From Good Theory to Great: Building Better Theories of Collaboration through Greater Awareness of the Legal and Technical Forces Driving Organizational Form and Communication

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Lewis (2005) asks “Should theory and practical literatures apply to all [non-profit organizations] or to subsectors?” (p. 244). While this question may seem like a secondary consideration, I will argue that it provides an important starting point from which to approach theory building in the NPO (nonprofit organization) arena for two reasons: first, because it captures the difficulty of building broad communication theories in general; and second, because it hints at the wide array of organizational forms that can reasonably be subsumed under the civil society sector or NPO label. Both of these offer significant challenges to theoretical development, and both suggest that scholars interested in making theoretical contributions should pay more explicit attention to the range of organizational forms NPOs take, the communicative space those forms create, as well as the environmental factors that give rise to the rich and diverse third sector present today. This is especially important for anyone looking to explore collaboration, since working across organizational form brings the communicative influences of such structures to the forefront.

Lewis (2005) offers several criteria for defining the nonprofit sector, offering as criteria that they be organized, private, non-profit-distributing, self-governing, voluntary, and of public benefit. They also seem to presume formal organization. Within this broader civil sector space distinctions can be drawn along legal and organizational definitions. This includes organizational type as distinguished by IRS tax code, such as the 501(c)3 code commonly associated with non-profits, as well as the 501(c)4, which has emerged to play a broader role in recent years. There are of course a range of NPOs that can be classified by type and even mission of the organization, such as universities, hospitals, churches, etc. These differences are important because they introduce dissimilar tax and governing policies that produce profound impacts on an organization’s communication around mission, issues advocacy, even funding. They also
suggest that collaborative partnerships may provide a means of navigating such restrictions. All of these developments come at a time when non-profits are being looked to by the public, local governments, businesses and communities to play an increased partnership role, and require that organizations navigate both organizational form and broaden the context in which they operate.

Regardless of the term used, the Third sector, civil sector, or NPO environment is diverse—and it is changing. While Lewis (2005) singles out the influence of business, particularly through the implementation of certain management practices, as well as the emergence of collaborative partnerships across traditional business and non-profit divides, other structural forces are also at play. I suggest two additional outside influences that scholars must keep in mind if good theory development is to take place: the technical and legal influences on organizational form and the communicative environment these forces create.

First, the same technological influences that are pervading traditional organizations are manifesting similar changes in the NPO. This includes the use of Internet technologies, as well as changes to traditional notions of time and space in a globalizing world, which allow previously untenable communities of interest to emerge. These developments offer scholars the opportunity to examine community and social capital across larger communities than would otherwise be afforded by focusing on traditional organization forms (Lewis, 2005). These changes also present challenges by forcing a rethinking of many established traditions, such as the role of resources in our understanding of collective action and public goods problems (Bimber, Flanagin, & Stohl, 2005; Flanagin, Stohl & Bimber, 2006). Bimber, Flanagin, and Stohl (2005) recognized the role of technology in enabling communication and coordination and the consequences presented by the reduced cost of organizing. The central role of formal organization in contacting, motivating and coordinating member action was challenged and the
authors suggest a new model and theory of collective action to account for these changes. This provides an excellent example of the ways in which organizational forms can aid in theory construction.

Examining changes in technology and their subsequent influences on organizations at a structural level provided a new opportunity for examining and improving on established theory. These same influences may also impact collaboration, both by allowing for new types of partnerships and in ways as yet undiscovered. In response to these changes, there is both a need and opportunity for theory to address challenges to traditional non-profit organizations, to account for shifts in formal versus informal organization, changing notions of time and distance, and even reconsider volunteer labor and staff relations, as well as engagement by members.

At the same time, organizational form is being challenged by changes in spending restrictions. The recent Supreme Court decision in Citizens United vs. Federal Elections Commission overturned previous campaign finance restrictions around corporate spending as unconstitutional restrictions on speech. This effectively removed the ban on corporately financed television communication in the 30-60 days preceding an election, and in the aftermath of this ruling there has been an explosion of 501(c)4 organizations engaging in political speech while avoiding disclosure of donor lists (Alliance for Justice Fact Sheet). These distinctions are important since 501(c)3s face substantial advocacy and lobbying restrictions on speech due to the tax deductable status of donations. The opportunity for organizations to making strategic choices concerning the shape their communication will take through their choice of legal form raises interesting questions for scholars and suggests the reemphasizes the necessity of accounting for the environment in which non-profits operate. It also directs scholars to examine
the complex communicative spaces that can emerge between collaborations across legal organizational forms.

Both of these developments promote the idea that non-profits are not containers, but need to be studied as embedded within the larger technical and legal environment in which they operate. It also introduces the final notion I would like to address--the social context. I would suggest that we expand our conception of collaboration in the NPO sector to include the funder. Particularly in the case of grants, where applications frequently involve strict criteria for eligibility, core definitions of mission and values, and attempts to address and define social problems through funding, the funder may provide an overlooked piece of the puzzle. For example, some funders have begun to embrace the idea of “change not charity” and openly encourage 501c3 organizations they fund to engage around political and policy issues within the legal restrictions. A scholar interested in understanding the communicative processes at play would be wise to consider such influences. This is not to suggest that communication is strictly resource driven. Rather, I suggest we think about how under this scenario communication shapes resources and resources shape communication. This embedded approach could provide an interesting starting point from which to approach theory building.

All of this suggests that scholars interested in theorizing around collaboration must move beyond the organization as container model to include the context in which NPOs operate. Taking into account the myriad ways that legal and tax form can influence communication, and not just organizational structure, becomes crucial. Is theory generalizable across all of these different spaces? Perhaps I have made our task harder. But perhaps thinking about the legal and technical forces shaping organizational form can guide us to better communication theory, or at least give us the theoretical guidance of where to start.
References

Alliance for Justice Fact Sheet


