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Editors' Introduction: Has *Regulation & Governance* made a difference?

Jodi Short , David Levi-Faur , Sally S. Simpson, Eva Thomann  and Benjamin Van Rooij 

Regulation & Governance was founded 15 years ago based on a vision and an ambitious set of goals laid out by the founding editors, John Braithwaite, Cary Coglianese, and David Levi-Faur (see their introduction to the first issue: “Can regulation and governance make a difference?”, 2007). Fifteen years later, the current editors of *Regulation & Governance*, in dialogue with the founders, reflect on that vision, on the journal’s accomplishments, and on the next 15 years of *Regulation & Governance*. Our reflections are based on our joint, comprehensive overview of regulatory governance scholarship in different subfields – the decision to not refer to individual works here is deliberate and intended to reflect the inclusiveness of our notion of the field.

We mark the journal’s anniversary at a moment when multiple cataclysmic events are straining regulation and governance as never before: a global pandemic and the social, economic, and biological devastation trailing in its wake; national, institutional, and personal reckonings with the legacy and the lived reality of systemic racism, colonialism, and white supremacy; challenges to democratic governance; extreme and growing economic inequality; rising tides of authoritarianism and violent extremism around the globe; a looming climate emergency that threatens life on this planet as we know it. Regulatory governance is indispensable for confronting these crises. Yet, at this critical moment, regulation itself – from mask requirements to low carbon fuel policies – has become the object of virulent political backlash against governments that attempt to address these issues. As societies emerge from pandemic restrictions, the normative and legal order also is being tested by rising violent crime rates and other aggressive behaviors. In this sense, the original vision for *Regulation & Governance* is more relevant than ever. But, 15 years later, these challenges prompt us to ask once again, what difference can regulation and governance make?

1. Our vision

Regulation & Governance was founded on the conviction that regulation matters. It matters for people’s day-to-day lives and for whether and how we tackle the many social, economic, and environmental crises we face. It also matters for the theoretical advancement of social science knowledge and foundational social science constructs such as governance. For our research to matter, we need good theories of and research on regulation and governance. The project envisioned by the founding editors of *Regulation & Governance* was both practical and theoretical. The journal would create a forum for normative, explanatory, and descriptive research in regulation and governance that is truly interdisciplinary, methodologically and epistemologically diverse, maximally rigorous, and relevant. The hope was that this forum would incubate “theoretically integrated and empirically sweeping visions of how to reinvent the social sciences” (Braithwaite *et al.* 2007, p. 6).

2. Successes of the first 15 years

In our estimation, the journal’s greatest success has been in creating a forum for research that is methodologically and epistemologically diverse, interdisciplinary, consistently excellent, and broadly influential. The journal’s 2020 Impact Factor (5.4) evidences the depth and breadth of its influence across a range of different disciplines, ranking us 3/151 in Law, 13/182 in Political Science, and 4/47 in Public Administration. To a greater extent than other top-ranked journals that are typically anchored in one or two disciplines, *Regulation & Governance* has emerged as an important voice across disciplines. The journal has achieved an extensive global reach, with

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significant readership distributed throughout North America, Europe, Asia, and Australia. Beyond statistics, the journal has fostered a felt sense of community among scholars working in the field by providing a space for spirited and sustained conversations among highly engaged authors and readers. In terms of its broader theoretical ambitions, we believe that the journal has had success developing new ideas about regulation and about governance, as well as theoretically and empirically linking regulation with governance to advance understandings of both.

3. Opportunities for growth

In addition to the journal's core strengths, there are many areas where we aspire to grow. First, the journal's geographic range and epistemological perspectives have been limited. While our readership and our submission pool have broad global reach, our contributing authors and the empirical contexts of their studies are overwhelmingly in Europe and the US. We seek to fill gaps in our knowledge about major regulatory issues facing parts of the world such as South America, Africa, and Asia that are currently underrepresented in the pages of the journal by publishing more high-quality research on non-Western cases. To put forward the vision of inclusiveness in the production of scholarly knowledge, we are also committed to diversifying our pool of reviewers and authors.

While we have had success in integrating disciplinary perspectives from the social sciences, including law, political science, public administration, and sociology, we have seen less work from management studies, public health, economics, criminology, and the humanities. These disciplines have much to say about individual and collective responses to regulation and governance; the types of regulation that are more successful than others (and for whom); the ways in which past experience with regulation and governance shapes current behavior; how different systems of control (such as the carceral state) intersect with the regulatory state; and the many ways in which public safety regulatory measures and messages can be politicized and manipulated. Such integration will broaden our theoretical progression, improve policy, and incorporate methodological advances that have emerged in these disciplines. It is also worth noting that there has been little integration with work in the natural sciences, which is fundamental to understanding pressing regulatory problems such as climate change, and data science, which is fundamental to regulation of the digital economy.

While *Regulation & Governance* has fostered conceptual development and new insights in key aspects of regulatory governance, such as compliance, front-line implementation, regulatory intermediaries, multilevel governance, and responsive regulation, there is room for more sweeping theoretical advances that build on extant approaches and offer new ways of thinking that shift the paradigm. We welcome theoretical scholarship that contributes to our ability to empirically tackle the events and crises straining regulation and governance, that connects insights about regulatory governance to broader theories and debates in the social sciences, and that is relevant not just for scholars but also for practitioners.

4. Setting an agenda for the next 15 years

While we are mainly intermediaries in the consolidation of the field, we identify below some analytical frameworks that we think offer promising opportunities to enrich the field of regulation and governance (as well as the pages of *Regulation & Governance*). We believe that the field would benefit from more scholarship that addresses: power, inequality, and distributional outcomes; regulation and governance in non-Western and non-democratic contexts; the lived practice of regulation, linking micro- and macro-theory; the regulation of existential risks; and critical reflection on methodology.

4.1. Power, inequality, and distributional outcomes

There was little mention of politics or power in the founding Editors' Introduction. The original Introduction canvases economic critiques of regulation and political movements advocating for deregulation and privatization. But subsequent events suggest that critiques of regulation tap deeper veins of power, freedom, and inequality. Regulation is, for some, a symbol of tyrannical government, a vessel for people's fears about the state and about their status in society. Regulation is, for others, a tool of oppression – maintaining or exacerbating racial and

economic inequality and domination. The original editors defined the parameters of regulation provisionally to exclude “providing and distributing.” It strikes us that it is time to reassess this scope condition. To understand regulation and to regulate effectively, it is becoming increasingly important to address its real and perceived distributional consequences.

One way to do this is through critical self-reflection about local and global power dynamics, inequality and inclusivity in the production of knowledge, and our role therein. Critical race, feminist, and queer theory provide important and largely untapped analytic tools for understanding links between institutionalized social inequities, the social construction of regulatory targets, the ways in which attention is allocated to certain issues, the design of regulatory regimes, and the allocation of burdens and resources across regulatory constituencies. These links, which directly confront questions of power, are often explored in policy studies, criminology, and feminist theory, but less so in scholarship on regulation and governance. Scholarship in the field can address these power inequities by theorizing how regulation and governance both shape and are shaped by manifestations of power and power inequities and by including “frequently omitted variables” such as discursive frames, gender, race, and income inequality as central and intersecting factors into models and analysis.

4.2. Regulation and governance in non-Western and non-democratic contexts

Theoretical development in the field has originated predominantly from studies in Western settings. Thus, the leading ideas in our field, be they about responsive regulation, street-level bureaucracy, or multi-level governance, originate from contexts that have particular socio-economic, political, cultural, and historical settings. This may well mean that our most important ideas do not translate or apply very well to those countries that do not have the same levels of wealth, rule of law, democratic institutions and freedoms, state capacity, societal organization, power in international relations, and security. Regulation and governance scholarship can address this major lacuna, as fields such as psychology have done, by recognizing that the field’s existing knowledge base comes mostly from Western Educated Industrialized and Democratic (WEIRD) settings.

Meaningfully expanding existing theoretical lenses requires careful analyses of regulatory governance through a series of non-Western perspectives rather than simply applying existing ideas to non-WEIRD contexts. Multiple perspectives are necessary because these contexts are highly diverse; the regulatory governance context in Malawi is not at all like that in China. Such an approach would be helpful to identify defining aspects of non-Western regulatory governance without universalizing them across countries and could generate new insights about foundational concepts in Western regulation and governance. For instance, concepts such as legal pluralism and multilevel governance could be enriched by studies of regulation and governance in contexts such as Sub-Saharan Africa, parts of South America, and South and South-East Asia, where traditional authorities and customary law both play vital roles.

Another crucial inquiry across non-Western contexts (and increasingly relevant in some Western contexts) is how regulatory governance operates within authoritarian regime types, which exist in countries as diverse as China, the Philippines, and Venezuela. Scholarship can reveal the conditions under which regulation can successfully function when there is limited state-society accountability, a limited rule of law, challenges in vertical information flows, and closer state-market relationships. Scholarship also can critically assess how regulatory governance intersects with the carceral state, the role this plays in regime survival and legitimacy, and to what extent regime resistance can align or not with forms of regulatory governance. For instance, governance tools such as New Public Management that are widely used and well-researched in Western contexts are also used by authoritarian governments and in contexts that are characterized by low administrative capacity and high levels of corruption. We urgently need to know more about the political purposes, effectiveness, and distributive consequences when these tools are taken up in such contexts.

4.3. The practice of “lived” regulation

Any regulation is only as good as its implementation in practice. An important task of our field is hence to shed light not only on the decisions and structures of regulatory governance, but also how it is practiced on the ground – be it when trying to understand the ways in which the European Union’s multilevel governance system manages to make people’s lives better, or to understand the effectiveness of regulatory enforcement in street-level

bureaucracies, or to explain the processes and mechanisms at play in shaping compliance with regulations in practice, or to explore the outcomes of new modes of governance. Our journal not only continues its tradition of publishing such research; we believe that it is necessary to link such research, which often focuses on the micro-level of regulatory governance and increasingly adopts a behavioral perspective, more systematically with meso- and macro-levels of governance. This means to engage in more systematic theorization and comparative analysis of the underlying mechanisms, the role of context, and the broader implications for societal and regulatory outcomes at large.

4.4. Regulation and existential risks

In light of the major crises of recent years – including the climate crisis, COVID crisis, economic crisis, and persistent hunger and poverty – we are in dire need of regulatory governance scholarship that adopts a problem-oriented approach and tackles the “big issues” facing societies today. What do these crises teach us about whether and how our research matters, and what kind of research is needed to help tackle such crises? To give a few examples: from the COVID crisis, we can learn about the politicization and delegitimization of regulation, the conditions for the use (or lack thereof) of regulatory and compliance expertise in government advice and decision-making, and renew our interest in questions of compliance with health policy (at all levels of governance and among regulatory targets) and in questions of resilience and crisis management. The climate crisis continues to create a pressing need for governance to be border-spanning and much more forward-looking than the dynamics of representative democracies often allow for. The economic crisis, as well as the global supply chains characterizing today’s economy, challenge the accountability of market actors and the ability of government to actually “control” the economy. Persistent hunger and poverty crises in states at all levels of economic development contain lessons about global power dynamics, the political consequences of global production chains, and the politics of attention in regulatory decision-making. All these crises urge us to make our research matter more in practice and to translate it successfully to practitioners.

4.5. Critical reflection on methods

Now that the field of regulation and governance is maturing and has produced an influential body of work, it is imperative that we foster more critical reflection about methods of study in our field. While most papers published in *Regulation & Governance* competently explain their methods, there is too little reflection in the field about the fit between methods and the question at hand, or about the advantages and disadvantages of different methods of data collection, data analysis, theorizing, and normative reflection. On a positive note, this has meant that the field has been spared the methodological rifts and puritanism that have plagued some sub-fields in social science. Both the field and the journal have benefitted from methodological pluralism. However, deeper methodological reflection could do much to advance the field.

Most regulation and governance studies must overcome severe methodological challenges. First, regulation and governance scholarship focuses on issues that occur at the intersection of market, government, and society, often including local, national, and transnational perspectives. Establishing causality amidst such macro-complexity comes with inherent limitations, especially when studies aspire to faithfully reflect reality on the ground (as many in the field and in the pages of the journal seek to do). Second, much regulation and governance scholarship studies responses to regulation that are difficult to observe, such as illegal or rule-breaking behavior. Data capturing such behavior comes with inherent limitations, such as social desirability bias in self-reported data, endogeneity problems in government enforcement data, and generalizability or scalability problems with ethnographic data. In addition, there are ethical barriers to collecting data on illegal behavior that further limit data access and quality. Third, as discussed above, data drawn from empirical settings in a limited set of countries and regulatory domains limits our ability to generalize and theorize from the findings that the literature has produced.

Moving the field forward requires reflection on these methodological challenges to foster research that utilizes innovative data and measures, better locates chains of causation, identifies scope conditions on empirical findings, and validates or falsifies entrenched assumptions grounded in prior studies. Unlike our counterparts in many social science disciplines, regulation and governance scholars have been slower to embrace methodologies that

model reality with laboratory experiments, distant proxy variables, or mathematical modeling to identify causal connections. These areas are ripe for exploration. But this kind of reflection and reorientation must not come with the sacrifice of methodological pluralism. Rather, to truly meet the research challenges we face, deeper and more sophisticated use of mixed methods and combinations of research approaches will be necessary.

5. Conclusions

We hope that our reflexivity prompts broader self-reflection in the discipline about the work we do, its blind spots, and its unanticipated consequences. The great promise and peril of our discipline is that the regulators, policy makers, and politicians we study often use our theories and our methodologies in their own work. Their purposes may not always be aligned with ours. Theories about the “good inspector” and cooperative styles of regulation have provided the building blocks for effective compliance assistance programs as well as justifications for starving agencies of resources to pursue punitive enforcement measures and/or shifting the burden and costs of policing to the regulated. Theories and studies of government failure offer useful insights that help policymakers design regulatory regimes around known pitfalls, but they also construct narratives that have rationalized unbridled privatization of government functions. Regulation counting methodologies have been used by comparative institutionalists to build sophisticated theories about the nature and trajectory of regulatory capitalism, but also by activist think tanks and politicians to push a radical, ideologically driven deregulatory agenda. As we build the theories and tools to support effective regulation, we must be aware of the uses they are being put to in the world. Regulation and governance constructs are dynamic – shaped and reshaped as they are put to work on the ground. For regulatory governance scholarship to matter, we must engage in an ongoing process of conscious reflection about how it matters for real-life regulation.

Reference

Braithwaite J, Coglianese C, Levi-Faur, D (2007) Can regulation and governance make a difference? *Regulation & Governance* 1(1), 1–7.