

The 'Arm's Length Principle' and Its Role in The 21st Century Arts and Cultural Sector

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ABSTRACT

Research Article

This paper discusses the theory and practice of the 'arm's length principle' in the UK arts and cultural sector. The discussion begins with a brief overview of Arm's Length Bodies, historical events and moments that have supported and at times challenged the principle, focussing on the ideological repercussions of the post-Second World War with reference to John Maynard Keynes' views which largely shaped its formation and practice in the second half of the 20th century. The second part of the discussion looks at more recent distribution methods adopted by the Arts Council England observing a move away from the theoretical aspects of the principle itself towards more instrumental concerns. The discussion then moves on to consider the effects of New Management, and the formation of new funding strategies. Lastly, the paper looks at the relationship between what is known as the New Management and the theoretical idea of the 'Arm's Length principle' considering its shifting role in public funding of the arts and culture. In conclusion, the question of whether ALP is the best approach to delivering public funding for the arts is raised by drawing a comparative account between international examples.

Key Words: Arm's length principle, arm's length bodies, arts council, new management

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Introduction

This paper discusses the theory and practice of the ‘arm’s length principle’ in the UK arts and cultural sector, with a brief overview of the background of Arm’s Length Bodies, historical events and moments that have helped form the principle and at times challenged the principle. The paper concludes by looking at the relationship between what is known as the New Management and the theoretical idea of the ‘Arm’s Length principle’ considering its shifting role in public funding of the arts and culture. The first part of the discussion looks at the Committee for the Encouragement of Music and the Arts (CEMA), formed in 1940, and the Arts Council of Great Britain (ACGB), formed in 1946, focussing on the ideological repercussions of the post-Second World War which largely shaped its formation and practice in the second half of the 20th century. John Maynard Keynes is also discussed as a key advocate for the implementation of the principle within the arts sector in the UK.

The second part of the discussion looks at the recent distribution methods adopted by the Arts Council England observing a move away from the theoretical aspects of the principle itself towards more instrumental concerns. The discussion moves on to consider this as the effects of the New Management, and consequent formation of the new funding strategy The New Portfolio, by observing how the principle has been adapted within a 21st century economic context. The paper concludes with a comparative discussion between international examples by considering whether ALP is the best approach to delivering public funding for the arts.

Defining the ‘Arms-Length Body’ (ALB) and Arm’s Length Principle (ALP) Model

There are several definitions of the Arm’s Length Principle model that vary in degrees of vigour. It is often characterized “as the combination of (1) an autonomous funding agency and (2) peer assessment decision-making processes” with ‘peers’ being individuals who know the artistic field or discipline under review but who are not civil servants (Madden, 2009, p. 12; Upchurch, 2010, p. 72). It derives from economic valuation, commonly applied to commercial and financial transactions between related companies; it states that transactions should be valued as if they had been carried out between unrelated parties, each acting in their own best interest and neither firm accommodating nor favouring the other in any way (OECD, 2006). It is essentially a corporate theory – to protect and regulate both parties (i.e., sponsored body and sponsor department) as well as the public. In the 1940s, however, its role was mainly to protect the freedom of artistic expression, away from political propaganda and influence.

Arm’s Length Bodies (ALBs), also known as Quasi-Autonomous Non-Governmental Organisations (quangos), is a public body, including non-ministerial departments, non-departmental public bodies, executive agencies and other bodies, such as public corporations. Such departments rely on ALBs to carry out a range of important functions, many of which are vital to delivering departments’ strategic objectives. These have been in existence within the British Government for over 300 years. The first recorded ALB is said to be Trinity House; the General Lighthouse Authority service, a body of the Department for Transport, which was set up in 1514 (Lewis, 2005). Arm’s Length Bodies are therefore departmental bodies that implement what is known as the Arm’s Length Principle. The theoretical principle of the theory and its implementation in post-second world war Britain has been monumental in shaping the arts sector in the UK. Over the years, the role of Arm’s Length Bodies as organisations that manage and deliver most of the funding that supports the arts and culture sector, have incited debates around whether this is the best approach to delivering public funding, and ultimately raising questions as to how much we really need such organisations.

Its conception can be traced back to The Committee for Encouragement of Music and the Arts (CEMA), which began informally in 1939, was set up by the Royal Charter in 1940

with a view to give financial assistance to cultural societies (ACE 2014). CEMA held two distinct schools of thought about its mission, echoed in the later debates that would surround its future activities. On the one hand, Dr Thomas Jones, who during the 1930s had been involved with schemes to encourage unemployed miners to engage in the arts to keep them occupied and learning, saw CEMA as an instrumental tool to improve national morale during wartime. In fact, CEMA directly provided culture to the regions by promoting theatre and concert tours by national companies, provided artists with employment, and emphasized local participation and the contributions made by amateur groups (ACE 2014). On the other hand, John Maynard Keynes, a 'financial diplomat for Britain' as well as member of the Bloomsbury Group, also supported social betterment, however, he believed that CEMA, and later the Arts Council, should fund the 'best', rather than the 'most' (Backhouse and Bateman, 2006, p. 48). In 1941, he became chair of CEMA, greatly influencing the funding of 46 arts organisations by 1945, and thereafter. The legacies of Keynesian theory within cultural policy can be summarised in two terms: the notion of 'excellence' in art and the 'arm's length principle'.

Keynes' proverbial support of 'excellence' in art was rooted in his belief in the intrinsic power of art to 'breed' a 'communal civilised life' (Keynes, 1982, p. 375; Belfiore and Bennett, 2008). For this, CEMA was encouraged to "a move away from supporting amateur creative expression toward art produced by professionals reflecting international quality standards" (Hutchinson, 1982). As the wartime passed; "the regional offices, amateur artists and local productions that characterised the early years of CEMA were superseded by a London-directed organisation which emphasised high standards of excellence" (ACE 2014). This was an extension of Keynes' objective "to establish post-war economic and social conditions that would extend economic stability beyond the middle class to the working class and the poor" (Upchurch, 2010, p. 70). Such views have been criticised as elitist (Goodwin, 2006), exclusive by means of the notion of the 'civilised' (Annan, 1955; Pinnock, 2010; Upchurch, 2010) and for assuming a responsibility for the state to induce a moral and ethical transition in society (Gray, 2000).

Whilst Keynes' valuation of 'excellence' in art received negative judgement, his notion of 'the arm's length principle' for funding artistic production was strongly rooted in a democratic mandate supported by many. Keynes' endorsement of the ALB's and the principle itself is closely related to his approach to government policy, as well as his 'new economic theory', which in turn shaped his role in the UK cultural sector (Backhouse and Bateman, 2006). Keynes advocated for the 'arm's-length' principle "as a defence against the type of state-supported, and politically censored, art found in Nazi Germany," as a precaution to the dangers in control over the arts, observed to be an important element of the totalitarian system during the Second World War (McGuigan, 2004, p. 36). The Third Reich successfully "co-opting 'cultivated' intellectuals to enact their cultural policies" (McGuigan, 2004, p. 36), led cultural propaganda to be regarded as "the war that Hitler won" (Herztein, 1978; Petropoulis, 2000, p. 5; McGuigan, 2006, p. 37). Similar examples can be seen in Soviet Russia, where visual artists like Ilya Kabakov, among countless other artists, writers and musicians, were forced to join the Union of Soviet artists to gain access to art materials and a studio, have expressed the anxieties and restrictions of being a state-funded artist (Grois, 2006; Kabakov et al., 2007). An interesting counter-argument is pointed out by Christopher Madden who writes: "many assume that a weakness of strict government control is that it stymies innovative, nonconformist, or avant-garde art. But Rueschmeyer (1993, p. 230) finds the opposite for the German Democratic Republic (i.e., East Germany under communism); under the country's stringent government controls over artists, she finds that 'ironically, nonconformist artists acquired a strong voice.'" (Madden, 2009, p. 21).

In 1945, Keynes announced the expected formation of the Arts Council with great joy: "I do not believe it is yet realised what an important thing has happened. State patronage of the

arts has crept in.” (BBC Broadcast, 1945). The arm's length principle meant that while the Arts Council had the freedom to make individual funding decisions without intervention from government, “it had to be prepared to account for these decisions to government, parliament, and the public” (ACE 2014).

Keynes' principle held strong into the 1960s. Jennie Lee, who was appointed first Arts Minister in 1964 and worked closely with Lord Goodman, the Arts Council Chairman at the time, was a supporter of the arm's-length principle for funding. Concerned about the temptation to politicise the arts, Lee said: “Political control is a shortcut to boring, stagnant art: there must be freedom to experiment, to make mistakes, to fail, to shock – or there can be no new beginnings. It is hard for any government to accept this” (ACE 2014). Though Lee recognised the significance of the ALP for artistic freedom, she also expressed the difficulties behind maintaining such a relationship between the non-governmental body and sponsor department (i.e., the DCMS).

ALPs In The Hands of The New Management

A wider criticism of the Arts Councils distribution methods arose in the 1980s from the regions (Reid, 1984; Wilding, 1989). Regularly Funded Organisations (RFOs) were often based in capital cities, mainly London, taking an average of 82% of national cultural investment [per head of population] while the regions receive 18% (Stark, Christopher, Gordon, 2013; Pearson, 2013). In the 1990s, these issues were partially resolved by devolution of power in the Arts Council into the National Arts Councils of England, Scotland, Wales; each with individual boards that would tender for the regions. Despite the devolution of the Arts Council Great Britain into bodies that would represent all the nations individually, issues of exclusivity, and ‘excellence versus access’, resurfaced (McMaster, 2008; Shields, 2009; Ward and Dolphin, 2011, pp. 4-5). In 1994, the National Lottery act which was passed the previous year allowed ALB's to receive money from the Lottery, in addition to the state money.

With larger and multiple sources of funding, managerial issues related to allocation and administration emerged, and the intrinsic values akin to Keynesian ideals were no longer viewed as viable. Arts Council England adopted a “not only, but also” approach which argued that the arts transform people and places giving spiritual and personal sustenance and that the arts are also instrumental in meeting public policy objectives (Holden, 2004). Whilst trying to retain an intrinsic facade, the ACE assumed instrumentalist objectives pressured by the DCMS that served social economic ends (Belfiore, 2002; Holden, 2004; Glinkowski, 2011, pp. 8-9). With new reports and responsibilities, the purpose and role of the arts funding body as a contributor to the social and economic objectives of its sponsor body became clear. (NIAO, 2007, p. 15; HMT, 2010, p. 5-6; Ward and Dolphin, 2011, p. 9; CMSC, 2011, p. 16). Many have considered this to be a serious breach of the ALP, which was considered to support a relatively ‘artist-centered ethos’ (Glinkowski, 2011), while others argue that the principle itself was never truly achievable in practice (Wyszomirski, 1995, p. 75; Quinn, 1998, p. 89; Sheffield, 2001; West and Smith, 2006, p. 281).

In addition to theoretical challenges, a more direct threat was posed by the announcement that the Scottish executive was to take direct control of its national arts companies, in 2005 which led to the ‘Artgate’ row in Wales. Then culture minister Alan Pugh was attacked for sacking the popular chairman of the Arts Council of Wales, Geraint Talfan Davies and for seeking to erode the traditional arm's length principle of arts funding. Pugh claimed that the government's proposals were necessary to widen access to the arts. GT Davies wrote a biographical account of his experiences as chairman and the row in his book *At Arm's Length* (2008). In his 2005 annual review, ACE chairman Christopher Frayling said: "We are monitoring developments in Wales and Scotland with some concern... Lines must be drawn

between elected politicians or civil servants and an independent funding body" (Logan, 2006). Following these events, a DCMS review of the Arts Council admitted to tensions between ACE and the government, whilst stating: "We have no plans to change the fundamental structures of funding in England at the moment," thus, insisting that the 'arm's length' principle would be safe for the foreseeable future (Logan, 2006).

Despite verbal assurances that ALBs are governed free from political involvement, their fates are determined by political expediency such as the Film Councils abolition in July 2010 by then Culture Secretary, Jeremy Hunt. Tim Bevan, the ex-council's chair defined this as a "bad decision, imposed without any consultation or evaluation" (Brown and Kennedy, 2010; Ward, Dolphin, 2011, p. 12). Hunt defended his decision in an article in the Observer, declaring that "stopping money being spent on a film quango is not the same as stopping money being spent on film" (Hunt, 2010; Ward, Dolphin, 2011, p. 13).

The New Management

There are 900 non-departmental public bodies listed on the Cabinet Office across the UK. The 2010 HM Treasury Report 'Reforming Arm's Length Bodies' states the number of individual ALBs sponsored by the UK Government to be 600. There are five types of ALBs operating as (1) Grant giving organisations that distribute funding to frontline organisations or individuals; (2) Service delivery bodies; (3) Regulators; (4) Advisory bodies which provide expert advice across a range of topics; and (5) Tribunals which provide an appeal system against administrative acts or decisions.

In the past three years, ALBs have been undergoing a major reformation with a view to cutting down £2.8bn by 2015 (Shrinking the State, 2014). Out of 900, 199 have been completely abolished (80) or had their functions transferred to another ALB (119). 120 have merged, 176 have been kept but 'substantially reformed', 399 have been kept intact and the fate of ten is under consideration (Peev, 2013). The arts and culture sector have consequently taken a hard hit, as many of the smaller bodies were the first to be made redundant.

The New Public Management, described as "a desire to replace the presumed inefficiency of hierarchical bureaucracy with the presumed efficiency of the markets" (Keaney, 2006), supported an emerging "model" of arts funding for organisations (Appleyard, 2010; Ward, Dolphin, 2011, p. 3). The mentioned model is one-third of income to come from state subsidy, one-third from box office and the remainder from commercial revenue sources. This contrasts with the United States, where arts funding is 90% private, and continental Europe, where public funding is considerably higher than in Britain or the US (Appleyard, 2010; Ward, Dolphin, 2011, p. 3). Recently, UK institutions have been advised to embrace the US model of fundraising from private sources to reduce public subsidy. Ironically, the origin of UK arts funding relied on US private funds in the 1930s, when CEMA was funded by £25,000 from the Pilgrim Trust, a charity founded by the American philanthropist Edward Stephen Harkness" (ACE 2014). This funding model consists of a variety of sources, which include earned income, Government subsidy, private donations, and business sponsorship. There are two consequences of this model that express opposing views. From one viewpoint, the variety in sources "can be beneficial to artists and arts organisations, as relying on a single funding source can be risky... [which] also gives greater artistic freedom and financial flexibility" (Ward and Dolphin, 2011, p. 3; CMSC, 2011, p. 10). Contrarily, one can suggest that this has brought greater accountability, transparency, and evidence-based evaluation to arts policy, causing a rise of 'instrumentalism' and 'managerialism' in arts/public policy; leading to arts programmes being used for non-arts objectives. As a result, the new model has effectively "shortened the arm of UK arts support by increasing government control and reducing artistic freedom in the arts" (Madden, 2009, p. 16).

The National Portfolio is a product of the New Management, and example of the latter view. Dubbed as the “Biggest change to arts funding in a generation,” The National Portfolio replaced the system of RFOs in 2010, as an alternative “open application system, in which all arts organisations apply for funding on a regular basis” (CMSC, 2011, p.16). The process of application requires a ‘business-case’ with a clear outline of the aims and objectives, including case-studies, anecdotal and/or hard numerical evidence which are then evaluated based on the larger objectives of government public policy. The finite awards ensure that funded projects comply with the changing objectives of public policy. Issues of measurement, as well as the difficulties of providing evidence in the arts and cultural sector have prompted a succession of academic research to support such requirements (Holden, 2004; 2006; Pinnock, 2006; Hutter and Throsby, 2008; Bakhshi et al., 2009; O’Brien, 2010; 2013; Pankrats, 2011; Donovan, 2013).

The question “How can we best capture the value of culture?” posed by Jowell (2004) prompted responses, including Holden (2004; 2006), seeking answers over the last decade. The lack of a common nomenclature between the cultural sector and ‘decision-makers’ has instigated a call for a ‘new language’ to form a productive dialogue (Holden, 2004). Holden, following Throsby (2001) suggests economics should be considered in a serious light, along with other related disciplines such as anthropology, environmentalism, and accountancy.

O’Brien and Bakhshi argue for the implementation of rigorous economic models in building commensurable evidence for funding the arts. Models that employ intrinsic values as an inherent component of instrumental values (McCarthy, 2004; O’Brien, 2010; 2013; Donovan, 2013) have become more popular over the second half of the decade. Economic analyses within narrative accounts of cultural value have been suggested as a multi-criteria analysis (O’Brien, 2010, p. 9). Others have suggested new evaluation methods in the collection analysis and interpretation of information (Pankrats, 2011). Resistance within the cultural sector to the idea of using economic valuation techniques to measure cultural value is outlined in O’Brien (2010). Bakhshi et al declares: “The analysis of subjective preferences is in fact the basis of modern microeconomics” (2009:20), placing intrinsic values at the core of instrumental measurement. This democratic approach delivers “commensurable estimate of intrinsic value” to inform cost-benefit analyses (Donovan, 2013, p. 8). Donovan supports the potential amalgamation of the two values saying, “intrinsic value is deeply intertwined with instrumental and institutional value” (Donovan, 2013, p. 8, citing Holden, 2006, p. 14). Donovan has taken this concept further in constructing ‘holistic approach’ that promotes the notion of ‘proportionality’ (Donovan, 2013, p. 14).

Comparative Perspective: ALPs As Best Practice, Still?

Public funding of the arts and culture in Europe encompasses a broad spectrum of approaches. Whilst Ireland, Finland, and the United Kingdom are said to “have recognised the unique nature of cultural issues and [have] seen a value in trying to preserve the detailed planning and decision-making from the risk of political interference, countries such as Italy or France do not see a distinction between culture and any other area of social policy.” (Matarasso and Landry, 1999, p. 23). In other countries, like the Netherlands, an effective ‘half-way house’ has been developed, with considerable devolution of planning and decision making, but the approval of the national cultural plan by Parliament” (Madden, 2009, p. 9). In the case of Norway, the arm’s length between the political worlds and the Arts Council has been shortened since the middle of the 1990s (Mangset, 2008, p. 14). In comparison, over half the countries of the world, a government ministry or department is the sole agency responsible for implementing a government’s arts objectives (i.e., India; Biswas, 2010). It has been noted that a ‘shorter arm’ approach to arts funding is more common internationally, though a growing ‘mixed approach’

to arts support around the world: the arm has grown shorter in countries that have had a 'long arm', and vice versa (Madden, 2009, p. 27).

The origins of the ALP within economic valuation methods have made its way in the cultural sector; the make-up of functions and outcomes are now observed through a business-lens, relying on instrumental objectives and evidence than intrinsic value. Quinn (1997, p. 153) finds that a "lack of precision in the commonly accepted description of [the principle] has created opportunities [for it to be] twisted to apply to situations which are often contrary to [its] theoretical understanding." However, the description of the ALP is less relevant for some as "there [may be] a variety of ways that governments can exert control over arts funding allocation decisions" (O'Hagan, 1998; Madden, 2009, p. 10).

The Arm's Length Principle has become a universal notion in the arts and cultural sector, implemented by governments worldwide. The necessity and success of the principle in theory is proven by its adoption as 'best practice' in several countries, as in the United States (Lowell, 2006, p. 5). In the 1960s, the development of the National Endowment for the Arts (NEA), arts community leaders sought ways to ensure freedom of grant making choice and freedom from political interference for grantees; "these leaders were convinced that direct government support for the arts would bring great benefits to state residents, but they also believed that the benefits could not be achieved if public arts funding was subjected to the vicissitudes of state politics" (Lowell, 2006, p. 5). Therefore, the question should not be a matter of whether ALP is the best approach to funding or not, but rather "how close to or far away should arts funding be from the ideal advocated by the arm's length principle?" (Madden, 2009, p. 13). The autonomy of arm's length bodies are equally important, as these remain a vital part of how government's deliver not only funding but many policies and public services.

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