

# Institutional Diversity, Regulation and Development

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## Policy and Academic Debates on Institutions, Regulation, and Development

- Deadlock on Policy Debates on Regulation for Development in China and Beyond (Lee and McBride 2007; OECD 2009; Breslin 2011)
- Differing conceptions of role of state in the economy at the heart of policy debates:
  - **“Building institutions for the market”**
    - “Weak institutions- tangled laws, corrupt courts, deeply biased credit systems, and elaborate business registration requirements- hurt poor people and hinder development” (World Bank 2002)
  - **“Effective States” and “managing the process of growth”**
    - “Why focus on effective states? Because history shows that no country has prospered without a state than can actively manage the development process.” (Duncan Green/ Oxfam 2012)
- Theory and Evidence from Academic Research Have Not Helped Substantially With Deadlock
  - Academic Literature tends to Largely “Preach to Choir” rather than move debate
  - Have relatively pessimistic turn, focus on “Path Dependency” and change at “Critical Junctures” (Acemoglu and Robinson 2012)

# Outline of Talk: Questions and Argument

- Research Questions
  - What is the shape of the academic literature on institutions, regulation, and development?
  - What are the implications of this literature for policy debates and academic research in China and beyond?
- Preview of Argument:
  - Despite massive amounts of social scientific research directly and indirectly related to regulation, little synthesis due to competing basic institutions about nature of institutions and individuals
  - Largest theoretical and policy gains will come from allowing for **context-specific synthesis** of multiple streams of research and practice on institutions and regulation

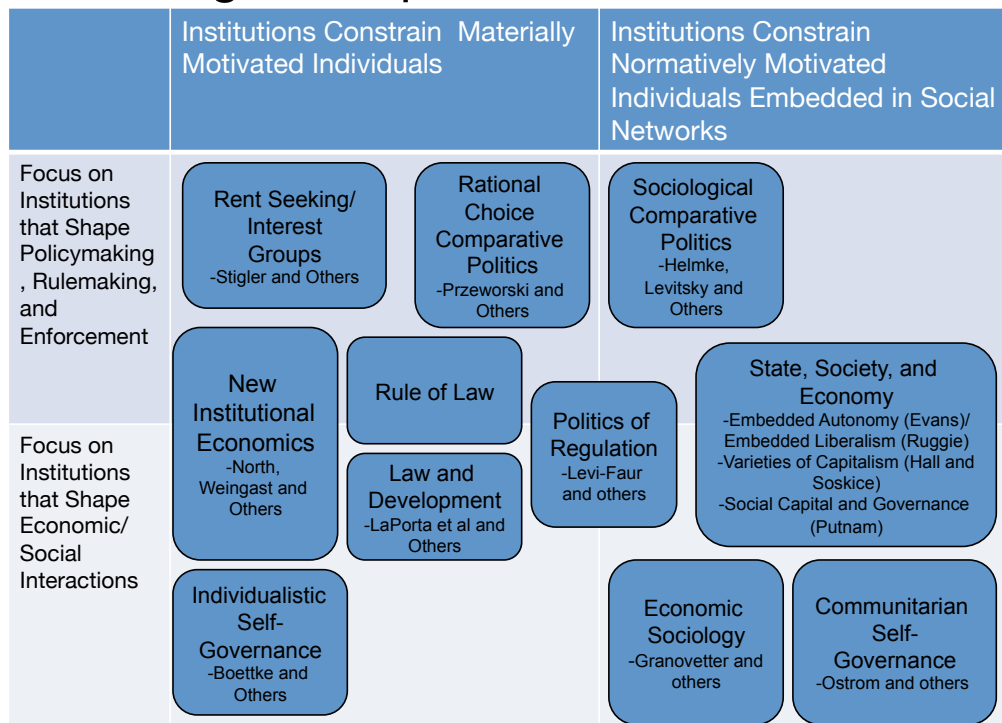
## Research Design and Limitations

- Research Design
  - Synthetic Literature Review of Academic Research Related Regulation
    - **Core Literatures**-“Bureaucratic legalization of prescriptive rules, and monitoring and enforcement of those rules” (Levi-Faur 2011)
    - **Related Literatures**- More general literature on institutions as “rules of game” shaping political, social, and economic activity (North 1990)
  - Use of Conceptual Framework from Institutional Analysis (Ostrom 2005) to Classify Academic Literature and Policy Debates
    - Identifying and Grouping Clusters within Literature
    - Relationships and Overlaps Between Clusters
    - Linkage To Arguments in Policy Debates
- Limitations:
  - **Sampling:** “Convenience Sampling” Outward from Literature on Institutions and Development
    - Limited by disciplinary focus on Political Science, Economics, Sociology
    - Possible Major Gaps in Legal Scholarship and Other Literatures
  - **Grouping:** Classifications Based on Preliminary Reading of Broad Literature
    - Need for external validation to verify shared understanding vs. subjective grouping
    - Supporting qualitative assessment with quantitative analysis of patterns of citation within and between bodies of literature

# Understanding Institutional Diversity: A Conceptual Framework

- Ostrom (2005) attempts to synthesize cyclical theoretical debates in study of Public Policy by emphasizing **Institutional Diversity**
  - Economic and social outcomes can be shaped by both **externally enforced rules** and **internalized norms**
    - **Rules**- Motivate compliance through material incentives/punishments- “Or Else”
    - **Norms**-Motivate compliance through social-psychological incentives- “Should”
  - Rules and norms shape economic and social outcomes **directly** and **indirectly**
    - **Directly**- Constraining behavior of **economic and social interactions**
    - **Indirectly**- Constraining the behavior of **actors in political interactions**
- Ostrom traces the cyclical nature of academic and policy debates on institutions and policymaking to “babbling equilibrium”
  - Same terms used by scholars to refer to completely different social phenomenon
  - Theories typically are describing different elements of complex social/political/economic context
- Ostrom’s framework is designed to provide scholars and policymakers a **flexible conceptual toolkit** for diagnosing **context-specific configurations of rules and norms**
  - However, because most existing research and policy discourse focuses on one or two broad types of institution, framework can be used to classify “families” of institutional theory
  - Possible to array multiple “core” and “related” literatures on regulation that focus on different types of institutional constraint
    - **Core Literatures** - Generally link **Political** and **Economic** Interactions related to Regulation; vary with respect to focus on **Material** vs. **Normative** Motivations for Compliance
    - **Related Literatures**- Generally Focus on either **Political** or **Economic** Interactions; vary with respect to focus on **Material** vs. **Normative** Motivations for Compliance

## Institutions, Regulation, and Development: The Range of Explanations in The Literature



# Core Literature #1: New Institutional Economics, Rule of Law, and Law and Development

- **Examples:** Williamson, Acemoglu, Johnson and Robinson, Levine, Weingast, Greif, Dixit, Besley
- **Major Arguments/Findings:** The most effective institutions for development are those which safeguard property rights, guarantee the fulfillment of contracts, and minimize transaction costs.
  - Based on assumption of rational individuals maximizing material their own well-being.
  - Under this assumption, governments that can enforce contracts and property rights can also break them, creating need for institutions that constrain governments and create credible commitments (Levy and Spiller 1994; Weingast 1995)
- **Linkage to Policy Debates on Regulation- General:** Focus on legal and judicial reform, formal system of property rights. Unconditional need for autonomous regulatory authorities.
  - Expansion of Best Practices, based on assumptions of compliance motivated by decisionmaking by rational individuals
- **Linkage to Policy Debates on Regulation- China:** Continuing to strengthen property rights regime is a top policy priority, especially with respect to land and the sale of assets of central government-owned enterprises (OECD 2009).
  - Reduce complexity of the regulatory system (currently high level of transaction costs)
  - Promote stability of contracts to promote private investment and so reduce the scope for anti-competitive behaviour by the incumbent players (OECD 2009).

# Core Literature #2: State, Society, and Economy

- **Examples:** Ruggie, Evans, Hall, Soskice, Thelen, Putnam, Woolcock
- **Major Arguments/Findings:** Economic relations between state, individuals, and firms are embedded in localized social norms and networks.
  - Convergence to homogenous institutional forms unlikely, and transplanting “best practices” unlikely to lead to compliance if inconsistent with social norms
- **Linkage to Policy Debates on Regulation- General:** Institutional effectiveness depends on context-specific embeddness of state in economy and society
  - By including state as central analytic construct, implicitly or explicitly aligns with policy arguments that advocate greater state role in economy, even if specific mix is context-specific
- **Linkage to Policy Debates- China:** Post-Mao regime’s modern state building is crucial to China’s market transition (Wang 2011)
  - Identification of “China Model” of “Developmental State” (Ramo 2004; Breslin 1996, 2011)

# Core Literature #3: Politics of Regulation

- **Examples:** Levi-Faur, Majone, Jordana, Braithewaite, Pearson
- **Major Arguments/Findings:** Focus on ‘*ex ante* bureaucratic legalization of prescriptive rules and monitoring and enforcement of these rules by social, business, and political actors’ (Levi-Faur 2011)
  - Recognize diversity in forms and purposes of regulation and actors involved in monitoring and enforcement
  - ‘Regulation of Competition’ vs. ‘Regulation for Competition’ (Levi-Faur 2003; 2011)
- **Linkage to Policy Debates:** Actual variety of regulatory forms and policies does not evenly map onto debates about “neoliberalism” vs. “developmental state”
  - In some cases, regulatory institutions allow paradoxical pairing of “privatization” and increased state direction of economy through regulation (Levi-Faur 2003)
  - General Importance of the politics of learning across countries and sectors in making change desirable and possible (Levi-Faur 2003)
- **Linkage to Policy Debates- China:** Recognize Diversity in regulatory forms and needs across sectors (Collins and Gottwald 2011) and firm sizes (Pearson 2011)
  - Possibility of Hybrid Regulatory Forms that don’t map onto Contemporary Debates

## Research on Institutions and Regulation: Lack of Synthesis Between Core Literatures

- Although these three bodies of literature all focus directly on **regulatory** action by state, substantial lack of synthesis
- “Politics of Regulation” Literature Closest to Recognizing “Institutional Diversity” in Regulatory Institutions
  - Draws on Both New Institutional Economics and “Society, State, and Economy” Literatures, Flexible Assumptions About Role of Rules and Norms
  - Not central to mainstream policy debates in International Development Community
    - Scholars primarily situated in European/Australian Political Science and Sociology
- New Institutional Economics and “Society, State, Economy” largely ignore each other and “Politics of Regulation”
  - Literatures link to relatively distinct policy communities (Pritchett et al 2010)
    - New Institutional Economics- World Bank, OECD- **Best Practices “Big Development”**
    - “Society, State, Economy”- Oxfam (and other NGOs), UN System- **Context-Specific “Small Development”**
- Competing Assumptions About “Socially Constructed” Nature of Human Identity and Motivation, In Spite of Shared Focus on History and Interaction Between Politics and Economy
  - Some Increased Space for Synthesis Between Related Literatures that focus only on Political or Economic Interaction
    - Between Economic, Political, and Sociological Approaches to Political Competition
    - Between Individualistic and Communitarian Approaches to Self-Governance and Social Networks
  - Much more limited directly role of these literatures into policy debates On Regulation
    - Typically integrated through “core literature” with most similar assumptions about nature of motivation, leading to little context-specific synthesis

# Towards a Synthesis: Institutional Diversity and Regulation for Development

- Emerging interdisciplinary body of theory, research, and teaching reintegrates both of the conceptual dimensions of Ostrom's Framework to allow for context-specific classification and diagnosis of institutions (Ostrom 2007, Levy and Fukuyama 2010, Pritchett et al 2010, Andrews 2013)
  - Diagnosing linkages between political and economic institutions and interactions
  - Interactions between formal rules and norms shaping political and economic interactions
- Implication for Research-Irreconcilable theories and research findings across literatures can be explained by context-specific interactions between formal and informal political and economic institutions (Hall 2003)
  - Need to specify scope of theories and contextual factors that shape theories of institutions and development
  - Embedding context/sector-specific literature on **Politics of Regulation** into broader practice of **"Context-Specific Development Strategy"**
  - Need for theoretical and empirical toolkit that draws broadly on the social sciences- Political Science, Economics, Sociology, Anthropology, History
- Implication for Policy-Context-specific, problem driven regulation more important than definitive "one size" fits all regulatory stance
  - Assessment of formal/informal political and economic institutions shaping status quo and range of policy options that could both effectively promote development, gather political support and legitimacy, and feasibly be implemented
  - Need for policymakers and policies to be "embedded" in local social norms and networks, but that process itself depends on context
  - Draws on push towards "Regulatory Impact Assessment", but demands skills and ontology of qualitative research- Institutionalized Reflexivity (van der Riet 2008)

## Institutional Diversity: Barriers to Incorporation into Policymaking

- Although "Institutional Diversity" provides a framework for unifying research and policy debates on regulation and development, the current fragmentation indicates possible sources of barriers to integration
  - Academic- Disciplinary biases in theory and methods make more general conceptual framework undesirable or unthinkable
  - Policy- Pressure from international agencies to adopt best practices rather than flexible approaches that allow for for context-specific institutional diagnostics and policy experimentation (Evans 2004; Pritchett et al 2010)
    - Politicians face pressure both from "above" and "below" to adopt narrow approaches to regulation and institutional design, rather than flexible/context specific designs
    - Lack of bureaucrats with skill set necessary to design an implement regulatory schemes that build on local norms and networks that shape economic, social, and political activity
- Both sets of barriers point to role of formal and informal institutions at the international level in shaping ability of researchers and states to adopt academic and policy approaches that systematically recognize institutional diversity (Evans 2004, Finnemore and Sikkink 1998; Barnett and Finnemore 2005)
  - Change will neither be a matter of simply transplanting universal "best practices" or being "locked-in" to a path by history and culture
  - Possibilities for "Reflective Acts of Social Creation" based in transnational, cross-sector communities of practice (Ruggie 1998; Keck and Sikkink 2002)

# Conclusions:

## Implications for Policy Debates on Regulation

- Need for opening space for debate beyond specific policy prescriptions to broader discussion about how to make and implement **embedded** economic policies and institutions
  - Opening this space will require coalitions of both national and international actors that recognize and utilize institutional diversity
    - Subsume, incorporate, and contextualize current debates on “neoliberalism” vs. “Developmental State”
    - Researchers can/should play a role in situating theory and empirics within broader analytic framework
      - Engaging in policy-oriented discussions across disciplinary lines
      - Encouraging transfer of flexible, mixed-methods policy analysis and impact assessment tools to policymakers and regulators
  - **For China**-Current Institutional Diversity of regulatory framework defined by centralized political structure, decentralized economic structure and relationship-based social structure.
    - Utilizing decentralization and global connections as space for continued sector-specific problem-driven innovations and experimentation
    - Scaling and transferring across sectors through multi-method regulatory monitoring and impact assessment

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