is clearly a liberal view and given its universal application affords no recognition of the boundaries constituted by cultural spheres and would draw into question inter-authority differences.

The universalist's interest in public opinion is complex and contestable. As discussed in Section 4.4, the communitarian school of thought is not as cohesive as the liberal one (Mulhall and Swift, 1992). In particular Walzer (1983), upon whose ideas this thesis has been developed, is seen as basing his criticism of liberalism on different grounds to other, supposed members of the school. The relevance of public opinion to Walzer's 'particularist methodology' and its irrelevance to a universalist liberal state is not difficult to rationalise on first reading. Each taking a very different posture to issues of community: Liberalism seeks to abstract in order to identify the basis upon which we are all similar while communitarianism seeks to embed particularity into a proper understanding of how communities should arrange themselves.

On this basis the absence of public opinion, for those adopting a liberal approach, should be somewhat irrelevant. One of the main aims being to abstract one's self from particularity in order to achieve an objective, universal view on which to develop ones standpoint. The requirement to obtain public opinion as part of this methodology would not seem as great as for those who seek to embed or ground principles of justice within cultural specificity. The absence of public opinion would seem more fundamental in the communitarian context and potentially restrictive, if not prohibitive, to the validity of a particularist methodology.

On the issue of universalism, the findings of Chapter 5 are inconclusive. On the one hand the finding support a particularist methodology as set out by Walzer (1983), particularly in relation to structural variables and variable justice preferences. On the other, public opinion, presents a counterintuitive conclusion

5.2.6 The liberal response

The above sections have presented an argument in support of conceiving public leisure goods as communitarian. In constructing such an argument the danger exists of engaging in an uncharitable reading of the opposing position, in this case liberalism. Within this section consideration to the liberal counter position is given in order to ensure the argument remains a balanced one. This section, first sets out the emerging liberal objections to the premises on which the communitarian argument is made above, i.e. issues of neutrality, universalism, asocial individualism etc (see section 6.2,) and relies on Kymlicka (2002), Swift (2001) and Taylor (1995) as writers who have suggested that the positions between liberals and communitarians is not as polarised as other writings (Mulhall and Swift 1992, Walzer, 1983) may have previously suggested. Secondly, the section recognises that these counter arguments go some way to drawing the political conceptions together but ultimately argues that there still remains a clear enough distinction to require that the positions be recognised separately.

Certainly a number of writers have sought to assert the point that the theoretical gap between liberal and communitarian thought is no longer as great as had traditionally been conceived (Kymlicka, 2002; Swift, 2001; Taylor, 1995). In general terms, a softening of the debate has emerged from liberal objections to communitarian critics that developed after the publication of 'A Theory of Justice' by Rawls (1972). Rawls himself may even be seen as contributing to the softening of the positions in his book *Political Liberalism* and specifically his shift to *reasonable pluralism* (Rawls, 1993). While this Chapter of the thesis focuses heavily on the perceived tensions between liberal and communitarian political conceptions it relies mainly on communitarian objections to liberalism (Mulhall and Swift, 1992; Walzer, 1983), reference to more recent liberal response, that have supposedly brought the two positions somewhat closer together (Kymlicka, 2002; Swift, 2001; Taylor, 1995) provides a useful counter to the substantive position taken. In terms of the liberal response to communitarian critics of liberalism the focus appears to be around two issues i) the claim that liberals are not asocial and ii) neither do they claim a neutral state.

One criticism of communitarian thinking is that it over states the asocial nature of liberalism. Within earlier sections of this Chapter a position has been developed in which the evidence presented in Chapter 5, relating to the social nature of actors, emerges as somewhat counter-intuitive to the general position of communitarianism. In particular it is the self interestedness of individuals within sports clubs and advocacy groups that leads to a tentative conclusion that individuals ends, values and concepts of the good may well be formed prior to and independent of the social matrix. The crux of the problem is, however, understood methodologically rather than substantively within the sphere of public leisure. It is suggested that it is the particularity of public leisure goods and the constraining nature of language within the sphere, rather than an inevitable convergence of individuals framing, revising and rationally pursuing their individual ends, that brings about this position.

In developing the above argument a contrast between the liberal and communitarian positions on asocial individualism have been drawn. In doing so it is important not to overstate these differences in order to enforce the argument. In deed, others would argue that these differences are not as marked as the above sections suggest and that liberals do not fully reject the social thesis out of hand (Kymlica, 2002, p.245). While this is recognised, the nature of the liberal interest in the social thesis provides no solution to the problem identified within the above sections. Recognition and value in the social environment, for liberals, does not represent a retreat from the autonomous nature of individuals to frame, revise and rationally pursue their own ends. The social matrix is recognised for its ability to provide a context and capacity in which individual choices can be made. This raises a number of interesting points, none less so than Taylor's (1995) in which he suggests that a liberal recognition of the social environment requires the abandonment of the idea of a 'neutral state', a significant plank in the liberal treaty. Indeed Section 6.2.4 rejects the neutral state and supports a degree of perfectionism. So whilst recognition is given to the liberal interest in the social matrix it is done so on the basis that it provides no solution to the counter-intuitive position in which the thesis finds itself and it must look to other solution in order to work this through. Sections 6.3 to 6.5 of the thesis attempts to do this through a closer consideration of public opinion.

Similarly, there may be a tendency to read into the above sections an understatement of the contents of liberalism regarding the very idea of their better and worse ways of life beyond those chosen by individuals. This is strongly related to the position stated above, and particularly to those remarks relating to the liberal abandonment of the 'neutral state', which have clear implications for conceptions of the good life. The debate as to what liberals have, or claim, to say on conceptions of the good life are both contested and predicated from different standpoints. Liberals claim that state neutrality can improve the range of people's options by creating a market place of ideas, where as communitarians seek to improve the quality of people's options by promoting, as they see it, more valuable options and constraining those less valuable. Kymlica (2002) argues that in this sense they both have something to say on the promotion and maintenance of concepts of the good life. Indeed, he suggests that the debate is best seen as one between state perfectionism and social perfectionism. Two points arise in relation to the current thesis both of which draw the conceptions of liberalism and communitarianism closer together but ultimately, it is suggested, have no impact in altering the main telos of the thesis. First, a degree of perfectionism is what is argued for, essentially via a limited and particular account of professional paternalism. The market would seem to provide no solution to the difficulties encountered within the thesis, concerns that convergent views would emerge as dominant, suppress and marginalise other views remains. Secondly, if liberals are to accommodate any recognition of the social environment (see above) then the level of neutrality is compromised and a more perfectionist view is established. There is also a third issue at stake here. Where matters are left to the market it must be assumed that they constitute the 'right' answer to what principles are correct for a society as there can be no re-dress through intervention and so by definition the state must remain neutral.

The position articulated in Chapter 5, and earlier sections of this Chapter, that communitarianism is the correct way to be perceive public leisure goods, is defended even in the recognition of these debates. It is claimed that there are still clear distinctions between these competing positions that can result in real differences between the emerging public policies they underpin. On one level these distinctions can be seen as based on valuing the same things but for different reasons but, even

where these have the potential to provide the same outcomes it is the priority each position affords them that ensures the gap between them remains. For example, it is one thing to accept that liberals do not fail to acknowledge the social matrix in the constitution of individuals it is another to agree that they attach the same priority and importance to it that communitarians do.

One issue in particular still stands out as potentially being counterintuitive to this position, *public opinion* and the specific nature of it in relation to public leisure goods. The centrality of this issue can be appreciated when its consequences are contrasted with the other findings of Chapter 5 and against the intuitive position of communitarianism and specifically the particularist methodology implications, identified under the discussion on universalism. In order to give further consideration to this issue the remaining sections of this chapter focus specifically on the issue of public opinion, developing a greater understanding of the concept and considering in more detail how liberals and communitarians may adapt to an absence of public opinion on public leisure goods.

5.3 One outstanding tension: public opinion

Having reflected upon the tensions presented by the findings of the empirical stage of the research, with one exception, these can be delineated within the intuitive reading of communitarian just public leisure goods. The counterintuitive issue is, the absence of a public opinion on public leisure goods (Chapter 5). Which, when contrasted against a range of normative political theories, provides as much support to thinking about public leisure goods on a less, rather than more, community focused basis; suggesting a liberal settings as possibly more appropriate. In establishing a coherent ethic, consideration of the significance of this counterintuitive position is required. In doing so, Taylor's (1995) conceptualisation of public opinion is used as a framework through which the difficulty for leisure managers in relying on organised interest groups is critically examined.

It was demonstrated in Chapter 5 that, the ready availability of advocacy groups provides easy data capture for authorities facing a requirement to evidence public

opinion. The erroneous belief that dialogue with such groups, constitutes the elicitation of public opinion is problematic for a number of reasons:

- i.) it is in contrast to the conceptualisation of common understandings put forward in chapter 5;
- ii.) it presents a theoretical gap left by the absence of public opinion; and
- iii.) it throws a level of doubt over the communitarian approach being adopted.

On these grounds some comment on the grammar of public opinion are necessary in order to clarify specifically what is meant by public opinion and what this looks like for public leisure goods. Only once this is made explicit can the discussion proceed to consider its implications on communitarian and liberal grounds.

There are a number of ideas here that may benefit from a prior explanation of how they relate to each other given that the argument relies quite heavily on the specific conceptualisations employed. Within the thesis the concept of ‘common understandings’, was introduced in Chapter 2 via Elster’s allocative model. At this point the concept of ‘common understandings’ was a general one but, as the argument has progressed a need has arisen to provide a more specific conceptualisation. The following section develops this by drawing a distinction between ‘advocacy’ and ‘public opinion’, using Taylor’s categorisation of the ‘opinion of mankind’ and ‘public opinion’. The former is un-reflected, unmediated by discussion and critique and passively inculcated in each generation. The latter, a product of reflection emerging from discussion and reflects an actively produced consensus; a common mind. It is the latter conceptualisation that is adopted in the thesis and which highlights concerns within the practice of leisure management. Later in the thesis the scope of ‘public opinion’ is discussed again in relation to its significance in determining the principles of justice. At this point Swift’s framework is introduced in order to set the scope of ‘public opinion’. The scope is ultimately defined as ‘mildly constitutive’ but this reflects the use that is to be made of public opinion rather than a further refinement of what it is understood to be. Essentially, the following section refines the notion of ‘common understandings’ within the study and defines it

specifically as ‘public opinion’ as contrasted with advocacy or the opinion of mankind.

The problems of advocacy or organised interest groups lie in the self-interested nature and lack of common concern for wider community interests and concerns. As a result information obtained from such groups has been deemed as not fulfilling the role of ‘common understandings’ within the process described in Chapter 5, for determining ‘just’ principles for the allocation and distribution of public leisure goods. The importance of common understandings is embodied as a consequence of the ‘communitarian’ stance developed within the thesis. If, on this basis, a valid and reliable public opinion cannot be established, on first reading this may call into question a number of underpinning assumptions associated with the claim that communitarianism is the appropriate way to think about public leisure goods.

What should be cautioned against here is the fine distinction between merely *engaging* the community via a range of local actions, in this instance by consulting with sports clubs, user groups and other third party recipients, and obtaining common understandings or public opinion. The distinction may appear pedantic, however, its significance is to be seen when the issue is reflected on from a moral and political theory perspective. The distinction then gains significant ground on the basis that the requirement to consult is ultimately built upon the acceptance of ‘civil society’; the notion that society has an existence beyond the state and an aspiration to embed that view within the apparatus of the state (Taylor, 1995). The acceptance of civil society, in the first instance, requires a certain position to be adopted in relation to issues of liberty and freedoms within such a society. In supporting a communitarian view on how public leisure goods should be thought about and particularly a Walzerian conceptualisation based on a particularist methodology, the focus has been on equality matters rather than liberty. It is claimed that these positions are not as distinct as some writers would wish to suggest (Mulhall and Swift, 1992) and remain of great relevance in supporting the general direction of the thesis. What must further be cautioned against in considering the role of public opinion is a misunderstanding of the notion of a particularist methodology and how this relates to any conception of the

person. A particularist methodology refines the scope of what is to be considered relevant in determining principles of justice. Opposing a universalist approach this more specific focus does not translate into a conception of the person that would be consistent with communitarian thinking; focusing on the collective rather than the individual. Hence the demands are to encompass common understandings rather than individual requirements into just leisure policy, albeit within a particular cultural society.

In order to rationalise how this impacts upon a consideration of the just allocation and distribution of public leisure goods requires further reflection on both what fully constitutes public opinion and how this, as applied to public sector leisure goods, refracts within the communitarian telos of the thesis. Public opinion, or public sphere as Taylor (1995: 259) refers to it, forms part of civil society in that it too forms something independent and distinct from the state. Taylor describes the public sphere as:

A common space, in which the members of society meet, through a variety of media (print, electronic) and also in face-to-face encounters, to discuss matters of common interest; and thus to be able to form a common mind about these matters

(Taylor, 1995: 259)

In today's world these discussions are wide spread, facilitated via a wide range of vehicles including newspapers, television, radio and the internet together with face to face encounters. These are debates and discussions that sit at the core of personal and media communications and through which a common mind is formed through exchange. Taylor sees this exchange as a ubiquitous feature of any modern society and claims it plays a significant role in characterising a free self-governing society in which people are free individually and collectively to come to a common mind and that these common opinions matter. It is in the latter of these points in which the kernel of civil society's relevance to this thesis rests. Without dismissing the broader debate that could be engaged in relation to the former point on matters of free association and liberty, for the most part it is assumed that the bounds of liberty within

the United Kingdom in 2006, extend to this degree. Whilst it is appreciated that there will exist concerns relating to public opinion itself being controlled, influenced and manipulated by various agents, including the state (Taylor, 1995: 260), it is the relationship between public opinion and the state; whether and why it matters that is the primary concern of this section.

In order to address this matter in any detail a more detailed understanding of what is considered to constitute public opinion is required. Taylor's work assists with this characterisation by drawing a contrast between what may be considered 'the opinion of mankind' and 'public opinion'. The opinion of mankind he sees as being, 'Unreflected, unmediated by discussion and critique and passively inculcated in each generation', whereas public opinion is seen as 'The product of reflection, emerging from discussion and reflecting an actively produced consensus' (Taylor, 1995: 261)

Whilst Taylor contrasts these differences in order to demonstrate the historic development of 'common opinion' and follows the work of Habermas (1991) to demonstrate the succession of public opinion over the opinion of mankind, the contrast is useful here in assisting to clarify the conceptualisation of public opinion. The differences may be subtle but nevertheless significant as they help determine whether the debates of public leisure goods take place in what Taylor (1995: 263) describes as 'common topical space' or 'meta-topical space'. A topical common space resulting from assembly in some common location, in this example a sports club or friends' group or a meta-topical space that is best described by Taylor:

we might say that it knits together a plurality of such spaces (topical common spaces) into one larger space of non-assembly. The same public discussion is deemed to pass through our debate today, and someone else's earnest conversation tomorrow, and the newspaper interview on Thursday, and so on...

(Taylor, 1995: 263)

There are similarities here to the differences described in Chapter 5 between, 'organised interest groups' and 'public opinion'. The focus of organised interest

groups and topical common space is a common object or purpose. Alternatively, public opinion and meta-topical space is generated as a result of a series of common actions. Where topical common space is occupied, as is being suggested, by advocacy or organised interest groups, such a space is likely to engender the self interested trait that was described so pejoratively in Chapter 5 as not being constitutive of what an understanding of what public opinion should be and certainly not within the intention of government policy on consultation.

The debates which occupy meta-topical space are different, what they achieve is the engagement of everyone within a practice, community or sphere so as they may come to some common, although not always unanimous, mind; the result of reflection and debate rather than a mere convergence of common self interest. As Taylor puts it 'not just a summation of whatever views happen to be held in the population...it has normative status: governments ought to listen to it.' (Taylor, 1995: 263)

This is the crux of the matter and what underpins the self-interested advocacy that was rejected in Chapter 5 as being misleading in the process of developing just leisure policy. The non-normative nature of topical space ensuring it remains self-interested. What public leisure services collect in these terms is a convergent unity, the opinions of which are not the result of reflection and discussion across a community, practice or sphere. Such views for Taylor are not enlightened and their use and interest to governance agencies cannot be legitimised in the manner in which the outcomes of meta-topical discussion can (Taylor, 1995).

It is the outcomes of debates taking place within meta-topical spaces that agencies should seek awareness. The form and nature of information being collected by leisure professionals within the sample authorities were clearly dealing with the debate from within 'topical space', clubs, user groups and other single interest societies. As Taylor again indicates this is not the staple diet for informing government be it national or local. Leisure professionals must seek the rich seams of meta-topical space if they wish to gain a true insight into civil society via public opinion.

What the actors in the sample considered as common understandings or public opinion is merely the view of organised interest groups, which as Elster (1992) recognises has a different standpoints. The two proffer inherently different moral and ethical positions. They not only delude leisure professionals into potentially unjust allocative practices but also confuse and complicate the dilemmas of the professional by presenting incongruous ethical overtones between the internal logic of the good and common understandings. Having characterised the difference between organised interest groups and public opinion, there is a need to identify what, using the meta-topical definition, public opinion for public leisure goods might look like.

To pro-actively invoke 'public opinion' as part of the process of determining leisure policy says something of the leisure professions ontological stance. To call upon such information as a *virtue of being* must require an understanding of its ontological footing, particularly when used as the foundations on which to support policy and action of a moral nature. Such an understanding is shown to be underdeveloped within leisure professionals through their misrepresentation of advocacy groups as 'public opinion'.

Public opinion is not a problematic notion in itself, but the assumptions associated with the existence of public goods and what is taken to constitute the make up of such goods, in particular the absence of a 'metatopical space' relating to leisure services, makes the notion illusionary. Given this position, two options are open to the practice:

- (i) abandon the holist view in order to accommodate 'public opinion' as no more than the cumulative views of individuals; or
- (ii) accept that 'public opinion' is chimerical within the ontological setting invoked and advocate a different policy strategy in eliciting common understandings.

The rejection of public opinion within leisure services does not amount to the advocacy of anything. It merely serves to constrain the advocacy choices that remain. Within the latter there are a number of choices. In the first instance the consultation process may abandon 'public opinion' in support of 'advocacy groups' and attempt to

abstract such views away from the individualistic or atomist underpinnings by attempting to assemble a more collectivist body from which to abstract understandings. This may be achieved through the use of more eclectic groups such as 'sporting hubs' or arts forums at the distribution level. Such groups would at least abstract from 'pure self interest' where the terms of reference for such groups is beyond the interest of individual sports or activities and individual clubs or societies. Such an approach would still constrain the influence to what could only be referred to as third party recipients.

Similarly, at the allocation level wider forums such as citizen groups or forums could be consulted which would at least go beyond third party recipients. Neither of these approaches constitutes 'public opinion'. Alternatively, for an authority determined to invoke 'public opinion' it may embark on an exercise to raise awareness of the issues by engaging with the media to a point at which 'public opinion' is aroused. Such an exercise is likely to be disproportionately expensive and with no guarantee of success; the relative blandness of day-to-day decisions being unlikely to arouse interest to the level required to obtain a true 'public opinion'. For politicians who fear the scandal arousing capacity of 'public opinion' (Elster, 1992: 181) it may well be something they would wish to actively promote. Even the major decisions facing leisure services, such as the introduction or loss of major facilities, seldom arouses interest beyond third party recipient or interest groups.

Having moved somewhat towards a more detailed understanding and conception of public opinion this can now be considered in light of what it means to liberal and communitarian arguments for the distribution of public leisure goods.

5.4 Communitarian Public Opinion

Can a political theory that rests so heavily on the value it attaches to 'community' retain its moral authority in the absence of public opinion. For public opinion would appear, at face value, to be a notion that lends supports to the significance of society and demands consideration or involvement of 'community' in matters of justice. This section critically examines the specific role that public opinion may play in a political

theory of leisure committed to communitarianism in order to draw conclusions as to the significance of its absence. The constitutive role of public opinion within Walzer's *particularist methodology* and *differentiated substance* is examined to develop a greater understanding of the significance that public opinion plays in understanding the goods (public leisure goods in this instance) for which a just allocation and distribution is sought. The thesis is committed not only to a communitarian point of view in general, but specifically to a Walzerian conceptualisation that focuses concern around the methodology engaged in the development and defence of a theory justice. Walzer's position, as discussed in Chapter 4, rebuffs the universalist abstraction of liberalism, in particular Rawls' theory of justice, in favour of a methodology which recognises 'community' through its interpretation of the goods at hand. These are reflected in Walzer's particularist methodology and differentiated substance that forms the essence of his *Spheres of Justice* (Walzer, 1983). The commitment to a 'communitarian' position has been built upon a belief of the value of community in determining the principles of justice to be engaged. Such a position undoubtedly values and reflects the justice concerns to be found within individual communities. A political theory which attributes such value to 'community', it would be suspected, would be dealt a fatal blow if the community itself was found to be ostensibly disinterested in the good at hand, in this case public leisure goods, to the point that no public opinion was seen to be in existence.

5.4.1 Conceptual and democratic issues

Walzer sees goods as irreducibly social (1983). The requirements of political institutions that argue for communitarian arrangements must provide for procedures and mechanisms that both recognise and attend to this assumption. It is the purpose of this section to critically examine the capacity of public leisure institutions to achieve this in the absence of public opinion.

In Chapter 4, a main strand of Walzer's communitarianism focused around 'a theory of goods', in which the meanings and values that specific goods hold are derived directly from the particular communities whose goods they are. Walzer claims that a process of interpretation and understanding is essential to giving goods their meaning.

That individuals operating alone could not attribute the value to goods. This is the basis of Walzer's particularist methodology that ties the meaning attached to goods to the particular communities to which they belong. For the case of public leisure goods this suggests that the value attached to say 'swimming' will have different meanings within different authorities; some valuing its safety qualities, others its health and yet more its competitive capacity. Whilst these are unlikely to be mutually exclusive values it is easy to envisage a debate around the distribution of swimming services that may favour one over the other.

Where all goods are irreducibly social and derived in the manner Walzer would have us believe, public opinion has a central role to play for political institutions charged with the distribution of particular goods in particular communities. The responsibility lies clearly in interpreting, for the purposes of developing criteria of distribution, the social meaning of the good rather than the meaning of the good alone. In the current consideration of public leisure goods the difficulty arises if public opinion is the mechanism through which such an interpretation is to be made. In reading Walzer it is clear that an interpretation *is* a requirement and the below extract from *Spheres of Justice* provides clear grounds for seeing public opinion, as defined in the previous section, as part of that process.

If we understand what it is, what it means to those for whom it is a good, we understand how, by whom, and for what reasons it ought to be distributed. All distributions are just or unjust relative to the social meanings of the goods at stake

(Walzer, 1983: 8-9)

The absence of public opinion, for public leisure goods, is therefore problematic. If no understanding of the public leisure good can be obtained, except one which is self-interested and asocial, this puts in place a severe constraint to interpreting what the public leisure good means to the wider community and provides no insight as to who the distributive agent should be or on what principle distribution should take place. For Walzerian communitarianism, the meaning of the good and the basis of its distribution are equally and inherently social.

Where the grounds upon which a particularist interpretation of the understanding of public leisure goods, or any other good for that matter, is not clear or restricted, Walzer suggests that this will lead to undemocratic applications. Political philosophy which ignores or abstracts from its citizens opinions, as are embodied within the social goods themselves, when actioned through institutions is likely to be undemocratic. Such implications do not arise, however, if the aim of philosophising is a search for the *truth*. But in the pursuit of truth the philosopher must remove him/herself from particularity to view things from an objective standpoint. In doing so, the philosopher must of course, be more concerned with truth than democracy. The requirement to understand public opinion may therefore be disposed of at the expense of democratic outcomes.

For the Walzerian these are undoubtedly difficult tensions. If a belief in cultural particularity and the social meaning of goods is to be maintained, a way of surmounting the absence of public opinion, which provides no compromise to the principle of social goods, is required. One of the initial issues that must be resolved in order to facilitate the development of a philosophical manoeuvre of this type is a level of comfort that public leisure goods are indeed irreducibly social. Where such an understanding can be satisfied there can be no retreat to a more liberal framework.

The liberal neglect of the value of community (as discussed in Chapter 4) is well documented (Mulhall and Swift, 1992; O'Neil, 1983; Elster, 1992). Rawls' *A Theory of Justice* (1972) takes particular, although often refuted, criticism on these grounds. If, however, the general liberal position is less committed to the importance of community, it would seem rational that a practice unable to demonstrate the existence of communal thinking, in the form of public opinion, is best thought of in a manner which reflects a lower community value. The issue is not so straightforward as to facilitate such an easy change of direction. Despite Rawls' attempts to demonstrate the central position of community in *Political Liberalism* (1993) its asocial individualism, particularly in the form of the original position, remains somewhat central and too abstracted. Even with the introduction of 'reasonable pluralism' (Rawls, 1993), his liberal position does not cohere with actors' views of public leisure goods when

contrasted with the other findings of Chapter 5. Similarly, in order to render the communitarian view coherent and cogent, a philosophical device for providing institutions with a valid interpretation of public opinion is still required.

5.5 Leisure goods deprived of public opinion

Having contrasted and interrogated political conceptions of justice against the findings of the research to date, something of an impasse has been reached. Whilst the data presents considerable support for communitarianism, as the appropriate way to conceive public leisure goods, a lack of public opinion would appear to be not only counter-intuitive but, an impediment to accepting the communitarian stance as ethically justified. The support of a political conception of justice, which places centre stage a requirement for engagement and understanding of the communities which it is to govern, yet is unable to provide for what that engagement looks like, requires further development or abandonment.

The requirement for an understanding of ‘community’ has been discussed in relation to issues of concepts of the person, asocial individualism, subjectivism, neutrality and universalism, and in each case finds ready application in leisure. A more specific and detailed understanding of the nature of these connections may be insightful in suggesting feasible alternatives to public opinion. The matter at hand is to determine what justice, for public leisure goods, demands of ‘community’.

In Chapters 3 and 4, it was argued that empirical findings have a contribution to make to the development of normative political theory. One way of exploring the nature of the relationship between the substantive political conception of justice and its community is through the role it affords to empirical beliefs (Swift, 1999). The purpose of the argument within Chapters 3 and 4 is distinct and should not be confused. Chapter 3 is concerned with method, Chapter 4 with contents. The distinction made is between the role empirical research has to play in the methods employed within this research effort and the role assigned to ‘community’ in its conclusions as to how principles of justice for public leisure goods should be derived.

Whilst both are important and generally rest upon the same philosophical justifications it is the latter concern of contents that this section focuses upon.

Having made such a commitment to the use of empirical investigations, when the findings of such work are shown to be counter-intuitive they cannot be ignored or set aside easily. The purpose of this thesis is to provide the reasons why justice issues for public leisure goods should be thought about in a certain manner, counter-intuitive issues give rise to concerns that those reasons may not be the right ones and raise doubts as to whether they are being thought about in the correct manner. In the development of any thesis, counter-intuitive positions present three options: i) abandon the thesis as not robust enough; ii) dismiss the position as isolated and unable to successfully prosecute the main communitarian intuitions, continuing irrespectively; or iii) provide alternative or additional reasons that supersede, weaken or replace those presenting themselves as counter-intuitive, thereby increasing the cogence and power of the overall argument.

The third strategy is the preferred way to proceed. In an attempt to provide reasons of this nature the grounds on which the original commitment to the use of empirical data, made in Chapter 4, are revisited. Within the chapter, three reasons presented by Swift (1999) were explored as a framework to supporting why social research should be valued in the production of normative theory. These were namely, first, that the beliefs and knowledge of causal determinants exist and their relative position to the intuitive one may provide food for thought. Secondly, empirical findings may act to provide feasibility constraints and legitimacy to intuitive thoughts and thirdly, because they are seen as constitutive of particular distributions. These also represent the debate about what is the proper relationship between the research undertaken in Chapter 5 and the more normative philosophising throughout the rest of the thesis.

Given the arguments made earlier in this chapter relating to the characteristics of public leisure goods as contrasted against the main arenas of debate between liberals and communitarians, there are grounds to conclude that the understanding of the 'community' which justice demands is of at least the second form; the provision of constraints and legitimacy. Where individuals' values and ends are framed by the

social matrix, the bounds of political possibility can be envisaged as being constrained to the scope of common understandings. Any process that wishes to reflect and make judgements on the principles of justice would be well advised to take account of these understandings, if for no other reason as to what may be legitimately advocated.

If this were the limit of the relationship with 'community' its importance would be understated, as only an external process in determining what justice demand. Such an involvement would appear weak against the general support and telos of communitarianism claimed earlier in the chapter. It would allow for two positions to be adopted. Firstly, the problem of public opinion becomes significantly less relevant when its purpose is only to provide guidance to whether principles of justice are likely to be acceptable within the communities in which they are advocated. Secondly, the truth as to what justice demand of public leisure goods is free to be pursued, opening up the possibility of a more abstracted and universal liberal approach to the principles of justice.

It is suggested that a communitarian political conception is not constrained in this manner. The inherent telos of the approach, in particular Walzer (1983), is one that provides a role for community beyond constraint and legitimacy into a constitutional one. Where this is the case 'community' is accorded a belief that the view held by the community, not only informs and guides, but is also a constitutional part of what justice demands. The implication of this stance, in overcoming the problems of public opinion, would in the first instance appear unhelpful. A constitutional role for community only increases the requirement for a proper, valid understanding of community beliefs as may be found in public opinion. Given that it would be difficult to refute that a constitutional role is what communitarianism demands of justice, particularly given the arguments made in this and earlier chapters, a lack of public opinion therefore remains problematic. The ability to present a coherent ethic on the allocation and distribution of public leisure goods remains foiled by the omission of a valid connection between communities' beliefs and the political concept of which it claims to be a constitutional part.

What is meant by constitutional may be of assistance in seeking to locate an alternative mechanism via which a valid, reliable and legitimate connection to public beliefs can be made. The alternative mechanisms are limited in the sense of being able to either i.) provide a definition of 'constitutional', which makes no or less demands of a direct empirical connection to public beliefs or ii.) move philosophically to more liberal ground. Whilst solving the issue of public opinion the latter is likely to raise several other counter-intuitive issues in exchange for solving one. Swift (1999) provides three versions of the constitutional role of common beliefs, which can be used as a framework against which to contrast the requirements of community. Each version is mutually exclusive and therefore requires the implications of each to be considered as relevant or irrelevant to the overall argument. Swift's constitutive typology deals first, with the requirements of grammar, then independently derived beliefs and finally, beliefs that determine the actual content of principles.

It will be argued that the first version is un-contentious and requires any claim to principles of justice to satisfy this requirement. That the second version provides an ethically justified view that has no requirement for the collection of public opinion in formulating the principles of justice, and further argued that the third and final version, is not what communitarianism demands of justice for public leisure goods. Where this can be successfully demonstrated the outstanding counter-intuitive issue to an ethically justified coherent ethic for the allocation and distribution of public leisure goods is removed.

The first of Swift's (1999: p.350) constitutive forms he refers to as 'weak and unobjectionable'. This form of constitutive attachment requires attention to the grammar of justice and how, it is understood by the communities to which the principles are to be applied. That any political conception of justice must understand what justice means in its every day use of the word. Such an understanding is only likely to be obtained by empirical investigation. In relation to the current study this raises two points. First, this is undoubtedly more achievable within understandings that have a universalist nature; in which the concept of justice is singular; refined and developed by each subsequent empirical investigation. For more communitarian political conceptions, especially where these support a 'differentiated substance' and

or a 'particularist methodology' (Walzer, 1983), that demands specific investigation on every good in every location, it may prove more difficult to achieve a level of sophistication in this respect, yet still desirable. Swift's (1999) observation that both Rawls (1972) and Nozick (1974) attend to this matter in their theories may well be due to the relative ease by which, such an understanding may be obtained and the reason Walzer, Elster, Taylor and Sandel pay less attention to the matter.

Secondly, this research has already shown how conceptual confusion can develop both within communities and between philosophical and common understandings. The misconceptualisation of public opinion and advocacy being good examples arising from this research. Whilst, as Swift (1999) puts it, attention to the grammar of justice is 'unobjectionable', there is some concern that this issue remains unclear within the political institutions responsible for public leisure goods. In particular the notion of public opinion and the concerns and actions that may result are those of *democracy* rather than justice. This does not, however, detract from common understandings of 'justice' been seen as constitutionally part of any philosophically correct view of justice. It may be concluded, in the case of public leisure goods, that there is a need to pay greater attention to the particularist grammar of justice and to ensure conceptual clarity between democracy and justice beliefs. This chapter in particular attends and contributes to what might be termed the grammar of justice for public leisure goods.

Swift's second view of constitutional is of more substantive interest. For Swift sees a form of constitutive that makes no requirement for public opinion to directly enter the principles of justice, yet remain constitutive to them. He does this not on the basis that common beliefs are constitutional to what are the correct principles of justice but rather, through a requirement for any principle of justice, to make provision for attaching weight to those beliefs. Such a principle, whilst clearly an independent moral reason justified independently of public opinion is capable of retaining a particularist position. The move to consider not what people *actually* think but to include a moral reason to give weight to such beliefs, clearly alters what justice requires of public opinion and in that sense remains constitutive. This ability to develop ethically justified principles of justice without actual knowledge of public beliefs is attractive, although not without implication, to the current predicament.

What Swift (1999) fails to attend to, is what these moral reasons would look like and how they enter into the processes or mechanisms that ultimately determine the principles of justice. Assuming there is little point assigning weight if the content of that weight is not, at some point, provided for. This matter is dealt with in the next, and final, chapter when the role of professional practice is more critically examined. For the purposes of this chapter, the main point is that a coherent, ethically justified conception of justice can be provided without the need for an elicited public opinion, where Swift's second version of 'constitutive' is accepted. Substantively, that the absence of public opinion does not detract from a coherent, communitarian political conception of justice for public leisure goods.

Indeed, if Swift's (1999: 351) framework is followed through into its third category of, 'giving popular [or public] opinion a role in determining the contents of principles of justice themselves' (a concept that is the most provocative to the counter intuitive position of no public opinion), further reason to set the matter aside is uncovered. For Swift (1999) sees this final constitutive concept as beyond what justice demands of public opinion. It is one thing to take public opinion as constitutive in the construction of normative theory for legitimacy grounds, quite something else to suggest they form the right answers to what justice demands. What public beliefs or opinion demands of justice is different to what justice demand of public opinion; the former constructed on democratic rather than justice grounds.

Where public opinion is deemed necessary, in responding to the needs of citizens, the demands are tended to by first and second order actors. Such actions may be seen as attending to the demands of democracy not justice and in which a managerialist relationship may be anticipated (McNamee *et al.*, 2000). The absence of public opinion in this context is of vital importance as it is constitutional; what people think forms part of the right answer to what democracy demands. Without it the democratic argument collapses and provides no grounds on which to construct the theory. Where public opinion is absent in the legitimacy constitutive argument, the range and scope of potential principles of justice are widened and increased; legitimacy providing the bounds and limits of acceptance.

This is not to say that the absence of public opinion on public leisure goods will deem all possible distributive outcomes as acceptable but rather that in the construction of ethically justified principles of justice, for public leisure goods, weight will be given to public opinion. The absence, of public opinion, does not prevent the construction of an ethically justified account of justice, for public leisure goods, as actual beliefs are not a requirement. What it may demand is a more rigorous and attentive external approach to how the constitutive weight attached to public opinions' role in legitimising justice is attended to. The role of first, and particularly second, order actors grow in importance as the strength of public beliefs wanes. The role of professional practice is handed the task of scoping such legitimacy against a backdrop of severe advocacy. Chapter 7 will explore the difficulties of providing a framework or model for the delivery of just public leisure goods in this context.

5.5.1 Conclusion

What has been achieved in this chapter is a critical consideration of the empirical findings of Chapter 5 with particular attention to their coherence and theoretical consistency in the context of leisure. Having undertaken this, one issue appeared counter-intuitive to accepting a communitarian account of justice for public leisure goods. By critically examining the idea that public opinion is constitutive it was argued that, the demands of justice on public opinion are limited to that of legitimacy. In this form no internal requirement of the views actually held are made. As a result an ethically justified communitarian account of justice for public leisure goods can be conceived without public opinion and which retains ontological consistency.

Essentially, Swift's second categorisation is presented as a solution to the problem that to invoke a public opinion on public leisure services would be difficult and that no such opinion currently exists. This is raised as somewhat counter-intuitive to conceiving public leisure goods as communitarian. What has been argued for in this Chapter is that how much of a problem this presents, to a large degree, is reliant upon the scope or significance attached to 'public opinion' in determining the principles of justice. For example, should the extent of 'public opinion' be seen as determining the

actual contents of justice, that public opinion in some way provides the answer to what principles should be adopted, then the position advocated here may be seen as untenable and a retreat to liberalism the only way forward.

Where the scope of 'public opinion', however, is seen as only constitutive of the kinds of principles that may legitimately regulate society and takes the form of independently derived beliefs to which weight is assigned in determining the principles of justice, provision can be made to deal with this weaker notion of public opinion. It is further argued, that this can be met by professionals through a process of 'reflective equilibrium' between the internal logic of the good and its legitimacy via public opinion. One of the main findings of the research is that professionals need to first better understand what public opinion is, assign it the relevant weight and work towards invoking a true public opinion adjusting the weight they assign to it dependent upon their success. This is what the final allocative model in Chapter 7 goes on to propose. Resolution by internal means of this nature does, however, have external consequences and where an applied ethic is aspired to these consequences must be articulated and dealt with within a wider delivery framework. The next chapter attends to this matter also.

6 CHAPTER 7

APPLYING THE ETHIC: CONCLUDING ISSUES OF PROFESSIONALISM AND POLICY IN PUBLIC LEISURE SERVICES.

6.1 Introduction: Beyond the ontological; advocating moral policy actions

Can the reflections of the thesis thus far have any real implications for the practice of managing public leisure services? To this point considerable thought has been given to how matters of justice for public leisure services, should be conceived both in terms of descriptions of allocation and distribution and their normative justification. Whilst there has previously been a degree of reference to professional practice, this has been for the most part descriptive. These reflections have led to an ethically justified way of conceiving public leisure services. The purpose of this final section is to consider the heuristic value of these reflections for the practice of leisure management in the public sector. One of the initial motivations of this project was to bring a level of clarity to thinking about issues of justice in the allocation and distribution of public leisure goods. The motivation to think on this topic came from observations and concerns about the practice of leisure management (Chapter 2). In this sense one central purpose of the thesis was that it would have some implications in terms of altering our conception of the ethical significance of professionalism and professional practice itself.

In Chapter 4, the relationship between normative reflection and empirical data was discussed. This discussion considered how what 'is', assisted in considering what 'ought' to be. It was envisaged that by observing and describing current practice, a greater insight may be achieved. The matter at hand focuses on a different aspect of the relationship between normative thought and current practice in which the continuous nature of reflection with practice is considered. If it is to be claimed that public leisure goods 'ought' to be conceptualised from a communitarian stance, we can now begin to contrast how this relates to what 'is'. As how we think about things effects how we do them. Indeed for Blackburn (1999) this is one of the points of doing philosophy, because it is continuous with practice. As Blackburn puts it 'So this bit of thinking, getting clear about the right categories with which to understand (...), is an

important practical task. It is not confined to the study, but bursts out of it.’

(Blackburn, 1999: 8).

Philosophically, the juncture between this deeper reflection and its practical concerns occurs between the concepts of ontology and advocacy. The ontology of any thesis is a fundamental underpinning that lays bare assumptions of what there is, of being *qua* being. As Taylor puts it ‘ontological questions concern, the terms you accept as ultimate in the order of explanation’ (Taylor, 1995: 181). Advocacy on the other hand is concerned with the moral stance or policy that is adopted.

Within this thesis the need to distinguish the ontological from the advocated is important for two reasons. First, there is a need to understand policies and actions within an ontological context so as to determine the relationship, construction and underpinning of actions. Secondly, clarity will assist in critically examining actions and policies, for contradiction and inconsistency with the ontological commitments.

Within political organisations such as those charged with the delivery of public leisure services, the distinction takes on significance. Public leisure organisations take up cogent stances in relation to what they see as morally arbitrary and morally relevant in social life and tend to be more explicit in attempting to juxtapose their actions and policies against these than other forms of organisations. Such actions are not by choice but an essential part of the accountability of public services.

Within the work undertaken this far it is important to clarify what constitutes these ontological issues, as in some instances they will frame the range of options available when advocating actions. Within Chapter 5 preference formulation and aggregation were explored in explaining local leisure justice. The findings of this section lead to a number of concluding comments and philosophical concerns that required delineating in order to provide a coherent ethic for leisure justice (Chapter 6). These concerns were borne of the empirical responses to a range of approaches, characteristics, images and values expressed by two levels of decision makers within leisure services. Whilst the resulting ‘communitarian’ ethic is saturated with (often only implicit) ontological commitments, its cohesion with actions and policies has neither been

contested nor confirmed. The relationship between ontology and advocacy is not a straightforward one, but is nonetheless important in developing a robust defence of the thesis and avoiding any confusion as to the assumptions, order and logic which underpin the beliefs and actions proposed. Taylor (1995) has previously criticised writings for not addressing this issue, in particular those engaged in the liberal/communitarian debate, and claims that much confusion over the issues has been caused as a result. For Taylor (1995) clarification of the distinction between ontological and advocacy issues not only bring the polemical positions of liberals and communitarians closer together but does so by dismantling the misconception that they represent mutually exclusive positions; your stance on one dictating a stance on the other. As might be expected, the debate is not as straightforward as to suggest that ontological and advocacy issues function independently either. This complex position is best explained in the following passage by Taylor.

The relation between these two congeries of issues is complex. They are distinct in the sense that taking a position on one doesn't force your hand on the other. Yet they are not completely independent, in that the stand you take on the ontological level can be part of the essential background of the view you advocate

(Taylor, 1995: 182).

Within this thesis the latter position is taken; that the ontological position adopted takes a constitutive part in the formation of what is advocated in policies and actions. This stance does not dismiss the former but allows for a framework in which those that do frame what is to be advocated are distinguished from those that do not.

It is important to distinguish how the issues discussed within the thesis are classified as matters of ontology or advocacy. This will help identify which are moral dilemmas, concerned with what is the right or wrong policy to be advocated (advocacy), and which relate to facts that are invoked to account for the social landscape (ontology). The claim of this thesis is that facts invoked by leisure professionals in determining leisure policy are ontological and reflect the images, values and concepts of justice that shape our preferences. The failure to understand this perspective has led to a

misrepresentation of information within the decision making process. The previous debate which suggested that ‘public opinion’ was misunderstood by leisure professionals, is a prime example (Chapters 5 and 6)

The work undertaken thus far should be viewed as developing an ontological foundation, or notions invoked to account, for how public leisure goods should be conceived. One purpose of this section is to re-visit the allocative model developed in Chapter 3 and consider how the research effort has furthered our understanding of the distributive process in public leisure services. Another is the implications and consequences for participants within the process of allocating public leisure goods. The former will help crystallise how the ontological position interacts with that which is to be advocated; by reviewing how things are with how they ought to be. The latter will suggest the implications of this thinking for a number of aspects of service delivery including, leisure professionals and elected members, performance measurement, current policy frameworks and service delivery vehicles.

6.2 Local Justice and Current Policy Frameworks

Based on the above definitions, current policy frameworks are seen as representing advocacy actions. One purpose of this section is to consider how existing state policies and frameworks cohere to assist or obstruct those officers and members working in the pursuit of a locally derived communitarian conceptualisation of just leisure services. The definition of policy used here is one which encapsulates not only the stated intentions of government departments, quangos, and local authorities, but one which incorporates all actions and behaviours that result from stated policies. As Henry (2001) recognises, in reading (Goldsmith, 1980, p22), an approach that deals only with stated intentions will fail to address a number of important questions relating *inter alia* to the unintended consequences of policies adopted, policies rejected, the selection process of policy options for consideration, and the related question of non-decisions.

The scope of this present work does not allow for a full debate on individual advocacy concerns. The focus is not upon an exigent reading of an exhaustive list of policy

statements but, rather upon how in the general sense the framework of policies promote or resist communitarian thinking in the distribution of public leisure services. It is therefore the intention to focus on the following: the Delivery System for Sport^x, Local Strategic Partnerships^{xi} and Corporate Performance Assessment^{xii}. These specific areas have been selected on the basis of being broad in their scope of, and particularly influential upon, current provision in the public sector. At the same time the constraints and limits are recognised, in particular in relation to the Delivery System for Sport, which represents the narrow sports sector as opposed to the wide leisure sector.

First, the Delivery System for Sport is a framework proposed by both Sport England and the Department of Culture Media and Sport for the future delivery of sport in England. At face value the delivery system is a generic approach which proposes a similar framework across the country. Such a framework is made up of a National Sports Council, Regional Sports Boards, County Sports Partnerships, (incorporating local authorities, governing body and club representation at county level) and Community Sport Networks at a local level (Sport England, 2004). Despite the initial appearance of such a framework as being somewhat universal, it has a number of characteristics which can be seen as facilitating an understanding of sport as a geographical, or location specific, good.

At the highest level the introduction of Regional Sports Boards represent a decentralisation from London into six regions. The decentralisation brings both spending power and autonomy at a regional level. Sports boards act as the distributing body for many major funding agencies, including National Lottery. The introduction of County Sport Partnerships provides further recognition of the location specific nature of sports goods and further isolates a level of autonomy in resource distribution down to a county level. How County Sports Partnerships are structured is determined by the Sport England Regional Offices. There appears to be no prescriptive formulae to the format to be adopted. Similarly, how County Sports Partnerships are determined to be fit for purpose is dealt with on a case-by-case assessment that reflects the importance of location in relation to sports goods.

At the bottom of the delivery system, is a requirement for Community Sports Networks. The definition and scope of what Community Sport Networks look like is contested by officers working to implement the delivery system for sport. This criticism does not present itself on the basis that it is too prescriptive nor that it fails to reflect local thinking, but on the basis that there is no clear definition, or working model to guide practice. This reflects the fact that Community Sports Networks are to be determined and defined at a local level and recognises the community nature of sporting goods. Such a framework does, however, bring a significant additional professional burden to those charged with creating, developing and, indeed, defining what Community Sports Networks, for them, look like. The difficulty in comprehending this, which has been demonstrated at a local level, suggests that professionals are struggling with this notion. Community Sports Networks provide a level of legitimacy to implement 'local justice' and either professionals will grasp this as an opportunity to release previously suppressed communitarian aspirations for locally determined services or feel ill-equipped to meet the increased paternalistic burden they bring. Either way, an understanding of how professionals respond to the requirements of Community Sports Networks will provide further insight into professionalism over the next few years.

Local Strategic Partnerships are part of the Government's modernisation agenda for local government. The intention of these partnerships is to bring together major public players within a geographic location, together with community leaders, in order to achieve a collective local response to the development of a community strategy. By definition these partnerships recognise the particularist nature of effective policies and strategies. Even to the extent of using Local Strategic Partnerships as the vehicle through which to distribute significant resources within the represented area. The level of influence that Local Strategic Partnerships can bring to bear on both allocations and the principles of allocation are significant. Leisure goods, like all other public goods, are increasingly at the mercy of decisions made by Local Strategic Partnerships. Both resources and the principle on which they are distributed are subject to this influence.

Currently Local Strategic Partnerships tend to deal only with project resources, their influence on mainstream resources is increasing. As a framework for local justice,

they have many benefits. As an eclectic group of secular thinkers, such groups would certainly provide data more closely characteristic of ‘public opinion’ than that currently received from more specific self-interested advocacy groups. Further exploration of this issue is beyond the scope of this current research but it is clear to see how such groups could contribute to determining local principles of justice for leisure, as well as many other public goods.

Another significant plank in current leisure policy is Corporate Performance Assessment. The introduction of Corporate Performance Assessment for local authorities provides a national framework against which the achievements of local authorities may be measured. Within this document The Audit Commission, whose responsibility it is, set out clear criteria against which local authorities are to be judged. The ability of this framework to support and nurture authorities to act justly and to make clear the criterion of what constitutes ‘just’ processes and outcomes, is not explicit and requires critical examination.

Within the overall assessment and specifically the ‘culture block’^{xiii}, there is a requirement for authorities to demonstrate how they facilitate wide access to services. The CPA assessment framework appears to be prescriptive as to who access should be widened to. The criteria are explicit as to who is to be targeted. Examples include residents from wards with high deprivation areas and those members of the community belonging to marginalised groups (based on race, ethnic origin, disability, nationality, gender, sexuality, age, class, appearance, religion, beliefs, responsibilities for dependants, unrelated criminal activity, or any other matter which causes a person to be treated unjustly).

Within the limits of this reading of the CPA documentation, the inherent principle of justice may be understood either as an absolute equality approach or as a principle of maximin. Which view is to be taken depends upon how the list of groups to which access is to be widened is interpreted (the list is given at the end of the last paragraph). Two possible interpretations are: (i) as an exhaustive list of all sections of the community; or (ii) as a list representing only the worst off in society; predetermined groups with identified barriers to services. The former leading to an equality view, in

which all sectors of the community should be able to demonstrate equal levels of usage, the latter to a principle of maximin in which the position of the worst-off members of the community are to be given priority. Both have liberal underpinnings indicative of global, rather than communitarian or particularist conceptualisations of justice.

Whilst within the assessment procedures there is some level of latitude for authorities to demonstrate the needs and requirements to widening access on a local basis, potentially supporting a communitarian position, this is not significant and it would be difficult to interpret the Corporate Performance Assessment criteria as recognising leisure goods as either geographic or good specific. The criteria provide only limited latitude for authorities to determine the principles on which they wished to distribute leisure services.

Based on this limited range of policy examples there would appear a significant degree of support to encourage and develop principles of allocation to be determined and implemented within local governance areas. Whilst these examples provide only a flavour of the framework in which leisure professionals continue to operate, it is not difficult to appreciate the role they may play in determining allocative practice on a local level. In particular, something such as the Local Strategic Partnerships can easily be envisaged as encroaching, or even replacing, first order decision makers as well as being the major influence in determining common understandings.

Within the framework topics considered within this section, Corporate Performance Assessment is arguably the most influential. This is due, in the main, to its overarching scope, explicit assessment criteria and statutory status. As a performance framework it has the potential to provide insight into whether or not matters of 'justice' feature as a central consideration in judging the worth of public leisure services. The next section critically examines how Corporate Performance Assessment provides a framework for assessing the performance of authorities in relation to the provision of just leisure services.

6.3 Local justice as a performance indicator

A communitarian account of leisure services has been sketched. Policy approaches which reflect this thinking are only likely to be adopted if their worth is to be measured on a similar basis. If the essential background to thinking about how public leisure goods should be distributed is a communitarian one, it would be logical that the framework of performance, monitoring and evaluation should likewise embrace communitarian thought. This begs the question as to whether 'justice' is or ought to be a criteria of CPA inspections on leisure.

Within this section it is shown, using the Audit Commissions 'Key Lines of Enquiry' for CPA inspection (Audit Commission, 2005), that current performance measurement of public leisure services reflects a more utilitarian conceptualisation of justice and suggests how a communitarian understanding may better represent local justice. The Audit Commissions 'Key Lines of Enquiry' for cultural services have been selected on the basis that they are indicative of what government sees as critical in the assessment of sport and leisure services and the criteria on which authorities will be publicly declared as providing either a poor, good or excellent service. 'Key Lines of Enquiry' are also taken as the paradigmatic test which incorporates a raft of performance indicators and policy documents, individual analysis of which are beyond the scope of this research.

The 'Key Lines of Enquiry' have considerable authority and legitimacy, given the fact that they represent the Audit Commission's voice on what services should look like if they are to be considered 'good' authorities. Authorities which perform well against the Audit Commissions 'Key Lines of Enquiry' will be deemed as providing a good or excellent service. Despite the authority and legitimacy with which 'Key Lines of Enquiry' are made, Socratic reflection may lead us to ask, 'is it possible to fail to score well against the 'Key Lines of Enquiry' yet still be a good service?' or better (for the purposes of this research) 'can a service be deemed good or excellent yet at the same time be considered unjust?' Are the 'Key Lines of Enquiry' capable of accounting for the just provision of services within their assessment or do issues of

justice present an anomaly through which we may consider the Audit Commission's conceptualisation of a 'good' service as being either false or imprecise? It is only by closer examination of the contents of 'Key Lines of Enquiry' that an answer to this question be formulated. To put 'Key Lines of Enquiry' within the context of this study they should be viewed as constituting the evaluation stage of the equity implementation model given in Chapter 3 and which is re-evaluated in section 7.4.

In their introductory notes, the Audit Commission claim that 'Key Lines of Enquiry', offer councils and inspectors the scope to demonstrate how *local* (emphasis mine) priorities are met whilst seeking a fit with broader national agendas (Audit Commission, 2005). As an aspiration for inspection this appears unclear on what it seeks to achieve. It would be anticipated that the global indicators of national policy would be in tension with those of individual, particularist authority aspirations where a communitarian conceptualisation of service provision is adopted. A more critical reading of the descriptors will help to better understand the CPA process as supporting or obstructing issues of local justice in public leisure services.

Within the 'Key Lines of Enquiry' document for culture, the Audit Commission appear to recognise the local nature of provision by emphasising that the guidelines are not prescriptive but should act only as a form of framework intended to assist in scoping individual inspections, presumably, at a local level. Such a 'non-prescriptive' sentiment might lead one to believe that there is some coherence between provision that reflects local circumstances and the main guidance of the document. The following extract may even be interpreted as supporting both Elster's (1992) 'substantive differential' and 'particularist methodology' propositions; that the distribution of goods is influenced both by the nature of the good i.e. is different from housing, environmental health etc, and by its geographical location or cultural particularity.

The scope of a culture inspection will be determined by the configuration of services which are offered, secured and prioritised by the council; as well as the engagement with and support given by the council to its partners and other providers.

The inspection framework is not designed to deliver a detailed examination of service processes; rather it focuses on outcomes, access, impact and value for money. The 'Key Lines of Enquiry' do, however, provide a context to what good outcomes, impacts, access and value should look like and will have a significant effect on the actions of professionals and members working in the area. 'Key Lines of Enquiry' focus upon two specific judgements: (a) how good is the service? (Audit Commission, 2005, Judgement 1, p. 2); and (b) what are its prospects of improvement? (Audit Commission, 2005, Judgement 2, p. 17). It is the former judgement that is of interest in exposing the degree to which issues of justice are catered for within inspections and where it is in evidence what conceptualisation of justice is advanced.

The Audit Commission suggest the following 'Key Lines of Enquiry' for leisure services within its first judgement; How good is the service?

- a (i) What has the service aimed to achieve?
- a (ii) Is the service meeting the needs of the community and/or users?
- a (iii) Is the service delivering value for money?

(Audit Commission, 2005:2, Judgement 1, Questions 1-3)

A brief reflection on the contents of each of these lines of enquiry should at least provide an insight into conceptual clarity and prioritisation that operates within local government's primary assessment tool for leisure services. It is accepted that a detailed content analysis or exogenous reading is beyond the scope of this research. The purpose of this analysis is to provide insight and context to the work in earlier chapters, raising future agenda items and research questions.

The first question seeks to establish what the aims of the authority are for leisure services and provide the context to service delivery. In setting this background it seeks to establish what the service aims to achieve in terms of;

- (i) community and user needs,
- (ii) regional and national priorities and
- (iii) wider corporate ambitions, strategies and priorities for improvement.

This background acknowledges the fact that individual authorities have different priorities. Yet the language used in the document presents this local acknowledgement as additional to generic service requirements. This is typified by the way inspectors are required to explore what the service aims to achieve for both regional *and* national priorities together with community *and* user needs. Conceptual clarity may have benefited from the use of the word *or* over *and*, thereby facilitating universal and particular conceptions of service delivery. Even better, for the purpose of strengthening support for a local justice conceptualisation would have been a clear instruction to focus solely on local priorities.

Question 2, 'is the service meeting the needs of the community and/or users' (Audit Commission, 2005), is equally ambiguous. 'Community' and 'users' are not the same and provide different information to the formulation of service preferences. This was shown, in Chapter 5, in the discussion on the differences between 'public opinion' and advocacy in preference formulation. The choice provided by the 'Key Lines of Enquiry' encourages the replacement of 'public opinion' with advocacy as it is easier to collect.

Users provide a rich source of readily available information from sports and arts groups, clubs and societies, in contrast to the difficulties of eliciting 'public opinion'. In providing insight into the needs of users this may provide some limited success. In placing the needs of citizens 'at the heart of the design and delivery of the service' (Audit Commission, 2005: 3) its ability to achieve this must be contested.

The 'Key Lines of Enquiry' document provides further examples of how services are encouraged to focus on users. Example questions include; 'Are service standards clear and comprehensive? And, have users been involved in setting them where appropriate?' 'What is user experience of and satisfaction with the quality of the service?' All these are user focused questions. Equally it could be shown that

examples of questions that involve non-users or the wider community are present and facilitate a requirement to engage both. Two comments need to be made in relation to this point. First, too often the context is in conjunction with or as an alternative to user information. The language suggesting that user information is in some way more significant. Secondly, within the whole of the guidance notes to ‘Key Lines of Enquiry’ for cultural services only one specific, measurable, target is stated and this relates to levels of user satisfaction. ‘Levels of user satisfaction are consistently high – in excess of 70% - across all cultural services’ (Audit Commission, 2005: 12).

There are a number of ingredients here that are likely to focus professional efforts into predominately using user data,^{xiv}

- (i) a choice to demonstrate user and/or community involvement;
- (ii) the availability of advocacy data; and
- (iii) specific user related targets.

None of which are unlikely to result in providing

- (a) data which represents ‘public opinion’; and
- (b) other data which has a legitimate roll in providing a locally derived interpretation of just services.

What of justice itself? Do the ‘Key Lines of Enquiry’ explicitly reference a need for authorities to provide just services? Is any view of justice prescriptive or facilitating to locally derived interpretations, to local justice? The main references to matters of justice are found within the section on ‘diversity’, but to claim that an explicit statement on issues of justice is evident would be an overstatement. Throughout the guidance the premise is suppressed and the issue is generally obscured by a lack of clarity. There are numerous references to allowing the local context to drive priorities and solutions but equally as many that prescribe the focus of delivery. One example of this confusion is: ‘A high proportion of children and young people, older people, and targeted communities are highly satisfied with the range of services available to them’ (Audit Commission, 2005, Judgement 1, Question 2.8). Similarly; ‘Is the service

effective in meeting local, regional and national objectives' (Audit Commission, 2005, Judgement 1, Question 2.7).

The 'diversity' enquiry does directly address issues of injustice. How helpful and clear this is in supporting locally derived conceptions of justice can be contested. One of the 'Key Lines of Enquiry' seeks to explore whether or not 'the delivery of services embrace equality, diversity and human rights and ensure that all users, or potential users, have fair and equal access?' (Audit Commission, 2005: 6). A range of egalitarian consequences could be read into this line of enquiry and whilst designed to assist and clarify what is required, only serve to add to the confusion. It is also within these notes that the only direct reference to justice is made;

The service has a thorough and comprehensive approach to diversity and no aspect of the service discriminates directly or indirectly on the grounds of race, ethnic origin, disability, nationality, gender, sexuality, age, class, appearance, religion, beliefs, responsibility for dependants, unrelated criminal activities, or any other matter which causes a person to be treated with injustice.

(Audit Commission, 2005, Judgement 1, 2.5: 6)

The difficulty with this judgement is its high degree of prescriptivity in determining what constitutes 'injustice'. It is implicit within the statement that authorities need to develop comprehensive approaches to matters of justice or injustice but provides little local freedom by including such an extensive list of conditions. An alternative approach may have put an onus on authorities to first identify their particular justice preferences prior to demonstrating how they have addressed related injustices.

In conclusion, the Audit Commission's 'Key Lines of Enquiry' present, what this section claims to be, an over emphasis on customers satisfaction levels. Whilst this is countered to some degree by a requirement to incorporate non-user information into the assessment, earlier comments on an absence of 'public opinion' and an overly active advocacy lobby are drawn into sharp contrast within this framework of assessment. CPA encourages, via 'Key Lines of Enquiry', a focus on outcomes. In particular customer satisfaction is promoted. These are issues that merit further

philosophical consideration as they clearly have ontological implications. The philosophical consequences of CPA will now be considered.

6.3.1 Philosophical consequences of CPA

For Taylor (1995) the rational way to evaluate states of affairs is through the consequentialist view. This appears to be echoed within 'Key Lines of Enquiry' and leads to a critical analysis of a utilitarian approach to service delivery. In which our value judgements see what counts as 'outcomes'. That these outcomes be weighed or assessed for their utility; the total happiness or satisfaction that they give to agents and that in the last analysis these agents must be the goods of individuals.

These notions echo many of the characteristics discussed in the previous paragraphs relating to CPA inspection. Collectively Sen (1979) refers to these notions as 'welfare economics'. As applied to leisure services this position would determine that what counts are the outcomes of service delivery. That the moral quality of provision (public or private sector) is irrelevant as long as the outcomes, total happiness, enjoyment or satisfaction is maximised. On a simplistic level this would not distinguish between the nature of involvement between rich and poor, free or paying, Asian or English, male or female, centralised or localised, as long as the total benefit was maximised. McNamee *et al.* (2001a, 2001b) recognised the failings of the utilitarian approach within leisure management, a view that is borne out by this research. When this is thought of in terms of Best Value judgements, specifically those aspects relating to customer satisfaction levels discussed earlier, a consequentialist approach would appear a rational way to evaluate services; services are provided to individuals and any satisfaction is therefore the happiness of individuals. If this point is accepted consequentialism is the rational way to think about matters, including the delivery of public leisure services.

The foundations of liberal individualism can be clearly seen here. Utilitarianism as a form of consequentialism focuses on outcomes which aligns them with the CPA process. For utilitarians there is typically no distinction between different kinds of happiness or satisfaction; the individual is sovereign in these instances. What matters

in such instances are individual satisfactions and what they find satisfying must be deemed satisfying. For leisure services, or leisure in general, this is in contrast to a range of leisure theories and in sharp contrast to the 'rational recreation' movement of the late nineteenth century (discussed in Section 2.3) but still in contrast to a range of contemporary leisure theories and particularly those relating to public sector provision (Rojek, 1995). On an operational level such a stance could potentially see public sector leisure provision providing and/or facilitating a wide range of 'dark leisure' activities such as drug and sex related activities. Less sensationally pubs, casinos and nightclubs could become within the scope and focus of public sector leisure provision especially where these are high number participant activities.

Whilst Taylor (1995) acknowledges that utilitarianism recognises that not everyone has or will have the ability to recognise or understand their own best interests, this is only in terms of whether it will bring the satisfaction or happiness that they believe it will.

The utilitarian theory is, of course, not committed to the view that every person will always understand their own interests best; an agent may be mistaken about what will bring about states he finds satisfying.(...) So he may have to be protected from the results of his own ignorance.

(Taylor,1997: 128)

Interestingly neither, CPA nor its 'Key Lines of Enquiry' make any commentary regarding the nature of the good itself or its internal logic, yet both have a firm view regarding who should be engaged in them and that their satisfaction from them should be maximised.

As emphasised in this chapter, the idea of total satisfaction does feature as an integral component of performance assessment in public leisure organisation. Without exception all authorities participating in the study, in line with CPA guidance, use customer satisfaction levels in part to determine the success or failure of services provided. As a performance indicator customer satisfaction features much stronger than say those associated with notions of virtue, justice or rights. Whilst this may be

as much to do with the difficulty associated with establishing data collection methodologies, capable of providing valid and reliable measures, it does not detract from the fact that leisure services repeatedly use measures that utilise the immediate levels of satisfaction or happiness being experienced by those engaging their services as a measure of success. This seems incongruous with the communitarian conceptualisation of leisure services that has been developed within this thesis, yet, completely in-line with CPA guidance and aspiration. The point of substance here is that government guidance will encourage leisure managers to act in ways that are in tension with the internal logic of the good with the potential for outcomes that would be considered unjust.

Before leaping to the conclusion that leisure services are or aim at the idea of complete utility maximisation, there appears little empirical evidence that resources are distributed disproportionately to those providing better satisfaction levels.

Anecdotally, it may be suggested that this *is* this case; large participation levels simply tend to make better claims to resources. Take for instance sports development services and consider two common elements of the service; a football development scheme and an exercise on referral scheme^{xv}. First, both services will be evaluated in the first instance on the levels of participation, which in itself may be considered an expressed level of satisfaction with the activity. Secondly, customer satisfaction levels will be assessed in order to arrive at some conclusions as to the success or other wise of the activity.

From a utilitarian perspective football development would be favoured over exercise on referral on this basis. Whilst the level of satisfaction may be similar (assuming equal quality in delivery coaching and facilities) the sheer volume of participants will be greater in football development. If the consequences of the services actions are to be weighed in total individual satisfaction then the service would be best served by concentrating resources on football development. Conversely, the service may be weighted by the value it attaches to health (DCMS, 2002) and, maintaining a consequentialist stance, its contribution to it. There is a case that the total health outcomes will be greater in their totality from making significant gains from a smaller

number of people rather than marginal gains from a large number. In this case GP referral would gain favour over football development.

The use of satisfaction levels as a measure of success does not represent a clear criterion against which to evaluate services. As a measure, satisfaction levels, presupposes that one unit of satisfaction is identical to any other unit of satisfaction and thereby capable of producing ratio data for analysis (i.e. data that can be added subtracted, averaged and generally manipulated, unlike nominal and interval level data). Neither is there any presupposition that satisfaction should be shared. No difference is made between satisfactions gained from one or many people; total satisfaction is what counts within their methodology.

Indeed, these two forms of service present further problems for a utilitarian view. Essentially they work against each other. The more general participation is maximised within a population the less likely the demand for GP referrals; accepting the temporal implications. For utilitarians this presents two possible approaches: (i) focus on participation and marginalize the most needy or vulnerable; in this case favouring football development schemes over GP referral schemes; or (ii) concentrate on obtaining high individual utility gains at the expense of general engagement in physical activity thus favouring GP referral over football development schemes. This is the general problem of maximisation in which McNamee *et al.* (2001a, 2001b) recognised the operational difficulties of a utilitarian approach to service delivery.

What this begins to demonstrate is the fragility of utilitarianism as applied to issues of justice in leisure services, together with the potential implications of pursuing CPA criteria. If utilitarianism and individual focused liberalism is the suppressed premise of 'Key Lines of Enquiry', the actions of professionals and members receive no encouragement towards delivering 'local leisure justice'. Whether services may be judged good or excellent under the CPA framework yet, remain 'unjust' is brought back into focus by this statement. The answer that may be given depends upon the conception of justice invoked which in this case is a communitarian one.

Whilst total satisfaction is the explicit focus of 'Key Lines of Enquiry', this in itself does not imply a premise to increase the inclusive nature of satisfaction. Is it better to have 100,000 users with 70 per cent satisfaction levels, or 1,000 with 95 per cent satisfaction levels? Similarly, which would be judged better, (i) to increase participation levels from 100,000 to 110,000 both with satisfaction levels of 70 per cent or (ii) keep participation at 100,000 but increase satisfaction levels to 80 per cent? 'Key Lines of Enquiry' seem to conflate the two possibilities and ironically pursue both. The drive to maximise total numbers is also contained within the guidance through the requirement to encompass all sections of society within the services.

In the general sense the answer to the original question would be that, where authorities tirelessly pursue total satisfaction levels whilst attempting to deliver against all the diversity categories explicit in the criteria, there remains every chance they may be judged good or excellent. This is likely to result in an approach that aspires to a utilitarian conceptualisation of equity and justice. It is unlikely that a conceptualisation of justice, if left to a local interpretation would arrive at the same conclusion. It is therefore more than feasible that an authority judged 'good' or 'excellent' by the CPA process may by another measure be judged unjust.

Equally, a service judged poor or fair under CPA may be capable of demonstrating processes that constitute just service allocation. Indeed it is unlikely that success in both CPA and just services provision are achievable given the confused demands of CPA. This leads to the conclusion that the conceptualisation of a 'good service' employed by the Audit Commission is at best imprecise. The criteria could certainly benefit from a more explicit judgement relating to justice in which actual distribution patterns required juxtaposition with locally derived justice preferences. The onus on authorities would be to show the mechanism and procedures engaged in determining preferences, how these were embodied within their policy framework together with the actions they had taken to achieve them. Judgement 1 asks 'how good is the service?' It would appear that a 'good' judgement could, using the criteria of the 'Key Lines of Enquiry', be awarded to an authority, which under a communitarian, moral and political conceptualisation of justice, is unjust.

6.4 Leisure justice, implementation framework

The intention of this final section is to revisit the model of service distribution that was developed intuitively in Chapter 3. The critical examination of this model that has been undertaken in subsequent chapters, both empirically and intuitively, has provided greater insight into the mechanisms and procedures of distribution for public leisure services. This chapter reflects upon how these insights have influenced, adjusted or corrected the earlier understanding.

In Chapter 3 the equity implementation model suggested by Wicks and Crompton (1989) was critically examined and its value as a performance monitoring and evaluation framework identified. In this thesis, developed from earlier work by (Howell and McNamee, 2003), two key issues were identified (i) the variable nature of the normative distribution phase and (ii) a lack of insight into the mechanism and procedures that lead to actual equity choices and preferences. The purpose of this section is to revisit this model and to reflect upon how the critique of the scope and contents of justice preferences undertaken within this research has contributed to delineating this phase of the process. In particular how this has provided a framework through which to both understand and operationalise the relationship between theory and practice in leisure professionalism in the pursuit of just leisure services is considered.

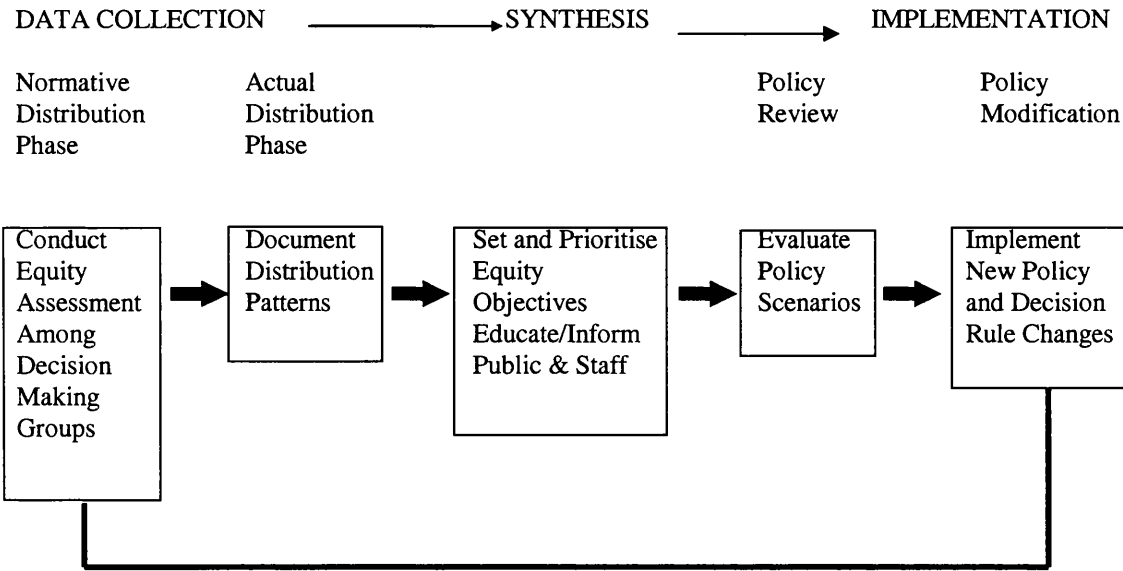


Fig 7.1: Equity Implementation Model (Wicks and Crompton, 1989: 174)

When the above model was initially considered in Chapter 3, an intuitive concern was that the ‘normative distribution phase’ (the equity preference of leisure professionals) would produce variable outcomes that, in turn, would lead to variations in ‘actual distributions’. Whilst Crompton and Wicks suggested that equity or justice preferences were variable (Crompton and Wicks, 1986, 1989) and service distribution patterns are clearly different between authorities, an ethically justified explanation was not available. Chapters 3, 5, and 6 contribute to understanding an ethically justified account of distribution by providing a ‘local justice’ framework which goes beyond what was previously considered the inevitable consequences of a pluralist society (Henry, 2001).

The ‘data collection period’, incorporating the ‘normative and actual distribution phases’, provides the essential background for undertaking the ‘synthesis period’. The earlier period providing the data by which to yield principles of justice that can be subsequently converted into just leisure policy. The results of this research, has two implications for leisure research at the data collection stage. First, it brings a clearer understanding of what the internal logic of the good looks like. Chapter 6 concluded with a clear commitment that thinking about public leisure goods ought to be

undertaken from within a communitarian conceptualisation of justice. Liberal views, it was argued, are inappropriate in thinking about public leisure goods (Chapter 6). If this view is to be accepted it removes a burden from leisure professionals who have previously been troubled by the variable outcomes of service provision (Chapters 2 and 3). Secondly, the inadequacy of current data collection relating to public opinion has been demonstrated (Chapter 6). The former assisting the synthesis stage, the latter burdening it.

The synthesis stage may be represented in more detail by the 'Allocative practices and their underpinning rationales' model given in Chapter 3 and re-produced below. In this context the earlier debate and data from Chapter 6 increased our understanding of the internal logic of the good yet cast doubt over what common understandings ought to look like for public leisure good. Both these factors have an impact on the practices of leisure professionals attempting to synthesise these into coherent leisure policy and practice.

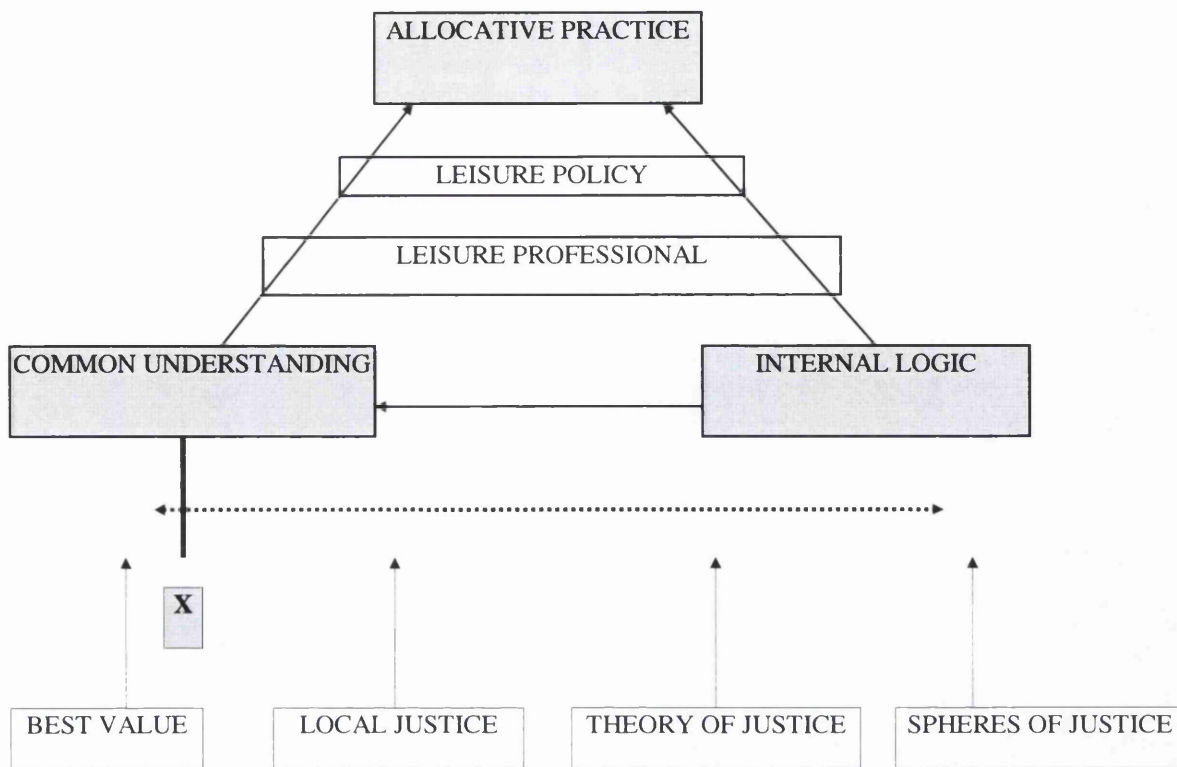


Figure 7.2(a) Allocative practices and their under pinning rationales

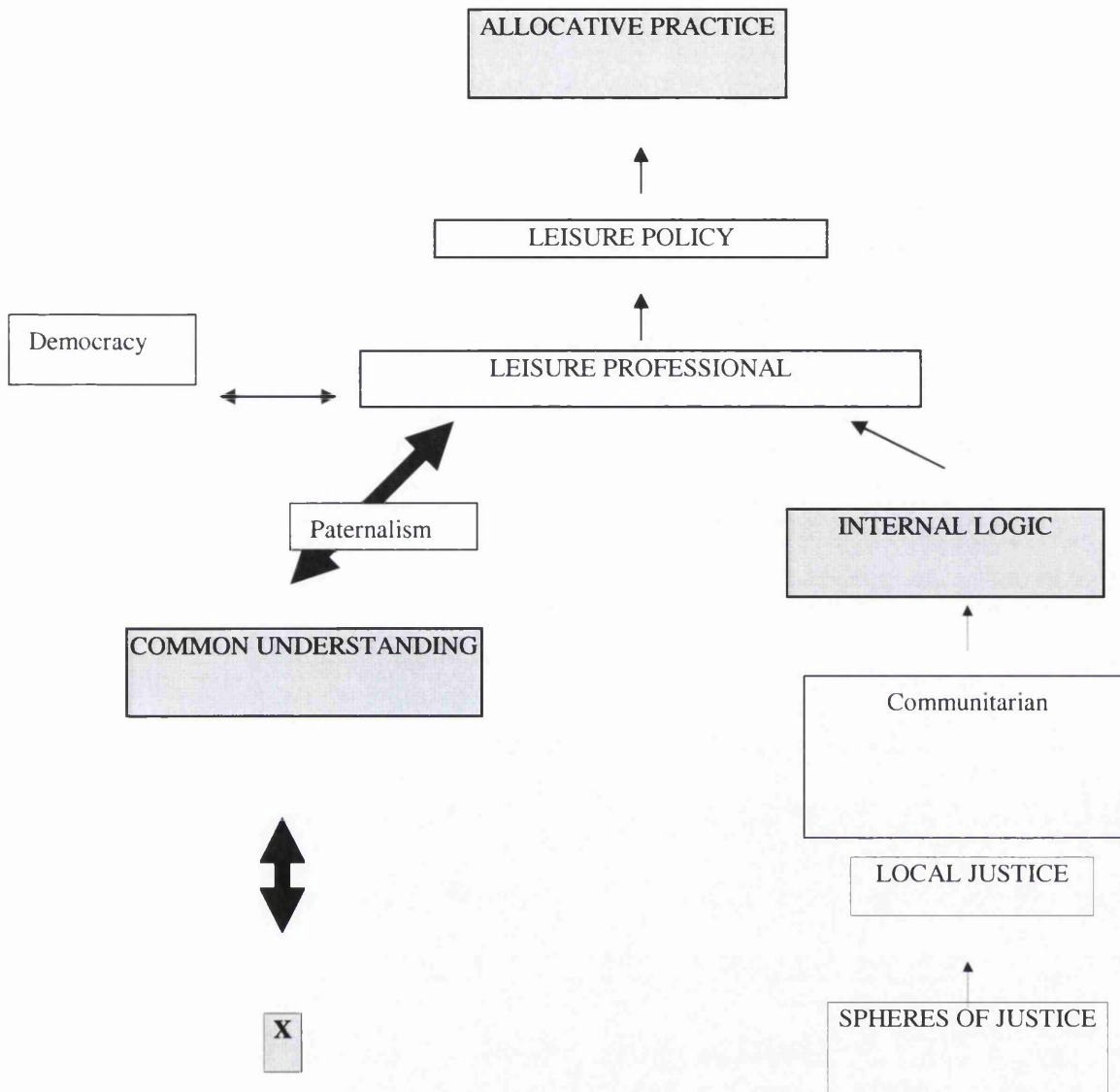


Figure 7.2(b) Revised allocative practices and their underpinning rationales

For second order actors or leisure professionals the consequences are indicated diagrammatically in Figure 7.2 (b) above. The main changes to this model from Fig 7.2 (a) are (i) the greater strength of conviction as to the internal logic, clarifying the communitarian framework and (ii) recognition of a reduced ability to access and capture common understandings, which has come about as a response to the absence of a 'public opinion' on leisure services. For professionals both changes have implications for practice. A greater appreciation of the internal logic and the ethical justification of variable service ends may reduce the professions' efforts to *construct* the right distribution of services and increase the ability to provide consistency as to

what is meant by justice in public leisure services. These are matters as much for the professional institutions to address as individual managers. For professional institutions, in this case ILAM and ISRM, they may wish to consider that the autonomy and direction given to their members can now be ethically justified and that 'professional status' is not threatened by high levels of autonomy. Individual professionals will need to reflect upon the level of paternalism that is legitimised through the absence of 'public opinion'. Similarly, the role of an increased voice from advocacy groups will need to be considered and directed away from being used as an indicator of 'public opinion'.

It has been claimed earlier (Chapter 6) that a lack of 'public opinion' legitimised and defined an increased paternal role for leisure professionals. Where x (from the model) is the basis upon which common understandings are understood and is shown not to be reliable, the role of determining what this looks like falls back onto the professional. This essentially constitutes an increased role for the professional by increasing the paternal burden. If McNamee *et al.*'s (2000) model of leisure professionals is followed in this context the intuition is that greater autonomy and respect would also be required. How 'autonomy respectful – paternalism', responds in this context of increased paternalism is beyond the scope of this research but would add to an understanding of the work of leisure professionals.

The allocation model in Chapter 3 assumed a traditional local authority framework. In which, no account was taken of the role that other external agencies, such as Local Strategic Partnerships, may play. As discussed such a group could play a key role in defining common understandings and where legitimised have the converse effect of reducing paternalism for leisure professionals. The intuition is that a degree of paternalism will always remain and would do even in the presence of a strong 'public opinion', if only as an arbitrator between common understandings and internal logic. It will be interesting to observe the nature of paternalism over time as the influence of such groups' increases.

Similarly, in reaching this point in the thesis the context of provision has been direct delivery by local authorities. Whilst this has been a conscious choice that reflects the

current paradigmatic delivery model, the growing interest in, and implementation of, leisure trusts cannot be ignored. In considering how the future interests of justice will be best served by public provision the issue of trusts as forming a rapidly expanding vehicle for the provision of leisure services requires some comment, if only to suggest a future iteration of this research.

The allocation model discussed above has been developed in a framework that assumed a local state directly delivering service. Within this the role of the leisure professional has emerged to be significant in influencing 'just' provision and of more significance than elected members who have greater concerns with efficiency than equity or justice. In moving from direct delivery to a 'trust' the major shift in influence that may be anticipated is at first order or elected member level. The rules surrounding all trust formats restrict the level of influence of elected members. As public provision begins to increasingly take this format, reference to how this change in control may impact on the dynamics and relationship of the leisure professional is worth a cautionary note.

Interest in the notion of common sense conceptions of justice (Elster, 1992) arise from its potential as a substitute for 'public opinion' or more accurately forming the basis of x within the allocation model. We have discussed earlier how a lack of public opinion leads to an additional burden for professionals, increasing the need to act paternally. The potential of Elster's common sense conception of justice, as an integral component of new leisure trust organisations may alter these dynamics. The capacity of trust boards to lift a significant burden from professionals in this respect will also be worthy of future observation and research.

7 CHAPTER 8: CONCLUDING COMMENTS

In concluding the thesis, this chapter seeks to reflect on the issues that have emerged and consolidate them with previous understandings. In establishing an understanding of the mechanisms and procedures involved in the allocation and distribution of public leisure goods (Chapters 4 and 5), philosophical consideration has been given to the normative tensions that such observations present. What these amounted to in the context of public leisure goods has been empirically explored and the conclusions considered alongside normative understandings of justice for public leisure goods.

Earlier sections of the thesis set out a range of philosophical devices that sought an ethically justifiable understanding of public leisure practices. The intention was not to present a *model* of just leisure which prescribes specific actions or outcomes, rather to provide agents with an understanding and framework in which to justify a wide range of moral actions in the distribution and allocation of public leisure goods. This has not given justification to all moral actions or legitimised all directives within public leisure policy as grounds to variable service outcomes that do or could exist. An ethically justified, heterogeneity of services, beyond a naïve cultural pluralism, is what is hoped has been achieved (Henry, 2001). The intention was to provide a more stable ontological landscape on which agents' moral and ethical actions could be formulated in the production of unique, locally derived, conceptualisations of justice in the locale of leisure services. To this end the research is seen as being of heuristic value in guiding, steering and educating agents, rather than prescribing, in the pursuit of just leisure services.

The direction of travel developed within the thesis, and expressed in the above paragraph, has been somewhat deductive. From a starting point of the problematic notion of social justice for public leisure professionals, Chapter 2 of the thesis provided a context to current distribution practice through an exploration of the rationales and historic context of public sector leisure provision in the UK. Chapter 3 explored public leisure services as a problem of local justice. In Chapter 3, a line of thought was developed, by contrasting public leisure goods with a range of political

conceptions of justice (Rawls, 1972; Nozick, 1974; Walzer, 1983 and Elster, 1992), which eventuated in presenting a communitarian case for public leisure goods.

A rejection of a liberal stance was formulated mainly upon its universalist view and support for the communitarian setting predicated on its commitment to a particularist conception of the practice; more specifically Walzer's (1983), 'differentiated substance' and 'particularist methodology'. Chapter 3 refined Walzer's (1983) concept of sphere-related justice through a critical examination of its content (rather than scope) and characterises leisure services as a problem of 'local justice' (Elster, 1992). It further categorised the service as providing an *artificially scarce, divisible and heterogeneous good*. An image of allocative practice for public leisure goods was then developed based on Elster (1995), which sets out the interrelationship between common understandings of public sector leisure, its internal logic and leisure professionals themselves.

In Chapter 5 the thesis explored, through a range of semi-structured interviews, the detailed mechanisms and processes that were invoked within this image, and a typology of the contents of public leisure goods in relation to *preference formulation* and *aggregation* was developed. A number of conclusions were drawn at this stage:-

1. Public leisure goods represent a problem of 'local justice' (Elster, 1992) as defined by their characteristics as an, artificially scarce, divisible and heterogeneous good.
2. Public opinion and organised interest groups present different influences on the allocation and distribution of public leisure goods in contrast to those that Elster (1992) claims for other goods. Typically, public opinion is misunderstood and organised interest groups are able improperly to influence both the supply of the good (allocation) and the principle of distribution (distribution).
3. The agents of public leisure goods present high levels of inconsistency in their perception of the goods structural variables, in particular, the importance of the good and the number of people benefiting from it. Professionals also

demonstrated strong contrasts between their own preference and their perceptions of recipients relating to structural variables.

4. Leisure professionals demonstrate high levels of autonomy as a result of low professional body influence and/or constraints.
5. Information problems in decision-making are exaggerated as a result of generalised data, which utilises group or categorised data sources rather than individual data. The none-application nature of the good also creates an additional information burden; as the essential background of potential recipients is unknown, unlike job applicants, social housing and layoffs.
6. Public leisure goods demonstrate a tendency to develop by 'inclusive accretion', (the process by which the burden of additional categories of distribution are added to an existing resource allocation without removing old or redundant ones. Any resource is subsequently spread more thinly over a greater range of claims).
7. Justice preferences are not stable and provide little consensus amongst significant agents in the allocation and distribution of public leisure goods.

Having arrived at these preliminary conclusions, a range of philosophical assumptions and devices were then run back through the argument in order to ensure a coherent ethic for the just allocation and distribution of public leisure goods was presented.

These points represent the significant issues that have emerged in the context of this research. They demonstrate both contrasts and similarities to the goods which Elster considers, and confirm the specificity of the mechanisms and procedures of public leisure goods. If Elster's (1992) thoughts on justice are to be accepted this difference is not surprising and supports the general notion of local justice in which outcomes and distribution patterns are both location (particularist methodology) and good specific (differentiated substance).

At this stage, what had been achieved was a critical consideration of the empirical findings of Chapter 5 with particular attention to their coherence and theoretical consistency in the context of public leisure services. Having undertaken this, one issue

remained counter-intuitive to accepting a communitarian account of justice for public leisure goods. By critically examining the idea that public opinion is constitutive of leisure justice, it was argued that the demands of justice on public opinion are limited to the role of legitimation. In this form no internal requirement of the views actually held are made. As a result an ethically justified communitarian account of justice for public leisure goods could be conceived without public opinion and which retains ontological consistency.

Essentially, Swift's second categorisation was presented as a solution to the problem that to invoke a public opinion on public leisure services would be difficult and that no such opinion currently exists. This was raised as somewhat counter-intuitive to conceiving public leisure goods as communitarian. What has been argued for is that how much of a problem this presents, to a large degree, is reliant upon the scope or significance attached to 'public opinion' in determining the principles of justice. In example, should the extent of 'public opinion' be seen as determining the actual contents of justice; that public opinion in some way provides the answer to what principles should be adopted, then the position may be seen as untenable.

The scope of 'public opinion', it is argued, is seen as only constitutive of the kinds of principles that may, legitimately, regulate society and takes the form of independently derived beliefs to which weight is assigned in determining the principles of justice. In accepting this position provision can be made to deal with an attenuated notion of public opinion. It is further argued, that this can be met by professionals through a process of 'reflective equilibrium' between the internal logic of the good and its legitimacy via public opinion. One of the main findings of the research is that professionals need to first better understand what public opinion is, assign it the relevant weight and work towards invoking a true public opinion adjusting the weight they assign to it dependent upon their success. This is what the final allocative model put forward in Chapter 7 proposes.

One of the initial motivations of this project was to bring a level of clarity to thinking about issues of justice in the allocation and distribution of public leisure goods. The motivation to think on this topic came from observations and concerns about the

practice of leisure management (Chapter 2). In this sense one central purpose of the thesis was that it would have some implications in terms of altering our conception of the ethical significance of professionalism and professional practice itself.

In Chapter 4, the relationship between normative reflection and empirical data was discussed. This discussion considered how what 'is', assisted in considering what 'ought' to be. It was envisaged that by observing and describing current practice, a greater insight may be achieved. In the final section the thesis focused on a different aspect of the relationship between normative thought and current practice in which the continuous nature of reflection with practice was considered. If it is to be claimed that public leisure goods 'ought' to be conceptualised from a communitarian stance, we can now begin to contrast how this relates to what 'is'

In conclusion it should be recognised that the concept of justice gains universal approval, there are few, with the exceptions of those on the margins of society, who would not agree (Mulhall and Swift, 1992). Similarly there would be general agreement as to the entrenched nature of leisure within Western culture (Rojek, 1995; Henry, 2001; Haywood 2002). The need to juxtapose one of civil society's highest values, justice, with leisure goods would seem therefore palpable. To develop the notion of 'just leisure' or 'justice in the locale of leisure services' as a generally desirable good would not appear to present a significant leap forward. In doing so it has been the conceptualisations, rather than the concept, of justice that has obscured a clear definition. If nothing else, it is hoped that this thesis has contributed to clarifying and defining a communitarian conceptualisation of justice in the domain of public leisure services.

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ⁱ Specific reference to documents and the authority have been withheld on the grounds of anonymity for authorities which took part in the study.

ⁱⁱ Scrutiny panels are committees which focus on more cross-cutting agendas, such as social inclusion and health. Introduced as part of the government's modernisation agenda by definition they require multi-service input.

ⁱⁱⁱ It should be noted that these different 'outputs' and 'outcomes' may themselves be incommensurable, which makes problematic any kind of utilitarian comparison (see McNamee *et al.* 2001a, 2001b)

^{iv} On the problematical nature of interpersonal utility comparisons in the context of public sector leisure see McNamee *et al.* (2001a).

^v See Long, J. and Parry, S. J. (1988).

^{vi} The remaining three distinctions involve non-scarce goods which are divisible and are therefore of little interest to matters of justice and allocation.

^{vii} Understood in this context as status, gained from political kudos.

^{viii} Given the possible scope of combinations that would have been possible, it is worth asking whether tripartite or greater combination coalition should have been considered as only dual coalitions were considered. This also allowed maintaining the focus at the category level proposed by Elster. It is also accepted that there is potential for inter category coalitions and coalitions with groups and bodies beyond the scope of Elster's categorisation. Examples of this would include inter sports club, inter political group, officer-Sport England, sports club-governing body or officer-Primary Care Trust etc. Where such forms of coalition are considered significant or evidenced through the research comment is given within the main text.

^{ix} County Sports Partnerships (CSP) are organisations established to co-ordinate sports development activities on a sub-regional basis. They form an integral part of the single system for sport advocated by the DCMS. See Chapter 7 for a fuller account of CSP activities.

^x Delivery System for Sport is a framework promoted by Sport England for the delivery of sport in the England and Wales.

^{xi} Local Strategic Partnerships are multi-disciplinary groups established to work on cross-cutting agendas within locally defined governance areas. Typically they involve a range of agencies including the local authority, primary care trusts and other community based organisations.

^{xii} Corporate Performance Assessment is monitoring framework applied to local authorities in England and represents the process by which they are classified as either excellent, good or poor authorities by central government.

^{xiii} 'CPA culture block' is the specific assessment criteria to be applied to leisure, tourism and library services. It is currently only applicable to unitary and metropolitan authorities. Its contents do however reflect government thinking in the field of leisure services.

^{xiv} In this context 'user data' is information, qualitative or quantitative, collected from existing 'users' of the service and is typically represented by customer satisfaction indicators, user forum data and advocacy

representation from customer groups. It is differentiated from views or understandings that may exist within the general population.

^{xv} All participating authorities services included these forms of delivery.