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The strategy adopted by non-profit care services organizations in dealing with the new French regulatory system: strategic coalitions and reterritorialisation of activities

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Résumé : L'objectif de cette communication est d'évaluer l'impact de la nouvelle réglementation publique du secteur de l'aide à personne sur le comportement des associations françaises. Face au rôle renforcé des Conseils généraux comme régulateurs et financeurs de leur activité, comment les associations redéfinissent-elles leur stratégie d'offre ? Quels comportements adoptent-elles non seulement face à la concurrence des entreprises du secteur lucratif, mais aussi face à la tentative d'introduction d'une concurrence inter-associations ? Cette étude exploratoire montre que les associations réagissent en formant des coalitions stratégiques visant à réduire l'intensité concurrentielle. Elles sont aussi conduites à redéfinir le périmètre de leurs activités et à les reterritorialiser selon des impératifs nouveaux de proximité géographique, mais également organisée.

Abstract: The aim of this paper is to evaluate the part of the new public regulation on the behavior of home care services non-profit organizations in France. How do these associations redefine their supply strategy taking into account the General Councils as main regulators and public financing providers? What sort of behaviors do they adopt dealing with firms' competition on one hand, and dealing with competition between associations themselves on the other hand? This exploratory study shows that they tend to react to the new regulation while structuring strategic coalitions to reduce competition intensity. Further, they tend to redefine their activity area, and to make a reterritorialisation according to new geographical and organized proximity requirements.

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THE STRATEGY ADOPTED BY NON-PROFIT CARE SERVICES ORGANISATIONS IN DEALING WITH THE NEW FRENCH REGULATORY SYSTEM : STRATEGIC COALITIONS AND RETERRITORIALISATION OF ACTIVITIES

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1. INTRODUCTION

After twenty years of legislative intervention by the State, the regulatory framework for the care services sector has been turned on its head. Whereas the non-profit organisations working in the sector used to be able to implement their strategic plan in relative autonomy, it is now the public authorities that are tasked with framing and driving care services policy (Borgetto and Lafore, 2007; Marival, 2008). The change is all the more radical since, in order to facilitate policy implementation, the authorities have largely opened the sector up to private companies. Today, the spirit of the law puts the associations in competition with for-profit organisations , and lead them to compete with each other.

This exogenous regulatory shock has forced the associations to carry out a thorough overhaul of their strategy, usually organised around a project involving a choice of activity/activities and a specific area. They now have to work on a project and area as defined by public officials. In order to do this, they have to take on board two constraints: their dependence on public funding; and competition as a means of organising the sector. These constraints are now likely to change their behaviour substantially.

In this context, the present paper aims to assess the impact of the new governmental regulation of the care services sector on the behaviour of non-profit organisations. Now that the General Councils have stepped in to fund and regulate their activities, how are these associations redefining their supply strategy? How do they behave, not just in dealing with competition from private companies, but also with attempts to introduce competition between associations themselves ? With government policy now being essentially a matter for the *Departements*[1], how are the associations incorporating this new territorial dimension into their strategy?

Today, the General Councils are able to use legal procedures to introduce market coordination methods into the non-profit sector. In response, the new strategies deployed by these non-profit organisations tend increasingly towards competitive behaviour. These strategies result from a social construct (Young et al., 1996) which can be understood by analysing the interaction between the players: on the one hand, between the associations themselves; and on the other, between the associations and the authorities (Smith et al., 1992). Consequently, using the behavioural approach to competition, we shall study the behaviour of these associations in order to identify the underlying approach to their current competitive strategies. This exploratory study focuses on the non-profit care services sector in two *Departements* of the Pays de la Loire Region.

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It shows that the associations are responding by forming coalitions in an attempt to curtail the authorities' dominant power. Consequently, the principle of competition – which was intended to provide a means of organising the sector – is being distorted significantly. However, the associations are required to take on board some government efficiency requirements, and this has led them to rethink their supply policy. This policy involves redefining the scope of their activities and, above all, an organised reterritorialisation of their operations in accordance with new geographical proximity requirements. Indeed, since they now need to take greater account of the General Council, which dictates their funding and catchment area, they are forced to consider reterritorialisation as a response to these new constraints.

Using the behavioural approach theory of competition, we will first demonstrate how associations are developing strategies to reduce the impact of competition and to establish non-market coordination procedures (Bensebaa, 2003). We will also show the merits of combining this approach with a proximity analysis (Pecqueur and Zimmermann, 2004; Torre, 2006; Torre, 2009), which enables us to address the competitive strategy of these associations from the perspective of geography and mutual organisation. Finally, we will present the results of an analysis of the strategies developed by associations in two *Departements* of the Pays de la Loire. We will show how from one local area to another, distinct competitive dynamics have developed, combining coalition strategies with a new relationship with the territory.

2. THEORETICAL FRAMEWORK: THE ROLE OF COALITIONS AND THE RETERRITORIALISATION OF OPERATIONS IN REDUCING THE INTENSITY OF COMPETITION

The behavioural approach sees competition as a social construct (Young et al., 1996). This perspective provides an opportunity to examine stakeholder response to an exogenous shock. The new regulatory arrangements for the care services sector is exactly the kind of event that is likely to lead to behavioural change because it introduces competition as a new key feature in the way the sector is organised. This paragraph shows, however, that the increase in competition that the authorities wished to see is not necessarily going according to plan. Indeed, a new regulation generates uncertainty and may lead the players to band together and develop organised, geographic proximity arrangements to help them coordinate their operations outside the market.

2.1. The development of a competitive dynamic by the players: behaviour and strength of competition in an uncertain situation

All organisations which "compete" for the same client or customer know that their behaviour has an impact on the competitive dynamics of the sector but also on their own performance (Penrose, 1952; Durand and Quélin, 1997). These organisations therefore deploy strategies to attack, defend, cooperate, etc. They thus establish a competitive dynamic which can take the form of great rivalry between the players or equally, much less aggressive competitive behaviour, and perhaps even close cooperation. Two approaches were used to understand the variables that determine strength of competition: a structural approach and a behavioural approach.

The structural approach to sectors, drawing on the work of Porter (1986), reveals the characteristics (barriers, cost structure, etc.) of situations that lead to a low or high degree of competition. The author argues that the competitive dynamic is largely determined by the nature of the sector, with deliberate action by the players having only limited impact. This paradigm posits that it is the sector's structural characteristics that determine competitors behaviour, and that these behaviours lead to a comparatively more or less high level of rivalry between the players. However, Porter (1986) does acknowledge to some extent the role the stakeholder can play in establishing a competitive dynamic. He thus recommends being "a good competitor", for example by seeking incremental rather than radical change, as the latter might overturn the rules of the game and thus challenge the survival of each player. However, this is more of a warning against sub-optimal behaviour caused by competitor irrationality than an acceptance of the behavioural variable as a factor in understanding the characteristics of a sector. Basically, the environment determines optimal behaviour and therefore a certain intensity of competition.

The behavioural approach to competition, on the other hand, considers the competitive dynamic as more of a social construct (Young et al., 1996). The players consciously build up a competitive dynamic; it is thus a deliberate choice that is not necessarily dictated by the structure of the sector (Baumard, 2000). Basing his argument on Schelling's (1960) idea that competition is a "*mixed motive game*", Ibert (2002: 32) describes it as a situation in which the organisations "*are partners/opponents in an ambivalent relationship of reciprocal dependency and conflict*", This relationship, in its main features at least, is clearly taken on board by those involved in the competitive game. For example, some firms may opt for particularly aggressive behaviour (Le Roy, 2003 and 2006). Other studies show an opposite trend, where organisations seek to avoid any competitive escalation. Bensebaa (2000: 76) believes that "*it is possible to avoid competition through subtly identified and articulated measures, thus alerting policymakers to the development of competitively advantageous relationships*." In this respect, Chen and MacMillan (1992) and Chen and Miller (1994) have shown that by introducing multi-point competition, firms can establish a competitive equilibrium that is particularly stable and profitable for each partner.

A product of the Austrian school, this research has shown the organisation's role in producing a competitive dynamic and in determining the resulting degree of competition (Young et al., 1996). Following on from the work of Schumpeter, environmental uncertainty was subsequently and quite naturally introduced into the analysis. Thus Oster (1990) and Rumelt (1997) connect entrepreneurial behaviour with environmental uncertainty. D'Aveni (1994), for example, explains how behaviour is interrelated in a "hypercompetitive" situation. However, while these studies show a trend towards behaviour that increases competition, the behavioural approach does not suggest that it is systematic (Bensebaa, 2003). Indeed, some studies argue that uncertainty, given the problems in controlling the environment and the high financial risks it entails, is likely to promote behaviour that reduces competition intensity (Symeonidis, 2003). Although this was not the original subject of their study, David and Han (2004) observed that alliances tend to be forged where uncertainty is present. It is therefore useful to assess how far uncertainty is likely to contribute towards less rival behaviour.

2.2. The introduction of competitive regulation: The formation of coalitions in response to the new uncertainty

Some situations are notable for the mortality rate they can cause amongst existing market operators. Teece (1996), like Tushman and Anderson (1986) stress that it is impossible to predict the future state of the world in a competitive situation. Existing players thus find it impossible to plan an optimal strategy to enable them to stay in the market. This also links in with Porter's assertion (1986) that change, including technological change, is likely to challenge the survival of the players.

Based on the various situations highlighted by Tushman and Anderson (1986) and Anderson and Tushman (2001), we can define uncertainty as a situation in which the future state of the world can take various forms, some of which may put the survival of the organisation at risk. An uncertain situation differs from a risky situation in as much as the latter is characterised by potential losses but poses no short-term risk to the survival of the organisation. An organisation dealing with an uncertain situation therefore faces a difficult choice: if the *ex ante* strategy does not correspond to the state of the world as observed *ex post*, the survival of the organisation may be at risk (Rigamonti, 2005).

Technological breakthroughs are notorious for producing such situations. Operators cannot finance the development of an infinite number of new products unless they can predict with reasonable certainty what the demand is likely to be. The new products selected can thus turn out to be commercial failures, sometimes resulting in significant mortality rates (Anderson and Tushman, 2001; Breschi et al., 2000). Changes to regulatory frameworks (Anastopoulos et al. 1985; Narula and Duysters, 2004; Rigamonti, 2005) are also sources of great strategic uncertainty. A sector that moves from a legal or *de facto* monopoly situation to become a competitive organisation can be a source of considerable uncertainty in terms of sectoral strategic movements and customer/client behaviour.

In such a situation, the behaviour of each player affects the collective outcome, even though the latter cannot be predicted for all parties. It is thus a multiple-solution game in which each participating organisation can find itself excluded after a certain period of time. The outcome is all the more difficult to predict in as much as it depends on the strategies adopted by each player. The rules governing behaviour, and consequently the dynamics of competition, are therefore at the heart of strategic thinking. If the players were aware of their strategies and able to coordinate them, they would be able to make more reliable predictions and frame a survival strategy. However, this is not the case. Delapierre and Mytelka (2003) believe, in this respect, that organisations are more likely to try to stabilise the rules, limiting the scope for each competitor to act, rather than build a traditional oligopoly (capture and share-out of consumer surplus), even though this may be a concern. The aim of ensuring minimum profitability (survival objective) ultimately prevails over maximising profits (March and Shapira, 1987, Miller and Leiblen 1996, Chatterjee et al., 2003).

In order to ensure their survival in an uncertain situation, existing organisations need to establish behavioural rules. A coalition of stakeholders is thus set up to promote these new rules, the aim being to curb competitive rivalry in favour of mutual tolerance. This coalition does not seek to destroy all forms of competition. Indeed, it is not a market sharing agreement in the narrow sense; it aims to maintain the coalition of players on the market. The members of the coalition thus attempt to set limits on competitive action and exclude any market players likely to challenge their survival. Whereas existing operators seek to ensure their own survival, new entrants and sometimes smaller companies work to challenge the status quo. Indeed, their chances of making a profit often depend on changing the rules of the game. Consequently, regulatory or technological change is generally much more profitable for them than maintaining the existing rules, which often tend to exclude them from the game (Bettis and Weeks, 1987, Chen and Hambrick, 1995). The coalition is thus an area of coordination between existing operators, and a defence mechanism against other players (new entrants or smaller players) who could make their survival uncertain.

For a coalition to emerge, the players need: i. to acknowledge their strategic interdependence in an uncertain situation; ii. a common strategic vision; iii. to make sure that information can flow between them. Acknowledging their strategic interdependence and uncertainty requires them to accept explicitly the reality of the uncertain situation. This may happen in various ways: directors' meetings, professional conventions and professional journals all help to raise awareness of the situation, take stock of its features and make a common diagnosis. The more people agree that the situation is uncertain, the easier it will be to frame a common strategic vision. It is this strategic vision that will enable them to pave the way for a stakeholder coalition. During this phase, the stakeholders define the objective in terms of the competitive rules they set themselves. Firstly, they need to define the parameters of the coalition: who will be admitted, who will be excluded; and secondly, to establish the steps they must take together to achieve the declared objective and the steps they must each take independently.

It is generally accepted that information flows are essential to maintaining any kind of coalition. As the study by Baker and Faulkner (1993) shows, adequate information must first be circulated among the partners, on the one hand so that they can coordinate their efforts, and on the other, so that everyone can be sure that the others are respecting the rules. The coalition partners must then identify the levers that will enable them to achieve the desired objective.

2.3. Alliances, coalition levers for reducing competition intensity

With a view to maintaining their collective market presence, the coalition partners deploy strategic levers that will enable them to achieve their goals. The levers used are alliances, both explicit and implicit. In line with the research completed by Jolly (2001), we will define an alliance here as a strategic agreement – whether tacit or explicit – to coordinate stakeholder behaviour. However, we will discuss the notion of the alliance in the broad sense, and our analysis will include alliances which aim to reduce the strength of competition. Similarly, we will impose no limitations on the way an alliance can be organised (Dussauge and Garett, 1997; Koenig, 2004).

In explicit alliances, the allies pool their expertise and resources (Dussauge and Garett, 1997). These alliances provide each member with additional resources to cope with the largest possible number of different changes in the environment. The ability of the member organisations to cope with the demands of this environment is thus enhanced. However, these alliances tend to reduce the diversity of resources and capabilities of their members (Mowery et al., 1996). Consequently, this leads to an erosion of competitiveness because they lose some of their competitive advantage when their profiles become standardised. Indeed, if it is to have a competitive advantage a firm needs to have a unique resources and skills profile (Barney 1996, Grant 1991, Ray et al. 2004). Thus, in resorting to alliances, organisations are primarily seeking flexibility and an ability to adapt to an uncertain situation, rather than a competitive advantage over coalition members (Lewin and Volberda, 1999). Clearly, market players who are not part of the coalition, either by choice or because they have been excluded, are at a disadvantage compared to the collective members of the coalition (Gomes-Casseres, 1994 and 1996, Powell, 1998; Arping and Troeger, 2002). In this respect, studies conducted by Morasch (2000) confirm that in an oligopoly with few firms, competition intensity is indeed reduced when alliances are formed.

Alliances can also be implicit, in which case they are an expression of mutual tolerance. Mutual forbearance is a feature of a low level of rival behaviour between the players. It leads to spheres of influence in which the leadership of an organisation is awarded to a player by his rivals in certain sectors (Bensebaa 2001). Thus, a "*proximity effect*" linked to "*history, geography, etc.*" and an "*eviction effect*" lead competitors to recognise "*the interests of a firm for the same reasons that enabled them to identify their territory*" (Bensebaa, 2001: 39). The historical legitimacy of the leader can be enhanced through multi-point competition, where the asymmetry of market share in different segments makes it possible to identify the leadership in each segment (Havenman and Nonnemaker 2000, Fu, 2003). Nevertheless, this vision must be tempered by psychosociological concerns. Ibert (2002: 33), for example, notes that the choice of a competitive strategy is based on a psychosociological dynamic that does, in fact, tend to play out tacitly. The institutional context is thus a key element in assessing the strategic moves made by the competitors.

Indeed, the latter seem to regard a competitive movement as acceptable if it is dictated by the context. However, if the movement is deliberate, opportunistic, and hence not determined by events, it will lead to retaliation (Chen and Miller 1994; Robertson et al. 1995; Ibert, 2002). If we follow the conclusions of Janssen and Rasmusen (2002), a good knowledge of stakeholder behaviour encourages non market coordination and reduces competitive intensity. This is why all forms of non-market coordination help to improve knowledge of the context and of the behaviour of each player. Accordingly, in addition to geographical proximity, which can enhance mutual understanding, organised proximities also help to bolster this understanding.

2.4. Geographical and organised proximity in non-market coordination

The notion of proximity refers to the existence of close or distant relations when an economic problem arises and requires a "social link" to be established between the agents (Gilly and Torre, 2000). These close and distant relations are not only encapsulated in a spatial or geographical dimension, but may also have an organised dimension through relations between the players, and by taking account of the technological, cultural, cognitive, temporal (etc.) contexts involved. Indeed, the organised dimension can make geographically distant places "close" in terms of access-time to people and information. From this perspective, the notion of proximity can be classified as *plural* or *multiform* (Pecqueur and Zimmermann, 2004; Torre, 2006) in so far as it helps to establish different meanings of the links/divisions between geonomic and economic space.

Geographical proximity reflects the idea that interaction between players takes place in a circumscribed area and refers to the spatial enclosure of production and the collective creation of resources when a production problem arises. However, it cannot be reduced to physical distance but is regarded as a construct that crystallises in market and non-market social interaction, and which is affected by the temporality of the economic and social phenomena. Accordingly, it is not defined in absolute terms, i.e. as a given, but in relative terms (Bouba-Olga and Carrincazeaux, 2008; Torre, 2009). This is what distinguishes it from the "absolute" use which is usually made of it in the literature, and which consists in either:

i. "postulating" geographic proximity as a spatial pre-requisite for understanding or measuring the mechanisms for creating and disseminating innovation (Sternberg, 1999; Starber, 2001, etc.).

ii. or referring to factors that are conducive to geographical proximity, such as metric distance when analysing: geographic concentration and clustering (Krugman, 1991 and 1995);

choice of location and increasing adoption returns (Arthur, 1990); or when analysing monetary externalities against expectations (Krugman, 1991).

While not exhaustive, these examples reflect the growing interest in the concept of geographical proximity understood either as a uniform given that assumes socio-spatial continuity, or as a “space-cost measurement”. In contrast, geographical proximity as we understand it here refers more to proximity as expressed in relative terms. It is *relative* in so far as it is a *social construct* that basically depends on the scale we use to define it, subjective factors (representations of space vary between individuals and groups), and which depends on other forms of proximity. Indeed, geographical proximity “facilitates” or “is enhanced by” economic operator networking through organised mediation. However, its role may be ambivalent (Gilly, Leroux, Wallet, 2003): it can help to strengthen negative lock-in effects by locking in obsolete modes of coordination; on the other hand it can encourage new production arrangements or combinations that facilitate coordination. In this respect, geographical proximity becomes an analytical category that is inseparable from organised proximity.

Organised proximity occurs when the players commit to a potential or actual coordination arrangement that satisfies a specific need for coordination (setting up of a project, solving a production or institutional problem). Organised proximity is based on the connection between what is known as “organisational” proximity on the one hand, and “institutional” proximity on the other (Leroux, 2002; Gilly and Lung, 2008). The players are similar in organisational terms if they operate in the same economic and social area and maintain genuine relations. Organisational proximity refers more specifically to the interaction between stakeholders in a joint results-focused activity, both on the intra-organisational (within the organisation) and inter-organisational (between organisations) level. This organisational proximity is thus built on institutional proximity.

The players are joined in institutional proximity when they share a common set of representations and common rules of thought and action, these being the very glue of both technical and personal interaction. Thus, they are similar from the institutional point of view when they share the same reference and knowledge area, whether common or complementary. This proximity therefore includes an element of consent whenever common rules need to be worked out together. There is also an unintentional element, when it is not based on the free will of the players but rather on systems of representation or shared values. Consequently, in the proximity approach, institutional proximity can have varying degrees of density. It can take different forms, from a simple, spontaneous system of rules to a much more complex one, or even systems of values and representations resulting from a shared history. This institutional density is not fixed; it evolves in response to production problems and the exigencies of coordination.

These proximities therefore provide support for non-market coordination and can encourage the formation of coalitions by allowing information to be circulated and by sharing common representation. Furthermore, they also allow each organisation to define its own territory.

2.5. The territory of the organisation: from a combination of proximities to a reduction in the intensity of competition

In this perspective, an organisation’s territory is defined as a consistently singular combination of geographical and organised proximities which emerges in an attempt to solve a specific economic problem. Constructed historically, this territory *is* history: the history of combining proximities, an engine of more or less lasting, stable coordination between the different players. The coherence of the organisation's territory thus depends on its being part of an organised proximity, which is determined here by the institutional dimension. Indeed, this coherence is based on common representation, shared values and common working rules. Defined as such, the territory of the organisation is idiosyncratic in nature as it cannot be exactly replicated elsewhere (Leroux, 2002). This is why we refer to it as a "*singular construct*".

Indeed, the connections between geographical proximity and organised proximity are not fixed but evolving. On the one hand, geographical proximity encourages direct, immediate interaction and helps to establish common rules, references and coordination, i.e. it creates organised proximity. This organised proximity can, in some cases, lead in the medium-term to withdrawal from geographical proximity (e.g. a company might decide to locate elsewhere), allowing relations to continue, but at a distance. This may lead to reshaping the way the proximities are combined, and consequently redrawing the outlines of the territory, which is able to operate more or less independently of its geographical base. On the other hand, organised proximity between players operating "at a distance" may require geographical proximity if it is to be viable.

Thus, each player can define his own territory and that of his competitors. As Bensebaa (2001) has shown, each competitor is able to assess the legitimacy of his own action according to whether other players are operating within their territory or outside it. This may serve as a basis for mutual tolerance, leading each player to avoid competing on the legitimate territory of other organisations. However, as Tirole's work has shown (1990), opportunism tends to scupper any form of agreement. If there is a decrease in the level of uncertainty, it is highly likely that players will try to intervene on the territory of those they regard as the "weakest" member.

3. CASE STUDY: COALITION AND REDEFINING THE ASSOCIATION' TERRITORIAL STRATEGY IN RESPONSE TO THE NEW REGULATORY FRAMEWORK

This study focuses on twenty care services associations spread over two *Departements* in the Pays de la Loire region. Care services non-profit organisations have to contend with legislation introduced by French Government in 2002 and 2005; this had a profound impact on the way the sector is organised. Whereas they had long been the only players in the market, they must now take account of: 1) the key role assigned to the General Councils in the area of spatial and sectoral planning; 2) lower entry requirements and the arrival of private firms; 3) the fact that funding is now allocated through a tender procedure. It can therefore be said that from the mid-2000s, these associations were obliged to include a competitive dimension in their strategy. In this respect, the behavioural approach of competition outlined in the previous section is helpful in analysing the way their competitive behaviour changes.

Indeed, it can be assumed that the strategic behaviour of associations is similar to that of firms. Several authors have observed that genuine competitive strategies have begun to operate within non-profit organisations (Saxton, 1996; Abdy and Barclay, 2001). Chew (2003), for instance, points out that in the United Kingdom these associations face increasing competition for financial and other resources. Many authors agree and have striven to show that the reference points applying to corporate management were also valid for associations. By way of example, Kara et al. (2004) show that there is a positive relationship between the market orientation of the association and its performance; Chew (2006) shows how strategic management tools just as likely to be used by associations as by firms.

As part of this exploratory research, we present here a longitudinal analysis of the collected data, which will help to identify the new types of behaviour exhibited by the associations, the existence or otherwise of explicit and implicit alliances and their impact on intensity of competition. To this end, we shall be making a specific analysis of the multidimensional strategic sequences (Dumez and Jeunemaître, 2005). This method allows us to include the temporal dimension of associations' strategic actions and reactions, while highlighting potential cooperation or confrontation in each area: market (price and quantity), definition of the market (geography, product, etc.) and non-market (legal and social arrangements, relations with public authorities, etc.) (Rigamonti, 2005).

This case study is presented in three stages. In the first stage we examine how the sector has been organised historically, in particular by explaining the special relationship that has long linked the non-profit organisations to the area in which they operate. Then we explain how the State has sought to introduce competition in the sector and how the *Departement* has become the territorial reference point for public health and social policy. Finally, we present the response strategies implemented by the associations in the two *Departements* studied. These include forging new alliances and a thorough overhaul of the associations-territory relationship.

3.1. Care services non-profit organisations' strategy until 2002: mutual tolerance and territorial legitimacy

"*The boards of the associations agreed originally, so quite some time ago, to share the territory in the Departement between them.*" This statement by the Director of an association explains clearly why the competitive dynamics of the sector has long been characterised by the almost total absence of any rivalry between the associations. In a certain sense, each non-profit organisation had its own sphere of influence which was established on a territorial basis. The absence of any rivalry and consequently any competition throughout the mid-twentieth century can only be understood here in connection with territory. There are four arguments underpinning this division of territory and its continuation over time.

i. Firstly, there is the role of geographical proximity. This comes into play immediately because of the specific nature of the services that these associations provide. Any service is characterised by the interconnection between its place of production and place of consumption (Eiglier and Langeard, 1987). In the case of care services, the service is generally performed at or close to the home of the target individuals. It is thus in a service provider's interest to step up production in a specific area rather than expand his geographical catchment area. This reduces staff transport costs and enables them to pay staff for more working hours. Clearly, the care services sector covers a wide variety of services. Consequently, the size of an non-profit organisation's catchment area will depend on the nature of the service. It should be pointed out that, until the mid-1990s, fixed operating costs were relatively low and therefore not a factor in growing the association and extending the geographical catchment area.

ii. Secondly, this geographical proximity is coupled with organised proximity. Thus far, concentration of supply in a given territory has always been backed up by relations with the local authorities, particularly at the municipal and town hall level. Indeed, as the demand for services cannot be met in full, volunteering in response to this deficiency was an inadequate response. In their attempts to address insolvent demand, non-profit organisations have always sought public support in the shape of financial subsidies or material assistance, such as premises made available free of charge. This has led to territorialisation, in which the associations operate in highly circumscribed areas.

iii. As an alternative to a commercial approach, these geographical proximities have always been important to growth. For several decades, the lack of a commercial approach resulted in a significant lack of information for users. They could only obtain information in their immediate vicinity, with public officials and social stakeholders acting as consumer motivators. Indeed, even today local people still turn to them for their welfare needs and it is only natural that users should turn to their local organisation. This organised proximity that can be forged between the public official and the associations can thus serve as a natural channel to select an association that may be able to provide the required service from amongst the associations already operating within a given territory. As this Deputy Director of an association puts it: "*they bring us business, they act as consumer prescribers... / ... then there are those nurses who might say to a family or an elderly person: we usually work with such-and-such an association.*" To this can be added direct demand, when users go straight to the association. Indeed, a user who is unaware of what is available might take advantage of his proximity to an association to request a new service. The association is thus regularly asked to diversify its activities in a given territory. Territorial expansion, however, requires significant resources in order to decide on a new territory, meet demand, etc.; organised and geographical proximity can deliver this cost-free by providing a wide range of activities linked by geographical area.

iv. The organised proximities created by the associations to manage domestic constraints enabled them to resist expanding their catchment area until 2002. The increase in operating and training costs and the additional rare skills requirements could have forced them to expand territorially in order to achieve economies of scale. Instead, they chose to join national and, in particular, *departmental* structures. These groupings were formed in two strands, the first being a support service enabling the non-profit organisations to manage the external constraints on their management (quality, staff training, administration) and their representation at a political or administrative level that is wider than their catchment area. The second strand is project-focused, with several associations grouping together to run a project that is marginally connected with their skills area or even their social objective.

Thus, over the period up to 2002, geographical proximity and the creation of organised proximities enabled the associations to make cost savings and thus focus their resources on care services. On the downside, these proximities have turned out to be restrictive as they encourage the associations to respect a certain territorial division, thus curbing competition. This could almost be said to be a "territorial monopoly". However, it is not a perfect monopoly because the demand side is able to choose the supplier for certain services if there are several associations that can deliver these services in the same geographical area. Moreover, in large urban areas there are several associations performing the same activities side-by-side. Initially, these non-profit organisations sprang up in specific neighbourhoods or social networks. Geographical and organised proximities enabled them to grow in tandem and without any real competition, especially since during the decades in question no business approach was able to remedy market failure in terms of information.

3.2. An exogenous shock that breeds uncertainty: the State introduces pro-competitive regulation

The new regulatory framework for the care services sector severely tests the relationship between the associations and their environment by introducing genuinely “semi-competitive” regulation (Richez-Battesti, 2005). The new regulation, initially brought in 2002 (Law 2002.2) and amended and extended in 2005 and 2007 (Decrees 2005-1698 and 2007-854), has led to a complete overhaul of the sector. It is based on three pillars: creation of a competitive market by removing entry barriers; creation of a system of incentives to keep costs under control; “*departmentalisation*” of the sector, by giving the General Councils responsibility for running services policy.

i. The first pillar of the regulation is based on the emergence of new social demand. The increase in living standards, increasing numbers of women in work, an ageing population and the sharp increase in the number of single parent families make isolation a major concern[2] (Grapin, 2006). Moreover, the steps taken to ensure solvency of demand (lower social costs, social and family benefits, social welfare, tax cuts) in the late eighties helped to open up access to care services. The sector appeared to have significant potential for development. At the same time, it became fragmented, with a whole host of operators who have never been properly recognised by the State. They include: networks of associations (UNASSAD, UNADMR, FNAID, ADESSA, *Familles Rurales*, etc.); the Federation of Private Employers (FEPEM); small-scale private firms; Community Centres for Social Action (CCAS); and major social economy businesses (mutuals, savings banks, Crédit Mutuel, Crédit Coopérative, etc.) and the for-profit private sector (Accor, AXA, Sodexho, Air Liquide Santé, France Telecom, Sagem, etc.).

In this context of new social demand and potential employment pool, the new regulatory framework aims to make the market competitive (by rolling out procurement; recognising private initiative arrangements, etc.) and to make the sector a professional one in order to obtain lower prices and/or improve quality (Duthil, 2007).

ii. The second pillar of this regulation aims to establish an incentive system with better cost control. Leaving aside operator fragmentation and the lack of any real recognition of care services by the authorities, users feel that access to care services is complicated and expensive. Employment services vouchers are not seen as a means of achieving solvency of demand (payroll taxes account for 85% of the sum paid to the employee). There is no blanket reduction in social costs for the sector. In addition, the low hourly rates of pay coupled with frequent recourse to part-time work and social rights that do not comply with the legislation in force make the sector unattractive. There is also a lack of training, a regulatory framework that is unable to protect users or ensure quality of service and legislation that does not cover urgent assistance carried out at generally atypical times. The new regulation thus requires care systems to be opened up to the private sector (for example, firms can now offer household services jobs to private individuals, whereas this was previously the preserve of intermediary associations), with the introduction of a service quality policy underpinned by incentives to seek accreditation from a recognised body. In order to make these jobs more attractive, it also improves the regulation of general working conditions in the sector, with a view to securing wage increases, unified collective bargaining and combating enforced part-time work.

[2] Care service development plans 1 and 2, 2006-2009.

iii. The third pillar of the regulation involves marrying this sectoral reform with the new division of responsibilities introduced by the second Decentralisation Act. This makes the *Departement* the key player in social and healthcare matters (a prerogative previously shared with the State). It has jurisdiction in social welfare and is tasked with framing and implementing welfare policy (social and healthcare association chart with funding arrangements)[3]; funding for CLICs (Local Information and Coordination Centres), implementation of Law 2002.2 (Borgetto and Lafore, 2007). The non-profit organisations now need to work closely with the local authorities and with elected officials from the *Departement*. They are also encouraged to group together, while access to public funding is in short supply and subject to strict approval procedures. These procedures enable users to access government grants, including the APA (Personal Autonomy Allowance). This approval is therefore essential in terms of market penetration. On the other hand, rates are fixed and any increase must be negotiated and approved by the General Council.

This new regulatory framework induces all the associations to ask some important questions: "*Perhaps the politicians do not really want the associative sector to be involved?*"; "*What of the risk of losing our right to make our own decisions?*" are some of the comments that sum up the general feeling among the leaders of these non-profit organisations towards this regulatory shock. All the players agree on these two points.

i. The first focus of attention for the associations is their exclusion from the decision-making process. The General Councils now decide on social policy at the *departmental* level, selecting the investments they are willing to make and the priorities to be funded. Clearly, each association needs to be able to defend its work to the public authorities, but its exclusion from the decision-making process does not allow for this. Consequently, some *departmental* schemes have been drawn up without involving the key associations, with the result that the policies of the General Council and of the non-profit organisations are completely out of kilter.

ii. The second issue is the impression that they have become mere operatives. Being unable to frame their own policy, the non-profit organisations must adapt to the budget set by the General Council. The lack of any proper consultation could weaken their financial situation. In one *Departement* it has emerged that the main associations were forced to dip heavily into their financial reserves to ensure continuity of service. Another association goes as far as to say that if it hadn't been allowed to raise its prices, it could not have survived.

We must also take account of the fact that the associations are now in competition with the private sector. The leaders of these associations all agree that these new entrants will win significant market share in the profitable area of the market (tutoring, cleaning services, etc.). This could lead associations to focus on the unprofitable area of the market, thus increasing their political and financial dependence on the General Council.

For the non-profit organisations, the legislation introduced by Jean-Louis Borloo has created a highly uncertain situation from a strategic point of view. They all agree on this and on the fact that they are now competing with each other. This agreement comes all the more easily since the leaders of these associations see each other frequently, at meetings with the public authorities, in their various umbrella organisations and at the general assemblies of each

[3] Authorisations are obtained by virtue of their compatibility with the social and healthcare organisation chart, which establishes the scope and type of needs, etc. in a given area. It plays a discerning role, leading associations to compete with each other and producing a "subsidised market".

partner association. These meetings provide them with an opportunity to exchange opinions and hammer out a common strategic vision.

3.3. The associations' strategic response: alliances and reterritorialisation to reduce the intensity of competition

In the wake of this regulatory shock there has been an explosion of alliances. Since the new regulation is a challenge to the very survival of the players, they form alliances in an attempt to reduce the intensity of competition and seek to form coalitions in order to remain in the market. In both *Departements*, coalitions are indeed emerging. However, since the policies of the two General Councils are not identical, each coalition has a different objective. In one *Departement*, the General Council has activated all the levers of competition, thus endangering the short-term survival of the associations. In the other, there is less uncertainty weighing on the players. Nevertheless, in the two *Departements* the associations have reshaped their organised proximities in an attempt to manage the dynamics of competition.

In the first *Departement*, the associations were excluded from several meetings and their financial situation deteriorated rapidly and severely. The General Council froze their prices just as the associations were facing rising labour costs. Their response was to act together to negotiate regulated rates and allowances from their two funding bodies: the General Council and the CAF (Family Allowances Fund). They even managed to agree a three-year pricing arrangement, whereas the law requires rates to be renegotiated annually. A Director summarised the new situation like this: "*It is quite possible to have different political and strategic visions; this is desirable as long as we respect our different identities. We find areas of cooperation when it comes to defending our interests.*" This shows that some form of competition is not completely ruled out. The aim of the coalition is clearly stated: to thwart local government policies that threaten the associations' existence. They have also refused to merge as the General Council wanted them to do, and defended their corner in rate negotiations. Furthermore, there is a high level of explicit coordination between coalition members: one member of an association has openly stated that there are "*regular meetings to coordinate and prepare for collective bargaining with the funding bodies.*" This coalition has thus provided mutually favourable competition rules thanks to organised proximity, which introduces non-market coordination. The allies' approach is not to eliminate all forms of competition, even though individual players have limited scope to act. Consequently, the territorial boundaries have become somewhat blurred. One non-profit organisation even sought and obtained an AFNOR (French Standards Organisation) certification mark to raise customer awareness of the quality of its services.

In the second *Departement*, the associations can see that the General Council wishes to expand the supply side, but also to streamline the sector by reducing the number of players. However, the authorities have continued to discuss matters regularly with the associations and the situation looks very different. The associations and the authorities have been seeking to coordinate their activities since the mid-1990s. This has led to the establishment of a coordination body which brings together numerous associations and other social economy players. This non-profit organisation works in close coordination with the authorities. Moreover, the General Council has not tried to use all the new levers at its disposal to create tough competition between the players. The result is that existing players are not generally challenged and there is no particular desire to turn to the private sector. There is also a notable difference between the players who are involved in the coordination body and those who are not. The former, thanks to the organised proximity they have managed to develop, enjoy a competitive advantage in terms of their preferential access to the General Council. As for the other associations, they find themselves marginalised. This proximity is an example of non-market coordination which ultimately favours those who are involved in the coordination body at the expense of the rest.

Since there is much less uncertainty in the second *Departement*, it seems that the associations are beginning to compete with each other. Since 2005, some competitive behaviour has been noticeable. If we take the two main household services associations, three things can be observed: a deliberate challenge to territorial exclusivity; a desire to absorb the associations and thus eliminate some players; and the pursuit of economies of scale, which becomes a key objective of strategic policy. The coordinating body nevertheless remains a coalition which aims to regulate the dynamics of competition. This organised proximity has enabled stakeholders to provide themselves with the resources they need to implement their policy with the support of the General Council. The two main household services associations are now in a much more favourable position than the players who are not members of the coalition. Competition takes place primarily between the coalition and the players outside the coalition. Consequently, competition rules do not come fully into play and the coordination body becomes an issue. Competition has been shifted; it is not wholly market-based involving a comparison of suppliers, as the players have, to some extent, a preference for negotiated competition.

In both these *Departements*, the players have developed new organised proximities and have largely been forced to disengage from their historical territory based on original geographic proximity. This leads the non-profit organisations to redefine their territory. Their new territory is essentially structured around these new organised proximities, with the new *departmental* level being the political and economic reference point. This, however, produces considerably different results in the two *Departements*. In the first *Departement*, given their conflictual relationship with the General Council, the players have kept more of their original catchment area. There is too much uncertainty for high direct competition to emerge. In the second *Departement* there is less reliance on historical territory as the main players have been able to expand throughout the *Departement* thanks to the coordination body, which encourages organised proximity. They can now exploit this advantage over a larger territory, it being in their interest to drive out potential competitors.

4. CONCLUSION

The French laws of 2002 and 2005 have induced care services associations to renew their strategic policy. However, the economic levers which the new legislation has made available to the General Councils have not produced the desired effects. By causing uncertainty, they encourage associations to band together. The aim of these coalitions is to ensure the survival of the existing players by developing their bargaining power with a difficult partner, and to attempt to exclude certain players.

Of particular note is the role played by proximities, which enable the players to provide diversity over a given geographical area. In addition to encouraging explicit alliances, geographic and organised proximities also encourage implicit alliances and, consequently, the emergence of coalitions. Thanks to the diversity this produces, each player is able to identify his own territory and that of his competitors. Armed with this identification and a shared knowledge of the institutional context, each player is able to assess the extent to which competitive action is legitimate. It appears that in the presence of uncertainty, there is greater respect for the territory of each player. No existing player seems to want to take the risk of making a dishonest move that would plunge him into destructive competition while the new regulatory framework is already a significant threat in itself.

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