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Trends in Regulation Scholarship (2009-2015)

Working paper, *Regulation in Crisis* (LSE Centre for Risk and Analysis)

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To get an appreciation of recent trends in the regulation scholarship, this piece offers a survey of the regulation articles published between 2009 and 2015 in prominent international academic journals.

First, this paper considers articles published in *Regulation & Governance*. This journal, of course, cannot offer an exhaustive account of all regulation scholarship. However as the pre-eminent forum for exchange of research and ideas in the field of regulation it provides insights into the wider trends as to how scholarship has been evolving. The following analyses 119 R&G articles in total, excluding special issue and symposium papers.

The analysis will also include regulation articles¹ from the top journals from the fields of public policy & administration and political science², respectively. The public policy & administration journals are: 1. Journal of Public Administration Research and Theory (JPART); 2. Policy Studies Journal (PSJ); 3. Public Administration Review (PAR); 4. Governance (GOV); 5. Public Administration (PA). The political science journals include: 1. American Journal of Political Science (AJPS); 2. American Political Science Review (APSR); 3. Journal of Politics (JoP); 4. Journal of Common Market Studies (JCMS); 5. Comparative Political Studies (CPS).

The paper is interested in three major questions:

- (a) What have been key policy areas, methods, and analytical interests in the regulation scholarship?
- (b) How responsive has the scholarship been to the 2008 global financial crisis which exposed major flaws in the system of financial regulation?
- (c) Which of the three scenarios raised about a decade ago to predict the future direction of regulation scholarship – (i) ‘fading away’, (ii) ‘plodding along’, or (iii) ‘rejuvenation’ (Lodge 2008) – has materialised in the meantime?

A. Dominant approaches and interests

I. Approach

The first question concerns the articles’ focus, namely their analytical interest. Four broad variants can be distinguished, as illustrated in Table 1.

¹ Those featuring ‘regulat*’ in the abstract, excluding articles that are ruled out upon a closer reading (due to the lack of regulatory perspective).

² As ranked by Google Metrics.

TABLE 1 Four possible analytical interests in regulation articles.

Approach	Focus	Typical questions
1. Enforcement as the independent variable	How does the enforcement of an actor, programme, policy, or regulatory regime unfold in practice.	- What the observed effects are? - Are there unintended consequences; does a given approach produce the effects assumed by the underlying theory? - Under what conditions does a specific outcome occur? - What are the determinants of outcome variations?
2. Decision-making/regulatory regime as the dependent variable	Explain the evolution of a regulatory regime, norm, instrument, arrangement.	- What were the factors shaping its development? - If variations in policies/regulatory regimes are observed, what caused them?
3. Conceptual contributions	Build and alter concepts, frameworks, and indicators related to regulation issues.	- How can we facilitate study of a regulatory phenomenon? - How can we measure or compare regulatory phenomena?
4. Normative considerations	Consider the merits and pitfalls of particular regulatory approaches, and why they are theoretically (un)suitable.	- Why a certain regulatory approach is wrong/promising? - What would be better alternatives for a given problem?

The empirical analysis reveals that a large majority of the R&G articles falls in the first group which mainly features empirical testing of the effects of a specific regulatory regime, norm, instrument, or actor (e.g. does a risk-based regime work and under what conditions; what are the effects of procedural justice or impact assessments; observed benefits and drawbacks of self-regulation; what are regulatory outcomes of a particular institutional design). More than 80 per cent of R&G articles explores enforcement in a particular context, outnumbering the other three analytical interests.

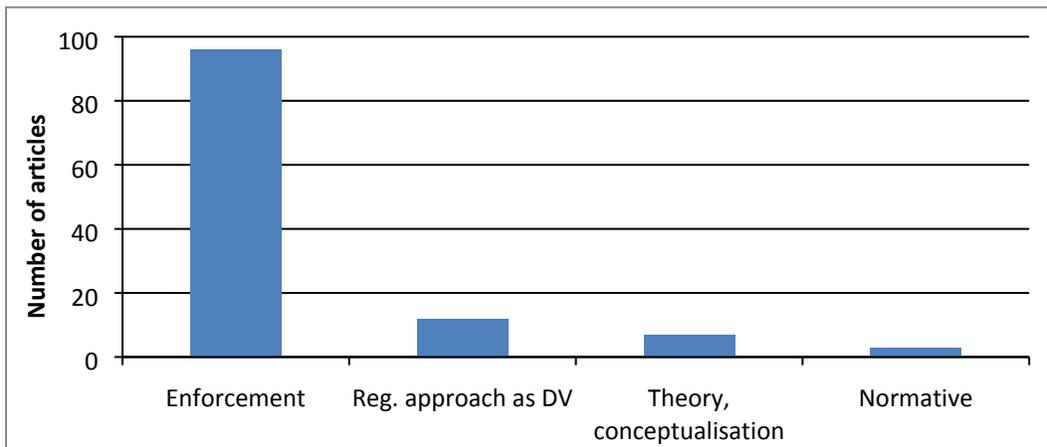


FIGURE 1 Key concerns among R&G articles.

Only twelve (about 10 per cent) of the articles focused on explaining the development or adoption of a policy/regulatory regime/mechanism (e.g. how global trade standards evolved; why varying risk-approaches were adopted across states; why an EU policy was adopted in its original form, defying external pressures), seven articles were predominantly concerned with analytical frameworks (e.g. how

to measure cooperation in international competition; what capacity-building means as a notion), and only three articles offered normative views on particular regulation-related issues (e.g. why it is not legitimate to comply with transnational regulation).

This suggests that the R&G scholarship has placed most emphasis on trying to understand the logics of operation and consequences of ‘big’ regulatory doctrines (meta-regulation; self-regulation; responsive-regulation), tools, and institutions. Interest in understanding the origins of those policies and instruments, in specific contexts, has been lower. The low number of works that focus on conceptual issues implies that either the field has already gone through a stage of ‘concept maturation’ in which most of the necessary frameworks were elaborated, or that regulation scholarship has no difficulty borrowing concepts from other fields in public policy or public administration to examine regulatory phenomena. The lack of interest in normative issues suggests that regulation scholarship is first and foremost preoccupied with empirical questions, whereas other fields such as political theory or sociology are more natural habitats for ‘value-laden’ concerns.

The following graph compares approaches across the 10 selected journals from the fields of public policy & administration and political science:

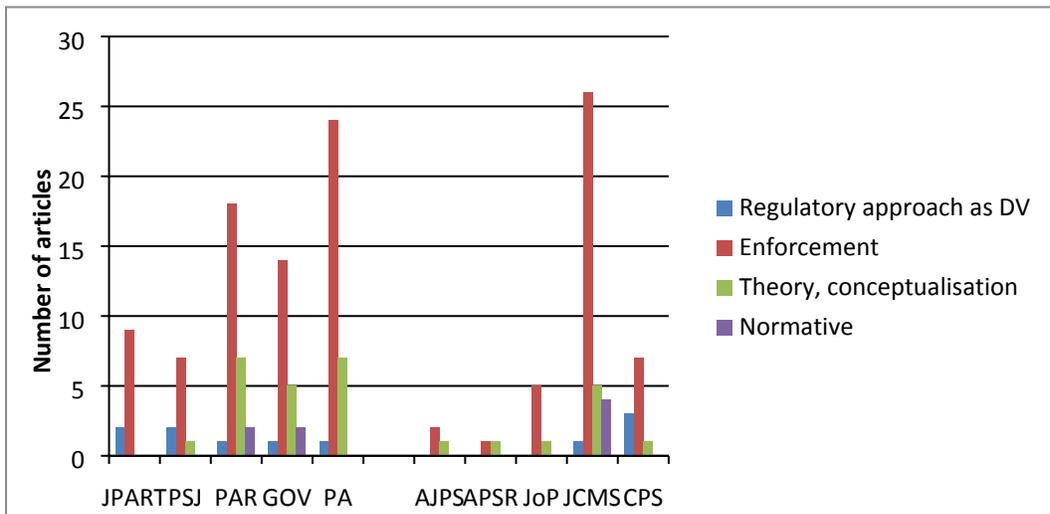


FIGURE 2 Key concerns in the top 5 public policy & administration (on the left) and top 5 political science journals (on the right half).

It is noticeable that the ‘enforcement approach’ has been most present in the journals, both in total and more or less in each journal respectively (AJPS and APSR had only a few regulation related articles, so their empirical basis is insufficient for such considerations). Interestingly, in some of the journals articles featuring ‘theory/conceptualisation’ approach have outnumbered those focusing on explaining regulatory regimes, but other journals (e.g. the first two in pp&pa – JPART and PSJ; or CPS) featured more articles that have a regulatory regime/case as the dependent variable than those aimed at

theorising or conceptualisation. At the same time, in journals like PAR, GOV, and JCMS 'normative' concerns have been more prevalent than those explaining regulatory regimes. Although the absolute number of articles is low, this pattern may indicate that there is no particular hierarchy of interest among the other areas of analytical concern.

In sum, therefore, one can identify a common pattern in regulation scholarship, both in the specialist *Regulation & Governance* journal and in other journals: there is a strong dominance in terms of interest in exploring enforcement-related questions.

II. Methods

What methods have been deployed in the regulation articles? Has there been a 'quantitative' turn relying on the application of econometric methods, or qualitative case studies have kept dominating the scholarship?

The graph below suggests that the qualitative approach, based on in-depth case studies which usually rely on process-tracing, comprises half the R&G sample. On the other hand, roughly every sixth article applied econometrics, on a large-N sample of data, and every tenth article used a 'simpler' form of quantitative analysis. Overall, qualitative case studies (62) outnumber quantitative analyses (37).

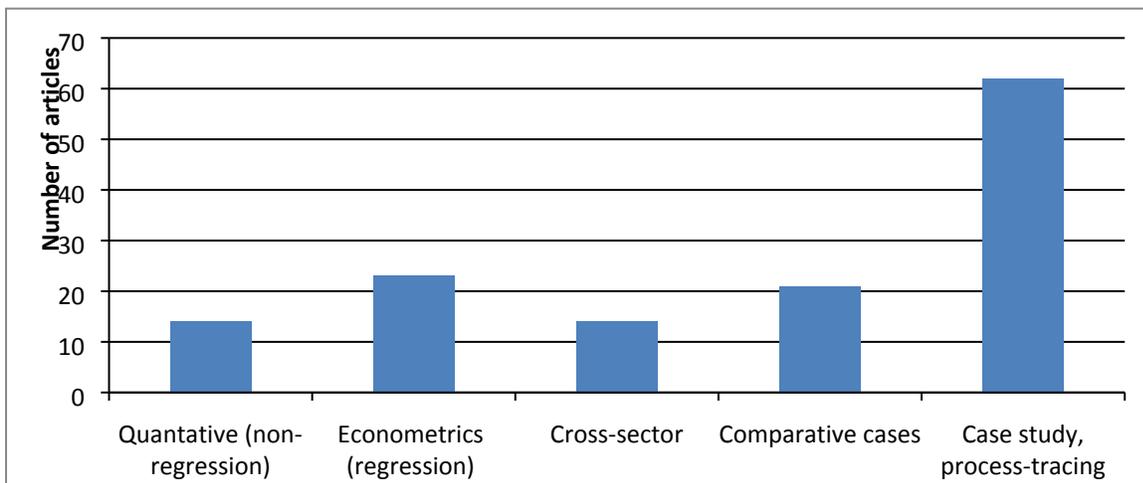


FIGURE 3 Methods used in R&G.

Since 14 articles featured cross-policy comparisons, it may be concluded that the R&G scholarship has done little to bridge the cross-sector gap and that an 'atomised', single-policy focus, has taken hold. The 'comparative cases' category in Figure 2 denotes articles featuring small-N comparisons - mainly cross-country but there are also cross-program or cross-agency comparisons within the same country. Some

of these studies include qualitative case studies of the cases used in the comparison (the categories in the graph are not necessarily mutually exclusive). The structure of methods in the other 10 journals corresponds to the respective journals' wider overarching methodological outlook.

III. Where empirical evidence comes from

Though a majority of analyses continues to involve the OECD world, the impression is that the gap between OECD and non-OECD world studies has been diminishing³. A comparison with a sample of regulation articles from a pre-2009 period would reveal whether empirical research of non-OECD territories have been 'catching up' with OECD ones over time, but regrettably such data is not available as R&G was founded in 2007.

One portion of the R&G articles – almost one third of the sample – does not draw on empirical material from any of the two worlds. These articles either do not feature an empirical analysis or are focused on transnational regulation. Finally, there are very few studies that compare OECD and non-OECD countries⁴ and explore the differences in regulatory logics between them (only a few studies in the whole sample of 119 articles).

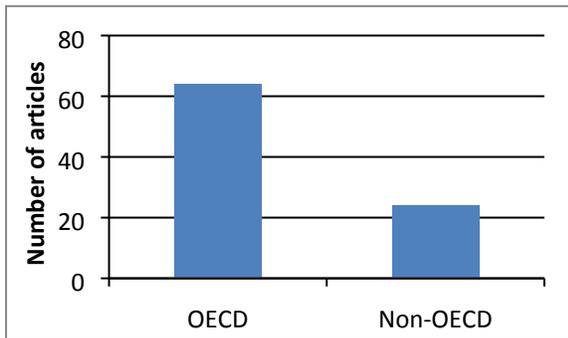


FIGURE 4 Where empirical evidence comes from.

³ Most of the OECD studies are from a US or EU context, whereas in the non-OECD world big countries such as Brazil, China, or Mexico are drawing increasing interest.

⁴ Such articles were double-coded, that is one article is assigned to both the 'OECD' and 'non-OECD' group.

A similar picture emerges in the other 10 journals:

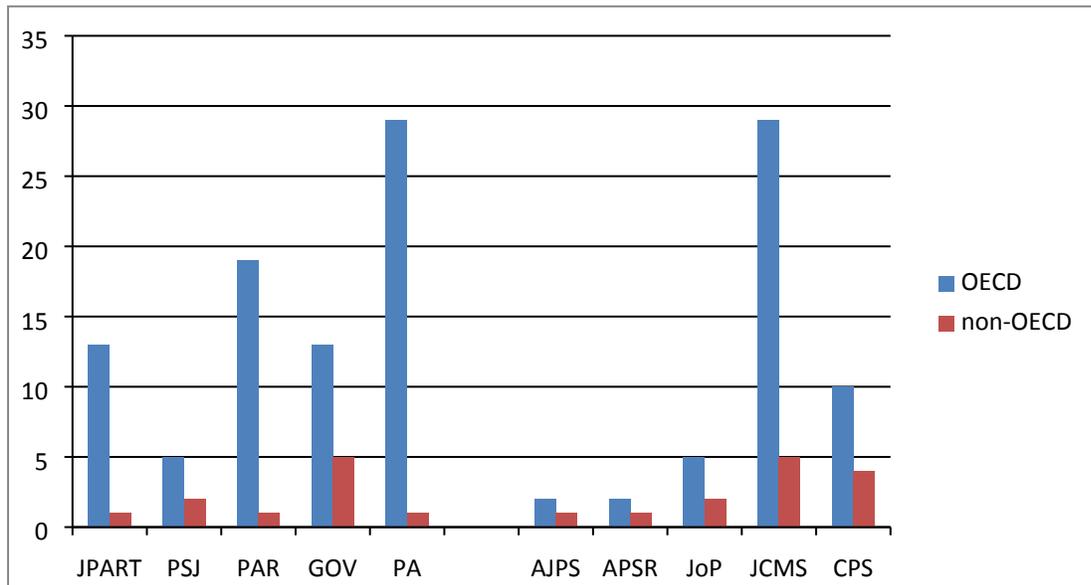


FIGURE 5 Where empirical evidence comes from, in the pp & pa and political science articles.

Every journal in this sample featured more studies from the OECD world than from developing countries, but while the gap between OECD and non-OECD is large in some journals (e.g. PA and JPART), in journals like GOV and CPS the non-OECD pool constituted about 40 per cent of all regulation studies. The more regulation studies a journal published, the larger this gap seems to be. One possible explanation is that its empirical evidence is harder to come by when researching non-OECD countries .

IV. Policy sectors

As can be seen in the table below, regulation scholarship has analysed a wide variety of policy sectors. Categorising articles into policies/sectors is not without difficulties – sometimes one issue concerns two overlapping sectors, at other times several policy categories can be grouped into a ‘unifying’ policy group, certain policy fields can be decomposed into ‘sub-categories’ and so on. Regardless of this ‘classification bias’, Table 2 indicates the diversity of sectors and issues that have been explored in the articles:

TABLE 2 Number of R&G articles per policy/sector.

Policy/sector	R&G	JPART	PSJ	PAR	GOV	PA	AJPS	APSR	JoP	JCMS	CPS
Environment, sustainability, and wildlife	16	4	7	4	2				3	2	3
Healthcare	11			3	1	5					
Finance, financial regulation, and banking	11	1		7	4	2			1	5	
Prosecution, corruption, and financial crime	6				3					1	
Food and food safety	5			1	1	3				3	
Market competition and property rights	4					1				7	1
Security and defense	4									2	
Labour policy	4	1			1					1	
Disasters and transnational crises	4					1				1	
Global trade and fair trade	4									1	
Taxation	3						1				
Internet	3				1						
Retail	3										
Energy	3				1						
Construction, building, infrastructure	2			2							
Procurements	2			1							
Education, skills formation, science, culture	4	1		1		2				1	
Transportation	2			1	1	1				1	
Audit and accounting	2										
Production standards	2										
Social security/justice	2	1		1		3		1			2
Law enforcement	1										
Public admin, gov. structure, agencies	1	2		6	2	5			1	5	
Nanotechnologies	1										
Non-profit economics	1										
NGO	1			1							
Synthetic biology	1										
Media	1			1			1				
Technology	1									1	2
Lobbying, business interests		2	1					1	1	2	
Global trade	1										
Tobacco	1										
Energy	1		1								
Industrial policy	1										
Telecoms	1		1								
Transparency, ethics, integrity				3	1					1	
(De)regulation, regulatory approaches, tools	1	2			2	4	1	1	1	1	3

In the R&G articles, social regulation has been studied more frequently than economic regulation. Environment and healthcare issues drew more interest than financial regulation, with food (safety) and prosecution/corruption/crime coming behind, followed by market competition, security & defense, and labour policy.

Environment has been the most studied field in a number of other journals, like JPART, PAR, and GOV, but in other places, such as PA and JCMS, environment has been among the less or even least studied topics. Journals that placed a greater emphasis on financial and market regulation are JCMS and GOV. Public administration, government structure and architecture of public services has been a common topic across all journals. Overall, while social regulation seems to have dominated scholarship, there is considerable variation across journals. This might be a reflection of journals' editorial policies, or stem from the fact that certain articles trigger 'successor' articles in the same journal.

Summary

What trends can be gleaned from the above?

In short, regulation scholarship seems to have been preoccupied with empirical explorations of how regulation works in practice – whether and when various approaches lead to optimal or unintended outcomes; the exploration of these issues has largely been carried out in a qualitative manner, through case studies, though the number of quantitative analyses is not negligible and also certain journals, according to its editorial policy, prefer quantitative methods over qualitative; most empirical material is gathered from OECD countries; a wide variety of policy sectors/fields has been studied, with no dominant topic across the journals. There has been a trend of 'atomisation' in the regulation scholarship, with a high number of single-issue pieces of research and rare studies straddling cross-sector divides, and with little overarching theory (frameworks) that would build on the extant findings.

B. Financial crisis and surge in interest in financial regulation

Has the 2008 financial crisis shifted the key interests of the regulation scholarship, in the direction of increasing study of financial regulation? Among the various hypothetical scenarios could be:

1. Yes, the financial breakdown has turned the scholarship's attention to the issues of (global) financial regulation and vulnerabilities of the extant financial regime(s), including debates about remedies and trade-offs;

2. Some reflections concerning the crisis were made, but this has not fundamentally altered the structure of the regulation scholarship;

3. The scholarship did not reflect on the crisis in a way in which such a big shock would lead us to expect; this scenario can be called ‘business as usual’, that is – as if nothing happened.

It can be seen in Table 2 above that finance, financial regulation, and banking has been among the most studied phenomena in some journals (JCMS, R&G, GOV, PAR). At the same time, a considerable portion of these articles were not about the financial crisis strictly defined. Some examine particular instruments of regulation in the banking sector, others discuss the alleged ineffectiveness of offshore zones regulation, and there also were concerns related to inherent organisational tensions within banks (e.g. focusing on trade-offs between commercial gains and internal management compliance). Other studies concern accounting standards in the finance industry, microfinance instruments, or who the winners and losers of a global financial regulation are.

Thus, it seems safe to say that the crisis has not fundamentally shaped the regulation scholarship by shifting its key focus on the question of financial regulation and post-crisis responses. While some journals may have devoted more attention to the financial crisis and financial regulation (including the publication of special issues devoted to the crisis), there is little evidence that this has been the dominant trend in regulation scholarship. Instead, recent developments in regulation scholarship seem to lie somewhere between the second and third scenario, depending on journal. (This, of course, is not to negate the possibility that in other disciplines and forums, the financial crisis and the regulation of financial markets might have attracted greater interest).

C. What future has held for regulation scholarship?

Nearly a decade ago, Lodge (2008: 295-298) discussed three possible scenarios for the future development of regulation scholarship:

TABLE 3 Three scenarios for regulation scholarship (Adopted from Lodge 2008).

Scenario	Characteristics
1 ‘Fading away’	<ul style="list-style-type: none"> - Core concerns of the regulation scholarship become less relevant over time; the ‘passing fad’ eventually leads to the disappearance of the field; - Unclear disciplinary boundaries or exhaustion of intellectual effort (“regulation becomes the study of everything”) are factors contributing to the marginalisation/disappearance of the field.
2 ‘Plodding along’	<ul style="list-style-type: none"> - Expansion of disciplinary interest toward new fields and emerging issues (e.g. fast developing technologies); - Increasing exploration of phenomena that we still have to learn about from empirical cases (e.g. in the fields of utility networks, social regulation, or risk management); - Discovery of niche topics, which could come at the cost of possible fragmentation of knowledge (“knowing more and more about less and less”)

3 'Rejuvenation'	<ul style="list-style-type: none"> - Stronger focus on the language, cultures and side-effects of regulation; - Need for better understanding of competing logics of regulation, different regulatory regimes, and the impact of ongoing worldwide governance trends (e.g. rising internationalisation, labour mobility, liberalisation) on regulatory practices; - Inquiring capacity of nation states to address regulatory challenges, at the national and international level; - Invention of advanced methodologies for the study of the above concerns.
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Nearly a decade later – are there any emerging patterns? Table 4 may provide indicators of the 10 pp & pa and political science journals' publications in the field of regulation:

TABLE 4 Presence of regulation articles in the analysed journals.

Journal	Overall number of articles (2009-2015)	Number of regulation articles	Percentage of regulation articles
<i>Public policy & administration</i>			
JPART	309	14	4,5%
PSJ	208	10	4,8%
PAR	565	32	5,7%
GOV	200	20	10%
PA	359	29	8,1%
<i>Political science</i>			
AJPS	412	3	0,7%
APSR	321	3	0,9%
JoP	583	7	1,2%
JCMS	335	36	10,8%
CPS	420	11	2,6%

While public policy & administration has obviously seen a greater interest in regulation studies than political science, the topic of regulation has attracted only limited attention across all of these fields' journals. With the exception of two journals – GOV and JCMC, and to an extent PA, regulation-related articles constitute less than 10 per cent of the journals' overall output. This seems a decline in interest in the study of regulation compared to the pre 2009-period, as for instance the annual ratio of regulation articles in European politics journals stood about 10 per cent between 2003 to 2007 (Lodge 2008: 281).

At first, this may be a sign of the 'fade away' scenario – the study of regulation has seen saturation, the unclear boundaries of regulation studies study played into the hands of political science and public administration that deployed own concepts, methods, and language to take over the content and concerns of the study of regulation. Only those few journals that have achieved a 10 per cent ratio of regulation articles have sustained some level of interest in regulation studies.

However, it is important to note that concomitantly with the above trend one particular journal - R&G - has managed to consolidate the field of regulation by generating and sustaining significant interest in the study of regulation, solidifying its terminological and conceptual apparatus and advancing a distinct platform for regulatory perspectives. Despite certain similarities and overlapping questions, as well as its

interdisciplinary appeal, the study of regulation advanced here seems to have managed to profile itself as a distinct field. In that sense, in parallel with a relatively low amount of interest in regulation in the field of political science and, to a slightly lesser extent, in the field of public policy & administration, a countervailing trend of regulation's maturation and consolidation has unfolded over the course of the last six years.

Whether R&G has just served to attract those regulation concerns that would have otherwise ended up in the public policy & administration journals, or whether R&G acted itself as a generator of interest in the study of regulation, the following seems certain: the field of regulation has seen many elements of the 'rejuvenation' scenario materialise since 2009. Rising interest in understanding competing logics of regulation, effects of different regulatory regimes and tools, the interaction between national and supra-national level as well as role of transnational regulation, or how globalisation and related trends of capital and labour mobility affect regulatory practices, have been among the key concerns in the study of regulation advanced in R&G. True, the exploration of these issues has not seen the introduction of novel methodologies, but the study of regulation has proven capable of addressing its key questions using the 'standard' qualitative and quantitative methods, well-established and practiced in political science and related (sub)disciplines.

At the same time, there is little evidence of 'plodding along'. While regulation scholarship has shown interest in investigating emerging and little explored fields such as those associated with the explosive rise of technology (e.g. nano-technologies, bio-technology, medicine, GMO, some recently advanced environmental issues, internet governance), the interest in these 'niche' topics remains marginal when compared to the long-standing concerns such as those related to regulation of health and healthcare practices, financial markets and market competition, as well as long-standing environmental issues. Much of the regulation literature has shown interest in the empirical testing of 'grand' theoretical approaches. Rather than producing more and more knowledge about 'smaller and smaller' corners of regulatory interest – regulation scholarship has gravitated towards linking empirical cases to overriding regulatory philosophies and strategies. It is therefore difficult to suggest that there has been a trend towards 'niche-isation' ("knowing more and more about less and less") over the course of the past decade.

In summary, while signs of 'fading away' could be observed across the public policy & administration and particularly across political science scholarship, the major platform for the study of regulation – R&G – seems to have succeeded in sustaining an opposite trend of 'rejuvenation'. This may indicate a growing interest in the study of regulation, but another viable interpretation would be that the channels of production and dissemination of regulation knowledge have shifted away from the classic political science and public policy & administration platforms to those fully dedicated to regulation concerns only.

Concluding remarks

Returning to the three major questions posed at the outset of the paper, the following conclusions can be made. First, the study of regulation has been dominated by efforts of empirical assessments of

particular regimes and tools, and what the lessons of these cases are for broader theoretical approaches and regulatory doctrines. The majority of studies still come from the OECD world, are carried out mostly in qualitative manner – though quantitative regulation studies are far from rare, and with little cross-sectoral and with more single-issue/single-field explorations. Second, the big financial crisis (2007-2008) has not triggered a fundamental shift in the regulation scholarship in terms of an increasing interest in financial regulation. This topic has remained an important concern for regulation scholars, but has not become as dominant, at least not in the journals examined as part of this study. Third, regulation scholarship has neither ‘faded away’ nor ‘plodded along’. Instead, elements of ‘rejuvenation’ could be observed in the recent developments in the study of regulation, with a shift away from public administration and political science to dedicated regulation forums.

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Journals analysed (2009-2016)

Regulation & Governance

Journal of Public Administration Research and Theory
Policy Studies Journal
Public Administration Review
Governance
Public Administration

American Journal of Political Science
American Political Science Review
Journal of Politics
Journal of Common Market Studies
Comparative Political Studies