

# The Future Of The Regulatory State: Adaptation, Transformation, Or Demise?

15/16 September 2011, BI School of Management Oslo

Paper proposal deadline: 20 May 2011

One of the most widely made claims over the past three decades has been that this is the age of the regulatory state. This age of the regulatory state has been characterised by two organisational features: one, the reliance on private or (market-type) actors for the provision of services, and, two, an emphasis on oversight and control. In institutional terms, this age of the regulatory state is said to be shaped by two key aspects: one, an overall emphasis on efficiency as core administrative value, and two, an emphasis on those 'machinery of government' doctrines that advocate the creation of free-standing organisations tasked with focused oversight.

This machinery and its inbuilt assumptions are said to have become entrenched across jurisdictions and domains. Across a variety of domains (from utilities, health & safety, labour to gambling and health), regulatory institutions have become well-established features across national executives. However, the dynamic of increasing entrenchment that has witnessed features of the regulatory state encroaching on ever-more domains inside and 'outside' government has witnessed a parallel development of an increasing challenge to the 'orthodoxies' of the regulatory state. This raises a number of questions as to the degree of institutionalisation of the regulatory state across states and levels of government, and questions as to whether the growing colonisation of policy domains by regulatory state dynamics has gone hand-in-hand with a weakening of key institutional features in 'core domains'.

The diagnosis of an age of the regulatory state has therefore come under increasing challenge, for at least three reasons. We encourage paper proposals to address these challenges.

- a) The limits of regulatory regimes: As noted by different contributions (e.g. Power and Moran), the regulatory state has been unable to deal with particular policy challenges and has, in fact, accentuated particular failings. For example, it is said that an emphasis on efficiency in utility regulation had the side-effect of reducing investment in redundancy. As a consequence, regulatory regimes in the late Noughties have been seeking to find ways to design incentives to encourage investment.
- b) The limits of market-based problem-solving: a related key assumption was that markets (within light touch and supposedly high-intelligence incentive based regulatory frameworks) would offer superior solutions to key 'wicked issues' in public policy than 'state-based policies. As a result market-based solutions and market liberalisation were advocated. Equally, the argument was widely made that 'light handed regulation' should be promoted to reduce the potential of 'regulatory failure'. The growing realisation of the volatility of energy supplies and the collapse of financial regulation in the context of the financial crisis provides just two examples in which market-based solutions have been shown to be limited, leading to a growing differentiation of regulatory objectives.
- c) The limits of national regulatory capacity: Issues of risk, anxiety and uncertainty have challenged the capacity of regulators to advise and decide in highly politicised domains (such as food). One

of the key trends over the past decade has been the rise of institutional fora at the EU level, leading to a merger of supranational and intergovernmental characteristics in regulatory decision-making. Concerns regarding regulatory capacity therefore on the one hand reflect questions regarding the role of regulatory decision-making within the wider setting of executive politics, and the technical capacity to deal with the challenges of regulating domains characterised by high degrees of internationalisation and uncertainty on the other.

This is therefore a timely moment to reflect on the dynamics of the regulatory state and to question its capacity to adapt or to transform. Similarly, the 'age of austerity' may be seen as a further challenge to the underlying assumptions of the regulatory state, requiring not just further 'outsourcing', but also 'closer' ministerial involvement of core state and economic activities.

This workshop seeks to provide for an in-depth discussion of the future of the regulatory state by drawing on papers from different policy domains and levels of government, with particular attention to the European Union and European states. Papers with wider international reach are also welcome.

#### **Location/Date/ Arrangements**

The workshop will be held at the BI School of Management Oslo on 15/16 September 2011 (to start with lunch on the 15<sup>th</sup> and to finish early afternoon on the 16<sup>th</sup> to facilitate travel). Accommodation for one paper giver per paper will be paid for, other participants will have access to reduced rates in two hotels (bookings can be facilitated through BI School of Management). Some financing for young career researchers without access to funding as well as other 'hardship' cases is available. All participants will have to cover their travel costs.

SOG (Structure and Organisation of Government) is a research committee of the International Political Science Association. This workshop is part of the wider SOG-related activities in executive politics and participants are therefore expected to become SOG members.

Please EMAIL paper proposals (250 words max) by **20 May 2011**.