P01 / Policy Change: Revisiting the Past, Analyzing Contemporary Processes and Stimulating Inter-Temporal Comparisons

Topic : PUBLIC PROBLEM AND AGENDA SETTING

Chair : Mauricio Olavarria-Gambi (University of Santiago, Chile)

Second Chair : Verónica Figueroa Huencho (University of Chile)

Third Chair : Maria Velasco (UNIVERSIDAD COMPLUTENSE DE MADRID)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

The panel is aimed to analyze the characteristics or conditions leading to policy changes, considering the institutional context in which it develops. The panel is open to accept proposals of analysis of policy changes occurred in the past, contemporary policy changes and/or inter-temporal comparisons of policy changes. In doing this, the panel seeks to set links to the emerging field of work of “History and Public Policies”.

The panel will address questions on whether the way in which problems have been addressed in the past determine how they are faced later, and the role of institutions in policy changes. The analysis focuses on how institutions – formal and/or informal – influence the policy process, on whether types of interchanges among policy actors persist over time and on whether informal institutions shape the way in which formal institutions operate or whether it is the other way around how the policy process develops.

According to Capano (2009) the dynamic of policy change may be intrinsically evolutionary or revolutionary, meaning the former a process of continuous adaptation, incremental and gradual nature. Revolutionary policy changes involve breaking with the past and introduction of new solutions to policy problems. Thus, a natural question in this context is how formal and informal institutions relate to evolutionary and revolutionary policy changes.

According to the path dependence perspective, history matters because current decisions are dependent of past decisions. Page (2006) points out that the dependence of past decision patterns are the consequence of a perception of higher benefits because of the learning, getting used to it and the cost of change; of self enforcement to maintain a given decision pattern; of a positive feedback gotten from a certain decision; and of the lock in of alternatives way of decision or action. Peters et al. (2005), in turn, argues that formal and informal institutional patterns also change over time and that ideas are very important in explaining institutional changes. This would mean that path dependence perspective would have limited validity in explaining policy changes, especially when these are generated after (formal and/or informal) institutional changes.

Given that “historical institutionalism of the polity focuses on analyzing what happened, when and how” (Skocpol 1995: 104), following Peters et al. (2005) the panel will focus on the relationship among institutions, ideas, policy brokers and agencies to analyze the path development of policy changes. Then, the panel seeks to contribute to the understanding of the relationship between institutions and policy change.

The panel is aimed at discussing empirical evidence provided by case studies on policy change in different contexts. Although the panel is open to any case, the presentation of case studies from Latin America, East Europe, Africa, Asia and Oceania is highly encouraged.

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Historical Institutionalism". The Journal of Politics, Vol. 67, Nº4, pp. 1257 – 1300. Chicago, USA: The University of Chicago Press.

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CALL FOR PAPERS

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Session 1

Wednesday, June 26th 16:30 to 18:30 (MB 5.265)

Discussants

Mauricio Olavarria-Gambi (University of Santiago, Chile)

How Many Hurdles Must Programmatic Groups Overcome? A Comparative Study on the Opportunities and Constraints of Collective Action in France and Germany

Johanna Hornung (University of Lausanne)

Patrick Hassenteufel (Université Paris-Saclay)

Nils Bandelow (Technische Universität Carolo-Wilhelmina Braunschweig)

The Programmatic Action Framework (PAF) emerged as a complementary lens on policy processes to explain policy change and content (Genieys and Smyrl 2008). A core assumption of the PAF is that so-called programmatic groups form on the basis of shared biographical intersections and out of rational reasons to pursue their own career, committing themselves to a policy program that is to help them in achieving this goal. Evidence for these programmatic groups and their ongoing influence over more than a decade has been found in Germany, France and other countries especially in the area of health policy (Hassenteufel et al. 2010; Hornung and Bandelow 2018). While the existence of programmatic groups is generally possible in all democratic states, there is less evidence on the institutional opportunities and constraints that enable the formation of programmatic groups. However, this is an important question for the potential traveling capacity of the PAF if it is to be applied in different political systems and related institutional contexts. This paper poses the question how the institutional embeddedness of policy actors restricts or enables the formation of programmatic groups. Which institutional factors facilitate the formation and influence of programmatic groups? How can these institutional factors be generalized in cross-country studies? To answer these questions, the paper relies on interview data gathered in France and Germany analyzing the previous 20 years in health policy making.

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Copyright and the United States Constitution: the case of the Sony Betamax

Cartwright Madison (University of Sydney)

In 1975 Sony released its Betamax home video recorder, which was capable of making copies of television broadcasts. By 1976, two major American film studios brought litigation against Sony in an efforts to prevent the Betamax from being distributed in the United States. This litigation would eventually be decided by the Supreme Court in Sony's favour eight years later. The landmark decisions has been highly significant for copyright law in the United States, often being referred to as the magna carta of the consumer electronics industry and later, the internet. This paper argues that the decision in favour of the Betamax was a result of the United States' unique copyright legal tradition, which has its roots in the Constitution. Whilst the United States has moved away from this legal tradition as intellectual property has become a major part of its international competitiveness, path dependency id evident in how copyright law is interpreted and enforced by the courts. The paper not only examines the Sony Betamx decision as a result of historical processes, but also considers the legacy of the decision to modern copyright law in the United States.

Applying Multiple Streams Framework in Analyzing the Observed Change of Policy Priority Assigned to Innovation and Technology Policies as Mr. Tsang was the Chief Executive of Hong Kong between 2006 and 2012

Lei Shi (Macao University of Science and Technology)

The paper wishes, as one of the few existing research pieces, to shed light onto the innovation and technology policy-making process of Hong Kong since the handover of the sovereignty to China. More specifically the focus of the text will be the policy change of priority, attention and resources devoted to innovation and technology policy-making made during the tenure of the second Chief Executive of Hong Kong, Mr. Donald Tsang between 2006 to 2012. The reason to single out his tenure is that, his predecessor as well as his successors all placed high priority on innovation and technology sector development in HK, making the change of priority (which went downwards) and corresponding devotion of public resources to innovation and technology sector development (which were significantly reduced) of the city under Tsang stand out. Representative examples of his years are analyzed by this paper using mostly qualitative methodologies including archive reviews, interviews and text analysis of news at the time, as well as relevant publications. This paper uses the Multiple Streams Framework (MSF) to organize and present its analysis, which produces findings that suggest all of the streams of MSF played important roles in bringing the observed policy changes. Among the streams, the importance of the "policy entrepreneur" is suggested by this paper to be potentially more important than other streams, as discussions held with Prof. M. Howlett revealed that the predecessor of Mr. Tsang operated with the streams that were similar with those of Mr. Tsang, yet the predecessor was an effective policy entrepreneur strongly favoring and advocating a more positive technology-leaning policy for HK, successfully pushing the city to devote substantial resources to innovation and technology policies, an outcome that is very unlike what Mr. Tsang's tenure resulted. A comparative study of the policy processes of the two Chief Executives of Hong Kong would be a desired follow-up of this research paper.

It is straightforward to see the relevance of my paper to this panel. The paper, among many already published, suggest that MSF is a capable analytical framework in analyzing what characteristics or conditions would lead to policy changes. While the period between 2006 to 2012 is hardly "history" yet, it is in a comfortable time zone of its own: not too distant to make first-hand research have to rely almost exclusively on archives and to limit the relevance of implications for present and future policy-making; nor too close to the present to make people with the inside knowledge unable and/or unwilling to share their memories and opinions. The case about innovation and technology policy-making of Hong Kong holds vast research and academic potential as the city has made it abundantly clear that it wishes to pursue long-term vision to strengthen its innovation and technology capabilities, and Hong Kong being a unique blend of policy style mixing British and Chinese influence, could offer insights that few other places hold.

Continuity or break with the past? A case study of Brexit

John Fossum (ARENA, University of Oslo)

Russell Solomon (RMIT University)

The focus of this paper is Brexit, as a process and a negotiated outcome, as a major effort at effecting policy and institutional change. How much of a path dependent thrust does the EU legal embedding exert on the

UK post-Brexit? Those advocating leaving without a deal seek a dramatic break with the past, through replacing law with politics in the UK's relations with the rest of Europe. Those seeking a softer Brexit want to replace some legal provisions, but as the UK's European Withdrawal Act shows, want to retain much of EU law by incorporating it in UK law.

In this paper, we assess Brexit as a question of continuity or break with the past through the lens of juridification/de-juridification dynamics. Strictly speaking, juridification is about law and law's expansion, whereas de-juridification is about the rolling back of law and increasing the space and scope for power politics. Juridification consists in at least five related dimensions: a) constitutive juridification; b) law's expansion and differentiation; c) increased conflict solving by reference to law; d) increased judicial power; and e) legal framing.

Since the UK's present EU membership affiliation is shaped by all five juridification dimensions, we need to assess legally entrenched path dependence along all five dimensions. Brexit is at least in principle a matter of de-juridification (reversal of the dimensions). It is revolutionary insofar as it is a reaction to the legal entanglement that the UK's 45 year-long EU membership has involved. The Brexit process is shaped by that history of entanglement as much as proponents of Brexit might wish for a 'clean break'. Brexit is also a revolutionary policy change as it is the antithesis of EU's trajectory of consolidation (and possible enlargement) and is unique as the first time membership and its policy implications have been rejected by a member state.

We start by showing how the UK's pre-Brexit EU relationship is structured with reference to the five juridification dimensions. That includes paying attention to the UK's special EU arrangements, its opt-outs and opt-ins. Thereafter we assess the Brexit process as an attempt at de-juridification, with emphasis on the magnitude of change along each of the five juridification dimensions. The assessment gives us a clearer sense of the types and shapes of path dependence and the relative salience of law versus politics.

The paper's theoretical ambition and relevance for this panel is in blending political science institutionalism with law's privileging of juridification, as a composite means of assessing path-dependence in a context of Brexit whose goal of 'taking back control' is intended to reverse the UK's EU encoding and radically reconfigure the UK's relationship to the EU. Brexit thus provides a unique opportunity to contemplate the ideas in contest behind the differing institutional forms of governance in the UK and the EU, in particular around the relative influence of political and legal forms, as well as the impact of policy makers upon those institutions.

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Session 2Social Policy in the long term

Thursday, June 27th 08:00 to 10:00 (MB 5.265)

Discussants

Mauricio Olavarria-Gambi (University of Santiago, Chile)

Maria Velasco (UNIVERSIDAD COMPLUTENSE DE MADRID)

The Origins of Welfare Regime in Uruguay and Its Legacy during Leftist Governments (2005-2019)

Guillermo Fuentes (Universidad de la República)

Fabricio Carneiro (Instituto de Ciencia Política, Universidad de la República)

Many studies on welfare regime in Latin America describe Uruguay´s welfare state as an example of “mature welfare” in the region, sharing category in the typologies with others advanced welfare regimes as Argentina, Chile and Costa Rica. Filgueira (1998) resume the main characteristics of these group of countries under the conceptualization of “stratified universalism” to describe regimes that in the middle of XX century reached high levels of institutionalization and coverage in the main social policy areas: health, social security and education. Coverage expansion during this period coincided with an increasing process of industrialization which expanded the levels of formal employment and unionization in a growing inward model of import substitution. But this expanded coverage in social protection generated a differential set of benefits based on the stratified positions of labor market occupations.
Stratified universalism has been widely accepted as a description of the main characteristics of welfare regimen in the most advanced industrial countries in Latin America but not much investigation has been made on the social coalitions and the political economy process behind this regime configuration. This paper describes and explain the construction of the stratified universalism in Uruguay in the middle of XX century and its long-term consequences to present debates of social protection. How was the stratified universalism scheme constructed in Uruguay? Based on methodological contributions of historical institutionalism we identified those political-institutional conditions that facilitated the approval of the main regulations in three areas: employment and assistance, health and social security. We observe the years 1942-1952 as critical juncture where the main features of welfare regime in Uruguay are set as a process of State reproductions of logics previously located in the non-profit private sector and corporate arrangements such as health and social security benefits. Despite this period represent a window of opportunity for promoting transformations in different areas, this was not used by the political and social actors of the time to introduce radical reforms but on the contrary, they choose to reproduce existing logic of social protections mirroring the stratified positions labor market occupations. Electoral competition between factions of clientelist political parties seeking for captive votes based on small and segmented social protection benefits, reinforce the process of reproduction of social policies where the extended coverage coexist with segmented benefits.

Challenges of long-term care of the elderly in XXI century: policy changes required

Virginija Poskute (ISM University of Management and Economics)

Long-term care (LTC) of the elderly is being recognised as important social risk in Western societies.

Different long-term care or welfare state models in classical social policy analysis approach emphasize different roles of state, market and family in care of older people. Various arrangements for the care often relate to different attitudes towards family responsibilities in different EU countries. However, in spite of developed institutional/formal arrangements in some of the countries (for example, in Scandinavia), family/informal caregiving still has strong cultural traditions in many European countries. The number of informal caregivers to older persons is estimated to be at least twice as big as the formal care providers even in the countries with a well-developed supply of formal LTC (EU, 2014). Furthermore, informal care traditionally is unequally distributed between women and men: women are main care providers in most of European societies.

As demand for the care increases, the possibility to provide informal LTC is declining due to demographic changes (declining birth rate, migration, increasing divorce rate, etc.), change of the role of women in society and changes in cultural settings. Insufficient formal response to increasing demand for care of the elderly might become a serious challenge for most of Western societies, as it is likely to have undesired and often not-envisaged social and economic consequences. Non-action for such social challenges might lead to questioning the very sustainability of European social policy: informal care, especially intensive, seem to be strongly interacting with conditions of paid work, affecting work-life balance, mental and physical health of the carers, mainly women.

The paper aims at comparing various past and present LTC policy outcomes in different EU countries in order to provide evidence on impact of informal LTC on work-life balance of the carers. The study employs mixed method approach as beside to some national data sources, evidence of impact of informal care on work-life balance of the carers is drawn from international data sets (SHARE, LFS, EQLS, EWCS and Eurobarometer). The analysis of impact of informal LTC on carers' work-life balance in the paper is structured along several dimensions: prevailing division of the care responsibilities among men and women and differences in working and social life patterns among carers and non-carers by gender in the EU countries. Initial results of the comparative analysis indicate prevailing differences in impact of informal care in the EU countries depending on availability, extent and quality of formal LTC for the elderly arrangements. The impact of informal care on women seem to be more significant than on men. As a result of the study a set of potential indicators is suggested enabling policy makers on national and EU level to make evidence based policy changes aiming at easing work-life balance challenges for the carers and enabling them to participate more fully in the labour market and social life.

The End of Policy "Drift"? Policy making and Pension Reform in Canada, 2008-2016

Benjamin Christensen (Douglas College)

For the first time since 1965, the Canada Pension Plan (CPP) was enhanced to expand benefits for Canadian workers. Following an extended period of "policy drift" (Myles, 2013), these reforms occurred in a context of diminishing workplace pension coverage, in which coverage has decreased since the 1980s. Adopting a historical institutionalist perspective, this presentation draws from literature on "varieties of federalism" (Béland and Myles 2012) and path dependency to make sense of why retirement income social policy was expanded in Canada in 2016 during a broader period of neoliberalism. "Lock-in effects" (Béland, 2010) constrain future policy development, in which embedded interests intensify path dependency, making policy change difficult, often leading to policy drift. But there is also a limit to the duration in which a policy can "drift" as exogenous conditions continue to change while the policy does not, leading to "negative policy feedback" (Weaver, 2010; Jacobs and Weaver, 2014). Actors can challenge entrenched policy legacies and pursue incremental strategies of policy change. This eventually happened with CPP, resulting with the 2016 reforms. As lock-in effects did lead to policy drift during the 1980s and 1990s, by the 2000s, diminishing pension coverage in the private pension system generated negative policy feedback from actors both inside and outside of government. A growing consensus emerged that understood the postwar "pension promise" as ultimately being broken. This consensus intensified pressure on policymakers at the provincial and federal level, triggering path-departing change. Analysis considers the role of key actors and groups, the structure of Canada's federal political system, and broader class interests to examine the CPP reform at the historical and institutional level.

Physicians dissatisfaction with health reforms in Chile and the interpretation of their causes

Gustavo Rayo (Universidad de Talca)

The purpose of the second wave of reforms in the sphere of Chilean public action was to intervene in two particularly sensitive areas of sectoral state policies, such as education and health. Thus, one of the sector reforms with the greatest impact at the beginning of the new millennium was the health reform, which

established a system of explicit and enforceable guarantees in health and important institutional changes aimed at innovating in the health care model. The project of reform had to face the active resistance of the Medical Association and other stakeholders, as well as the questioning of the emerging paradigm by the chilean scientific societies. My work hypothesis establishes that the opposition of the medical union to health reforms, debated and finally approved as law in 2004, is explained by the fact that it was perceived as a "threat" that would contribute to reinforce those systemic tendencies challenging the traditional deontology of the profession as well as certain essential attributes of medical practice as a liberal profession. After 13 years, the critical judgment of the medical establishment seems not to vary. Moreover, contrary to the perception of citizens in general and of the users of the system in particular, the judgment regarding the results of the reform is highly unsatisfactory for the medical body. However, it is possible to observe nuances in this critical judgment, closely related to the generational group of reference among the physicians consulted

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Session 3Policy Change in long term perspective

Thursday, June 27th 10:30 to 12:30 (MB 5.265)

Discussants

Mauricio Olavarria-Gambi (University of Santiago, Chile)

Gustavo Rayo (Universidad de Talca)

The incidence of history in policy-making: evolutionary and invisible change in early education policies in Uruguay (2014-2018)

María Mancebo (Universidad de la República)

Uruguay is a unitary, highly centralized country, which has developed throughout its history a pluralist democracy and a social welfare regime in which the State has played an important role in social and educational policies.

With the arrival of the Frente Amplio (FA) to the national government in 2005, the country joined the wave of "progressive" governments in Latin America. The FA promoted a series of pro-equality public policies: an important health reform, the re-installation of collective bargaining on labor issues, the decriminalization of abortion, equal marriage, the legal regulation of cannabis, a social protection system oriented towards children between 0 and 5 years, disabled and elder people (“Sistema de Cuidados”).

In education, the State has historically occupied a strategic place in the governance of the system: it was the main source of financing, it participated directly in the provision of the educational service and it exercised an active role in the regulation of public and private education. In the 1990s Latin America unleashed a wave of privatizing reform reforms while Uruguay processed a clearly statist reform (1995-2000).

In the "progressive era" education has been a priority in the agenda and most of the measures were carried on preserving the classic state matrix: there is no market accountability, parents do not choose their children's schools, schools are not autonomous and the hiring of pedagogical services to private providers is almost nil.

However in the area of early childhood education, the borders between public and private education have shown an increasing porosity since the State has mostly resorted to the hiring of non-governmental organizations for the provision of educational services (Ball, 2012)[1].

This constitutes an evolutionary and invisible change with regards to the type of educational provision that prevails in Uruguay in other educational levels. On the basis of secondary sources and semi-structured interviews, and adopting a path dependence theoretical perspective, the article will present and discuss empirical evidence on this case study of policy change in Uruguay.

The analysis will focus on how institutions – formal and/or informal – influenced the policy process in the period 2014-2018, with particular attention to the role played by the main actors in this policy arena.

[1] Ball, S. (2012). The reluctant State and the beginning of the end of state education. Journal of Educational Administration and History, 44: 2. Disponible en: http://dx.doi.org/10.1080/00220620.2012.658764

Problem definition in time: historical perspective to observe problem formulation. Spanish tourism policy (1952-2015).

Maria Velasco (UNIVERSIDAD COMPLUTENSE DE MADRID)

The concept of social problems as social constructions, no somehow objectively given, has been widely studied (Dery, 1984). Uncertainty, interdependence or complexities are dimensions that have been analyses for decades (Rittel and Webber 1973). Recent studies illustrate new challenges (Levin et. Al 2002) or new strategies (Walker et al, 2013). Problem definition or delimitation is a turning point in policy-making and a crucial phase of policy formulation. Policy formulation assumes that the way in which the problems has been defined determines the phase of matching objectives and means "through the interplay of knowledge-based analytics of problems and solutions with power-based political considerations (Howlett and Mukherjee, 2017: 3)

Problem definition is the act of choosing from the whole set of possible representations one particular aspect of the problem (Dunn 2004, 84). During the process some categories of the issues are selected, those specifics dimensions of the problems have been labelled as policy topic "a policy topic refers to a very narrow subcategory of a policy area. Topics are headers which should capture condition descriptions (which form the basis of problem definitions) as objectively as possible "(Hosseus and Pal, 1998: 401).

The objective of the paper is to observe a policy issue for a long period. We are interested in classified the policy topics that had been used during nearly seventy years and in observing which ones disappear and which ones are still part of the formulation dynamics of the issue.

We will analyse ten historical policy documents that were approved by the central government.

The weaknesses of the Spanish institutional system under the light of the path dependence theory

José M. Ruano (Complutense University of Madrid)

Spain has gone in very few years from being a unitary and centralized state to being a complex and highly decentralized state at regional level. The autonomous communities have become the main institutional actor and provider of services, consume the majority of public expenditure, and employ the most public employees in the country. However, these communities have specific characteristics that distinguish them from federal models: they have an open structure that lacks the effective coordination mechanisms of decentralized systems. Local governments on the other hand are in a position of normative and financial subordination with respect to the other administrations, which bring into question their viability as institutions capable of delivering effective public services.

The paper tries to explain the weaknesses and dysfunctions of the Spanish institutional model based on the decisions taken at the time of the Spanish political transition (1975-1978), whose main objective was to set up a democratic system compatible with the recognition of the right to self-government of the regions. The main thesis of the paper is that this central objective of a political nature ended up putting at risk key democratic principles such as territorial cohesion and equal access to essential public services.

The data collection is based on academic bibliography (mainly, the theory of path dependence), and sources of official data on inter-territorial conflict, systems of multilevel coordination, evolution of public personnel between tiers of government and public expenditure figures, among others.

The policy formulation process in the old Chilean Democracy

Mauricio Olavarria-Gambi (University of Santiago, Chile)

How public policies were formulated in the old Chilean democracy? Olavarría (2016) has shown that the policy formulation process (PFP) in the new Chilean democracy is technocratic and elitist, depicting what Ross, Cobb and Cobb (1976) have characterized as the “inside access model”. Was the PFP of the old Chilean democracy different than that of the new democracy? The paper analyzes the formulation of the modernization policy of public management of 1920s, the process that led the creation of the National

Health Service in the late 1940s and early 1950s. The analysis focuses on the role of the President, the cabinet, political institutions and civil society.
The old democracy refers to the period ending with the coup dètat that overthrown President Allende in September 11, 1973 and the expression new democracy refers to the period starting in March 11, 1990, when the dictatorship of General Pinochet ended and the democratically elected President Aylwin took power. During the 17-years of authoritarian regime of General Pinochet, deep institutional reforms were undertaken in Chile.
Information comes from historical sources, official documents, press clipping and academic literature.