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Review article: constraints on policy transfer

by

David Benson

CSERGE Working Paper EDM 09-13

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David Benson¹

Abstract

Policy transfer and its analogous term lesson drawing have received widespread and continuing attention in the public policy literature. To date, most theoretical and analytical approaches have centred on exploring the characteristics or mechanics of policy transfer, or promoting this concept as a normative project for improving policy-making. Surprisingly less attention has been given to systematically theorising the actual constraints on this process despite inherent and widely recorded difficulties with undertaking policy transfer in practice. This paper therefore reviews the policy transfer literature to draw out critical constraints, classifying them according to their position in the transfer process: demand-side constraints; programmatic constraints; contextual constraints; and, application constraints. One feature of the literature to date is how these constraints have primarily been related to 'hard' policy transfer, peer-to-peer between national governments. This paper therefore begins to examine how constraints for 'soft' policy transfer manifest themselves across the increasingly multi-levelled, collaborative and networked political landscape of contemporary governance; under the wire of national government control. Further development of this theoretical framework could aid the assessment of policies/lessons for potential transfer.

Key words: lesson drawing; policy transfer; constraints; hard policy; soft policy; peer-to-peer transfer.

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Introduction

'To recognize the contingency of lesson-drawing is to accept the probabilistic nature of social science.' Rose (1993: 118)

The concept of *policy transfer*, along with its analogous term *lesson drawing*, has become increasingly common currency in the public policy literature. Policy transfer has evolved over the last two decades to become a generic, catch-all term to delineate 'a process by which knowledge of policies, administrative arrangements, institutions and ideas in one political system (past or present)' is used in the development of similar features in another (Dolowitz 2000: 3). Since its emergence in the 1990s, a bewildering variety of related sub-literatures, replete with indigenous vocabularies, have proliferated under this conceptual-theoretical umbrella. Analysts working within this tradition can generally be divided into those concerned with 'different aspects of a process of policy-oriented learning' including research on 'band-wagoning... convergence... diffusion... evidence-based practice... [policy] learning... and lesson-drawing' and those directly utilising policy transfer as an analytical strategy (Evans 2006: 480).

One output of this intense activity has consequently been – to borrow a popular term from this literature – an expansive diffusion of policy transfer research itself with studies now conducted on multiple policy sectors and between numerous political contexts. As such, policy transfer has been employed to understand sectoral political decision-making with regards to *inter alia*: social policy (Dolowitz *et al.* 2000; Dolowitz 2003); crime control policy (Jones and Newburn 2002, 2006; Newburn 2002); fiscal policy (Dolowitz 2003); public welfare policy (Pierson 2003; Banks *et al.* 2005); education (Bache and Taylor 2003); development assistance (Stone 2004); spatial or urban planning (Peel and Lloyd 2005; De Jong and Edelenbos 2007; Dühr and Nadin 2007; Dolowitz and Medearis 2009); healthcare (Lush *et al.* 2003); energy (Padgett 2003); and environmental policy (Betsill and Bulkeley 2004; Smith 2004; Gerlak 2007). Transfer practices have been allegedly detected in a variety of national contexts including the UK and the USA (for example, Dolowitz and Medearis 2009). Lesson drawing and policy transfer have also been touted as normative prescriptions for resolving a variety of public policy failures (Dolowitz 2003; Rose 1993, 2005; see also de Jong 2009; Duncan 2009).

The most significant review of the policy transfer literature, conducted in 1996, addressed a number of questions, namely: 'What is policy transfer? Who transfers policy? Why is there policy transfer? What is transferred? Are there different degrees of transfer? From where are lessons drawn? What factors constrain policy transfer?' (Dolowitz and Marsh 1996: 344). To differing degrees, the policy transfer literature has since explored many of these questions in greater depth. For example, when discussing the 'who' question, Dolowitz and Marsh cite the role of 'elected officials; political parties; bureaucrats/civil servants; pressure groups; policy entrepreneurs/experts; and supra-national institutions' in transfer (*ibid.*: 345). Subsequent research has gone on to pinpoint further agents of transfer, including multi-level policy networks (Evans and Davies 1999), 'information networks' (Wolman and Page 2002: 477), 'trans-national advocacy networks' and 'epistemic communities' (Stone 2004: 546).

One question, this paper argues, not systematically analysed in the subsequent literature is that concerning constraints to transfer. Despite early contributions by Rose (1993), Dolowitz and Marsh (1996) and Stone (1999), this issue is far from fully discussed in recent debates. Seemingly for many researchers, a largely unchallenged assumption is fundamentally that policies can and do, to varying degrees, transfer between otherwise incompatible political systems. Rose (2005: 8-11) goes one stage further, arguing that policy-makers should actively engage in lesson drawing, providing a 'ten step' model for undertaking it in practice.

In response, even a cursory scan of existing lesson drawing/policy transfer research shows that this process is hardly straightforward, with multiple constraints apparent in practice (for example, Bache and Taylor 2003; Dolowitz and Medearis 2009; de Jong 2009). Authors have consequently begun to question the 'prescriptive' potential of Rose's arguments (de Jong 2009: 145). Neither does it follow that many policies or policy ideas can be transferred between political contexts, prompting criticisms of the alleged or perceived impacts of policy transfer on domestic policy making (James and Lodge 2003). Building on these earlier arguments, this paper therefore systematically catalogues a litany of 'contingencies' (Rose 1993: 118) to transfer that can potentially inhibit this process, posing challenges to policy transfer as both research strategy and normative project. After the outpouring of research it is perhaps now timely to pause and reflect on the potential constraints influencing transfer in practice.

The aim of this paper is consequently to review the policy transfer literature to tease out commonly occurring constraints as a pretext for greater consideration of these issues in future research. It therefore adds four critical inter-linked questions to discussions on policy transfer. Firstly, how, in theory, do policies transfer between jurisdictions? Secondly, what are the important commonly occurring constraints to the transferability of policies? Thirdly, what lessons can be learnt about constraints to transfer for policy-making in practice? An analytical framework is thus constructed from existing arguments for identifying potential 'contingencies'. Finally, how are these constraints becoming played out across changing governance structures? The paper consequently employs this framework to examine the constraints and opportunities for policy transfer at national levels, peer-to-peer between governments, and between different levels and networks in an increasingly fragmented landscape of governance on a global scale.

Policy transfer (in theory)

Policy transfer is hardly innovative. Politicians have engaged in 'systematically pinching ideas' (Schneider and Ingram 1988) since time immemorial (see Dolowitz and Marsh 1996; Dolowitz 2000). What is new, according to proponents, is the propensity of policy lessons to transfer extra-territorially across time and space as globalisation and enhanced communications have increased information sharing between decision-makers (Dolowitz 2000; Rose 2005). For some policy-makers and academics, transfer has also become an active project promoted in order to generate practical solutions to specific problems to governments faced with fragmenting and uncertain political environments (Dolowitz 2003; Rose 1993, 2005; Duncan 2009). In addition, national governments have become complicit or even unwitting policy transfer agents through their growing participation in international and supra-national forms of governance through politically trans-formative processes such as Europeanisation and internationalisation¹ (for example, Bulmer *et al.* 2007; Benson and Jordan 2009a). The European Union, for example, has become a 'massive transfer platform' for distributing policy ideas amongst constituent Member States (Radaelli 2000: 26). Consequently, interest in policy transfer has grown exponentially in the last decade. So how, theoretically at least, do policies transfer between jurisdictions?

Multiple mechanisms potentially exist for transferring policy between contexts but essentially they are underpinned by a common set of principles. In his seminal text on lesson drawing, Rose argues a key question addressed is '[u]nder what circumstances and to what extent can a programme that is effective in one place transfer to another' (Rose 1991: 3). A lesson is defined as 'a detailed cause-and-effect description of a set of actions that government can consider in the light of experience elsewhere' (Rose 1993: 27). In other words, a lesson provides information to governments about a policy, programme or institution in another political context, establishing a basis for learning, both positively and negatively. Policy makers thus draw lessons in response to perceived failings in existing approaches and the notion that such failings can be countered through utilising experiences from elsewhere

(*ibid.*). An ultimate aim for policy makers is to consequently 'engage in policy transfer – to use cross-national experience as a source of policy advice' (Page 2000: 2). Although these terms are often used interchangeably, one distinguishing difference is policy transfer can be both 'voluntary' and 'coercive', while lesson drawing is a 'voluntary' process (Dolowitz and Marsh 1996: 344).

Rose has attempted to model the process of lesson drawing through a 'ten step' procedure that practitioners can actively engage in (Rose 2005). In its 2005 form, the template describes a systematic, step-wise process involving specific stages needed 'to determine whether or to what extent programmes in operation abroad could and should be applied at home' (*ibid.*: 8) (Table 1). For Rose, this linear process starts with conceptualising programmes and generating or promoting a policy need for lesson-drawing amongst policymakers – steps 1 to 2 (*ibid.*: 8-9). Then proponents must actively seek out programmatic prescriptions abroad that potentially fit the problem – steps 3 to 4 (*ibid.*). Then build a 'generalized model' and modify this model to fit with specific national contexts – steps 5 to 6 (*ibid.*). Lastly, the lesson must be adopted in a form that ensures its success - steps 7 to 10 (*ibid.*).

Table 1: The 'ten steps' of lesson drawing (Rose 2005: 8)

- | |
|--|
| <p>'1 Learn the key concepts: what a programme is, and what a lesson is and is not.</p> <p>2 Catch the attention of policymakers.</p> <p>3 Scan alternatives and decide where to look for lessons.</p> <p>4 Learn by going abroad.</p> <p>5 Abstract from what you observe, a generalized model of how a foreign programme works.</p> <p>6 Turn the model into a lesson fitting with your own national context.</p> <p>7 Decide whether the lesson should be adopted.</p> <p>8 Decide whether the lesson can be applied.</p> <p>9 Simplify the means and ends of a lesson to increase its chances of success.</p> <p>10 Evaluate a lesson's outcome prospectively and, if it is adopted, as it evolves over time.'</p> |
|--|

Therefore, the actual physical process of policy transfer involves four broad components or developmental stages (Figure 1) that in essence constitute an evaluation of policy 'fit'. Policy transfer, it appears, can be divided into a demand and supply side.

On the demand side, where no obvious enthusiasm amongst policy makers exists for voluntary transfer, it will naturally be harder to promote. Rose thus talks about the role of policy-makers as 'satisficers': maintaining the status quo wherever possible (Rose 1991; see also Bache and Taylor 2003: 280). Overcoming the inertia of existing 'bounded rationality' (Simon 1981), limitations to the 'administrative mind' on how information on new policy options are evaluated (Torgerson 1999), path dependency and entrenched interests, is therefore a significant constraint to transfer - and those like Rose who promote lesson drawing as a normative strategy. Of course, where transfer is imposed exogenously,

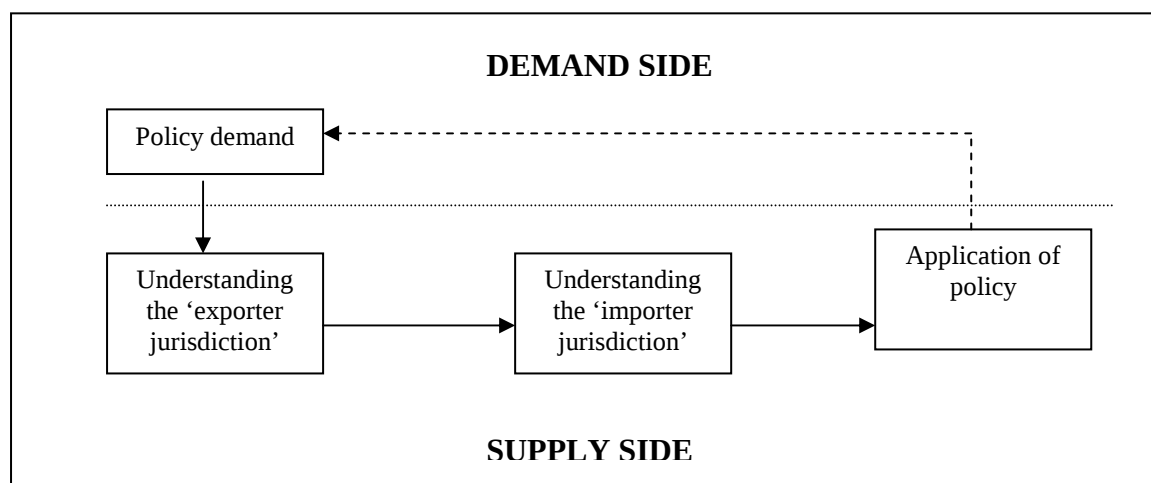
constraints in the form of more active 'resistance' may also occur (Bache and Taylor 2003: 279).

Other significant constraints are apparent on the supply side of identifying and applying policies for transfer. Most obviously, practitioners need an intimate understanding of the conditions under which policies or programmes function in other contexts, i.e. the potential 'exporter jurisdiction' (Page 2000: 2). Detailed knowledge of both the host context and the characteristics of the policy or programme are consequently essential prerequisites to transfer; what Rose would call 'learning', 'scanning alternatives' and 'building models' in lesson drawing (Rose 2005: 8).

Another evident constraint is possessing sufficient understanding of what Page (2000: 2) calls the 'importer jurisdiction'. A critical need emerges here for in-depth knowledge of not only the intended policy or programme but also the receiving environment in terms of its institutional, legal, political, social and economic profile. This process equates with translating lessons into a domestic political context (Rose 2005).

Finally, a major constraint is whether such policies and programmes can then actually be applied to the receiving context and the degree of mutual adjustment required, both to the programme and the host environment. Again Rose (2005: 8) talks of the need to 'decide whether the lesson can be applied' in practice. A critical issue in policy transfer is consequently what might be termed the institutional fit between the policy or programme intended for transposition and the host context. In addition, it must meet the demands for the policy originally identified. Where the lesson being drawn exhibits little fit with the receiving context and/or requires significant modification, transfer could potentially prove infeasible, problematic or limit the degree to which the policy can be successfully transferred.

Figure 1. Four components of policy transfer (after Page 2000: 2; Rose 1993, 2005).



In understanding how lessons transfer, Rose (1993: 30) also establishes a typology of lesson-drawing processes, namely: copying; adaptation; hybridization; synthesis; and, inspiration. For Rose, 'copying' merely involves 'enacting more or less intact a program already in effect in another jurisdiction' (*ibid.*). In *adaptation* adjustments need to be made to the policy or programme to overcome contextual differences. Elements of programmes from two different places can also be combined to produce a *hybrid* approach. *Synthesis*, in contrast, involves drawing lessons on elements of different programmes and combining them to produce a new programme. Finally, lesson drawing can provide *inspiration* for

programmes in one context by providing ideas for solving particular problems in alternative contexts. Other forms of transfer are also evident in the literature, including *influence* (Padgett 2003: 228).

Constraints to transferability

What then, in theory, structures or constrains policy transfer? Clearly it is not possible to transfer between all contexts prompting the need to classify and predict potential constraints. Accordingly, Rose (1993: 118) argues the 'critical task in lesson-drawing is to identify the contingencies' affecting transfer between contexts. But what exactly are these 'contingencies'? Multiple arguments are made in the literatures on lesson drawing and policy transfer on the potential constraints to this process, some provided by Rose himself. On examination, these constraints are apparent at each stage in the transfer process (see above), allowing us to develop a detailed framework for analysing or predicting transferability (or 'fungibility', Rose 1993: 118).

Demand side constraints

The process of policy transfer starts, not unnaturally, with a demand for change. Rose and others are essentially optimistic that proponents of lesson drawing can overcome any potential demand side constraints through actively promoting these practices to policy makers (Rose 2005). The notion seems to be that where 'dissatisfaction arises' proponents should be ready to '[c]atch the attention of policymakers' (*ibid.*: 8-9). Of course, with policy transfer demand can also be imposed involuntarily.

In this sense, timing plays a critical role in constraining or facilitating demand (Stone 2004). Windows of opportunity in the 'issue attention cycle' (Downs 1972) shape how the need for transfer is perceived. Consequently, Stone (1999: 54) cites the importance of 'economic recession or crisis... or defeat in war.. [r]egime transformation... [and] uncertainty'. Threats from the HIV pandemic, for example, facilitated global policy transfer of health treatments in developing countries by the WHO (Lush *et al.* 2003). The inference made is that transfer will be demanded more in instances of policy failure, upheaval and where knowledge of effects is limited, thereby shifting political values and stimulating interest in workable solutions elsewhere.

But even where windows of opportunity emerge, domestic political cultures can inhibit or facilitate demand for voluntary learning from abroad. In the USA, multiple 'institutional and cultural filters... predispose... policy makers against gathering (and using) information and experiences from abroad' (Dolowitz and Medearis 2009: 1). As such, some agents are seemingly more receptive to the notion of transfer than others (Stone 1999). In the UK policy transfer became an active central government project, encouraged by the Cabinet Office, also prompting the ESRC sponsored *Future Governance* academic research programme in the late 1990s (Dolowitz 2003; Page 2000). Here, a critical role emerged for high-level political support for 'outward-looking' policy-making that drew on comparative learning from abroad (Dolowitz 2003: 101). But even here, lesson drawing was 'psychologically proximate' (Rose 1993). Much research was based on examining a narrow sample of supposedly similar developed countries for potential lessons.

Even where 'demand' is exogenously imposed it cannot necessarily be sustained. Transfer can be resisted by policy-makers where interests are threatened, with such resistance active or passive. Attempts by external British donors to impose education reforms on post-conflict Kosovo met with subterfuge and even overt 'policy resistance' due to embedded institutional interests (Bache and Taylor 2003). In this case, the role of the receiving context was often

less a 'subordinate recipient' than a proactive usurper of transfer (*ibid.*: 280), demonstrating demand cannot always be artificially created.

Programmatic constraints

In the 'exporter jurisdiction' (Page 2000: 2) constraints are identified in terms of the actual policy or programme being examined, i.e. programmatic constraints. First, the inherent 'uniqueness' of a policy or programme is seen as critical since one that will only readily function in its original environment cannot be transferred (Rose 1993: 118). Second, for Dolowitz, not only is the policy or programme a potential constraint but also its 'wider social and policy context' that contributes to its effective functioning (Dolowitz 2003: 106). Third, for Dolowitz and Marsh (1996: 353) it is also the 'complexity of a programme [that] affects its transferability; the more complex a policy or programme is the harder it will be to transfer'. Complexity is difficult to define precisely but Rose (1993: 133) forwards six characteristics held indicative of a 'complex' programme: multiple goals; a vague empirical focus; multiple 'causes' for a desired outcome; high perception of side effects or externalities; unfamiliarity; unpredictability.

The inherent uniqueness (Rose 1993) of a programme is an obvious constraining factor. As a pretext to their research, Abram and Cowell (2003) suggest '[c]ross-national transfer is hazardous... given the different legal, political and cultural traditions which make policies 'work' in particular local settings'. The contingent nature of policy heterogeneity is also recognized by Wolman and Page (2002) in reference to inherent uniqueness in local authority decision-making. Indeed, every policy to an extent is 'unique' and dependent on its particular setting for its functioning; in particular social-political settings.

Social and political constraints are visible in several studies. One lesson from the failed transfer of the Child Support Agency (CSA) to the UK from the USA and Australia was a 'general misunderstanding of how necessary the surrounding institutional and cultural settings were for its acceptance' (Dolowitz 2003: 106). A critical factor was supposedly a failure by British officials to understand how federal institutions structured child welfare practice in the USA, in particular 'how services are divided [constitutionally] between the states and the federal government, and how the states have developed corresponding systems of support' (*ibid.*). Subsequent research demonstrates how federal institutions can prove a significant barrier to transfer in environmental management (Benson and Jordan 2009b).

Programmatic complexity in the exporter state also has proved constraining. Inherent complexity, for example, precluded successful transfer in the CSA case precisely because the system was not homogenous. In fact, the policy was complicated by the existence of different schemes in different states, with multiple goals and outcomes – a factor largely unanalysed prior to the attempted importation of CSA into the UK (Dolowitz 2003).

Contextual constraints

Constraints could also be significant in the 'importer' jurisdictions (Page 2000: 2), i.e. contextual constraints. Path dependency and policy layering could be important issues, with Dolowitz and Marsh (1996: 353) arguing '[p]ast policies constrain agents as to both what can be transferred and what agents look for when engaging in policy transfer'. A similar point made by Rose (1993: 78) is:

'[p]olicymakers are inheritors before they are choosers... new programs cannot be constructed on green field sites... [i]nstead, they must be introduced into a policy environment dense with past commitments.'

Yet such constraints are downplayed in his 2005 arguments. Hence, de Jong (2009: 147) critiques Rose's '10-step plan', questioning 'his apparent dislike of historical background' and selective 'unwillingness' to accept its relevance to transfer.

Similarly, another related issue is the relative density of institutional and political structures in which actors undertake lesson drawing (Wolman 1992; Dolowitz and Marsh 1996). By their very nature dense institutional environments exert powerful constraints to would-be inward transference. On examining broadcast reforms in France, Germany and Britain, Levy (1997: 24) finds little policy convergence between these countries as 'strong, national institutional structures' reduced the scope for transfer.

Political context is therefore critical, although the landscape of public policy making is itself shaped by competing actors each trying to reflexively exert their values within these structures. With this point in mind Robertson (1991: 54) notes how '[p]olitical factors strongly affect the way... lessons are drawn and transformed into public policy'. The 'politicization' hypothesis (*ibid.*) has acted as a constraint on transfer in several cases. Levy (1997: 24) cites the role of 'intense politicisation' in preventing regulatory transfer in the broadcasting sector. Meanwhile, Bache and Taylor (2003) describe a process of 'policy resistance' from domestic actors to the coercive external transfer of education policy. One lesson here is that politically uncontroversial or inert issues are more amenable to transfer practices, both voluntary and coercive.

Resources is another key issue, with Rose (1993: 119) arguing that a programme's 'claims on the resources of law, public administrators, and money should be within the scope of the agency considering it'. Policy transfer is thus held 'dependent upon the transferring political system possessing the political, bureaucratic and economic resources to implement the policy' (Dolowitz and Marsh 1996: 354). Both Rose (1993) and Dolowitz and Marsh (1996) also cite technical capacity as a critical resource.

Another constraint related to structures is the role of underlying political ideology (Dolowitz and Marsh 1996: 353), political values (Rose 1993), or 'culture', both politically and institutionally (de Jong 2009: 147). Ideological consistencies between countries can be significant since programmes transfer more easily between like-minded political systems and actors (Dolowitz and Marsh 1996: 354). Again, critiquing Rose's model, de Jong (2009: 147) questions its refutation of 'cultural specificities' suggesting that such features may exert a significant influence on transfer. Here, both *de jure*, formalised structures such as legal systems can provide powerful constraints, but also 'cultural features also known as 'informal institutions', are vital to the way in which new lessons can be embedded into existing regulatory frameworks' (*ibid.*: 147). Although de Jong goes on to concede instances where transfer can prosper even where cultural differences are outwardly constraining, political culture is clearly significant. In addition, the attempted transfer of uniform or one-size-fits-all 'best practice' solutions that lack context sensitivity, in particular existing political cultures, can be problematic. As result, Peel and Lloyd (2005) question whether 'model' land use planning policies are appropriate in a Scottish system based on, as in the rest of the UK, local authority autonomy and limited centralised control.

Application constraints

Thirdly, in terms of application, several key concerns are apparent. A major constraint would ensue from a requirement to change institutions or structures to accommodate transfer. As institutions are notoriously 'sticky' (Rose 1993; see also Young 2002), restructuring may be infeasible. The extent to which a programme is 'fungible depends on the extent to which... [its] delivery... requires a specific institutional form or, contrarily, whether there is substitutability between institutions' (Rose 1993: 123). In several studies, policy transfer has been constrained in different contexts due to the high transaction costs of institutional

adjustment in practice. For example, although norms of collaborative governance in water management were successfully promoted to developing countries by the Global Environment Facility building actual institutional capacity was harder to effect (Gerlak 2007). Where institutional capacity is limited or fundamentally at odds with the policy, application can be sub-optimal. A characteristic of HIV treatment policies transferred by the WHO was that some countries were unable to apply them because they were perceived as 'authoritative' or the capacity to collect epidemiological data to implement them was lacking (Lush *et al.* 2003: 27).

The 'scale of change' required to accommodate a programme is also a significant constraint since small-scale incremental change is easier to achieve than wholesale restructuring (Rose 1993: 135). Analysis of the transaction costs associated with integrating 'model' planning policies across Scotland, for example, not only raised questions over incompatibility with existing practice but demonstrated the scale of change required to effect transfer (Peel and Lloyd 2005).

Similarly, programmes themselves could need modifying and adapting for contextual constraints, which may significantly alter their original objectives and the scope for producing successful outcomes. One alleged reason for the failure of the Child Support Agency, imported into the UK from the USA, was that in the US form the scheme was designed to support lone parents (Dolowitz 2003). By the time it was applied in the UK context, the scheme had been politically altered to 'punish absent parents and find new mechanisms for reducing the part of the public sector borrowing requirement... dedicated to social services' (*ibid.*: 103). Thus, in the final analysis 'the institution that emerged from the transfer process altered the purpose away from the model used to create it' (*ibid.*).

An analytical framework

These arguments allow the construction of an analytical framework for examining the transferability of programmes such as catchment management between contexts. Each constraint can be posed as series of questions linked to specific indicators for guiding research and analysis (Table 2). In expectation, we could propose that where constraints are high, the scope for drawing lessons or transfer will be impaired or its chances of success considerably diminished. Where constraints are low lesson drawing or policy transfer will be more successful.

We could also hypothesise that these constraints will shape the form of lesson drawing and policy transfer that can be undertaken. Where constraints are high, exact 'copying' or 'adaptation' will be prevented. Here, only 'synthesis', 'emulation' or even mere 'influence' may be feasible, if at all.

Table 2: Factors constraining transferability (adapted from: Rose 1993, 2005; Dolowitz and Marsh 1996; Bache and Taylor 2003; Dolowitz and Medearis 2009)

Factors constraining transferability	Key questions	Indicators
Demand side constraints		
Policy demand	<i>Is there a demand for the policy or programme? Is there potential resistance to transfer?</i>	High demand, low demand. High resistance, low resistance
Programmatic constraints		
Programmatic uniqueness	<i>How unique is the programme?</i>	Unique programme, generic programme.
Programmatic complexity	<i>How complex is the programme?</i>	High complexity, low complexity
Contextual constraints		
Path dependency	<i>Are past policies restrictive or enabling?</i>	High path dependency, low path dependency.
Existing structures	<i>Are existing structures restrictive or enabling?</i>	High structural density, low structural density.
Political context	<i>Is politicisation apparent?</i>	High politicisation, low politicisation.
Resources	<i>Does the receiving context possess adequate resources for transfer?</i>	Resources adequate, resources inadequate.
Ideological consensus	<i>Is there ideological consistency or divergence?</i>	Ideological consistency, ideological divergence.
Application constraints		
Institutional substitutability	<i>Would new institutional structures be needed?</i>	Institutional structures are enabling, institutional structures are disabling.
Scales of change	<i>Is the anticipated scale of change large or small?</i>	Large scale change, small scale change.
Programmatic modification	<i>Are programmatic adjustments needed?</i>	High programmatic adjustment, low programmatic adjustment.

Under the wire: 'soft transfer' in a multi-level world

From this analysis and the obvious diversity of constraints identified in the literature, the scope for peer-to-peer lesson drawing and policy transfer between governments would, *contra* the claims of Rose (2005) and others, actually appear quite restricted, underlining the criticisms of James and Lodge (2003). Clearly forms of transfer *can* and do occur at national levels although the opportunities for full blown 'copying' or 'adaptation' (Rose 1993: 30) is seemingly limited, with few obvious nailed-on examples apparent in the literature. Even where transfer has been shown to occur it has invariably taken the form of what might best be termed 'inspiration' (Rose 1993: 30).

But critically transfer can also occur between other levels, reflecting the increasingly multi-level nature of modern governance. Many of the constraints outlined above – I argue - are associated with 'hard' policy transfer at state or central government level, reflecting what Stone calls an inherent 'methodological nationalism'; that is, a focus on dynamics within the

nation-state and comparison of such sovereign units' (Stone 2004: 549). We might even suggest they are redolent of *government* rather than the process of *governance*, which according to some more realistically demarcates the changing role of modern policy-makers (Rhodes 1996; Pierre and Peters 2000). Governance of public policy spheres in this sense are becoming more multi-level (Hooghe and Marks 2003), collaborative (Agranoff 2007; McGuire 2006) and networked (Schout and Jordan 2005), with the potential for lesson drawing and policy transfer to occur in other ways. Stone thus argues 'policy transfer is just as likely to be achieved by mechanisms embedded in markets and networks as in the hierarchies of the state' (Stone 2004: 549). Here, however the emphasis is still on peer-to-peer transfer between governments, facilitated by non-state actors as 'transfer agents' (*ibid.*). Examples from the literature show how the nature of transfer itself is metamorphosing in response to reconfigurations of governance.

Multi-level transfer

As the political landscape of modern governance becomes more fragmented, the scope for strategic trans-national learning between actors operating at scales or levels below the national-central government nexus, often outside its direct control, would appear to be growing. Drawing on arguments from International Relations theory, Stone (2004: 546) argues more attention be paid to 'soft' forms of transfer – such as the spread of norms and knowledge – as a necessary complement to the hard transfer of policy tools, structures and practices'. This form of transfer is perhaps not as encumbered by dense political, legal and institutional structures found at central government level.

In fact, Evans and Davies (1999) argue transfer is increasingly a multi-level governance phenomenon, with horizontal linkages established between international, national, regional and local levels. The authors talk of the requirement for policy transfer analysis 'to be adapted into a multi-level, multi-disciplinary perspective' (*ibid.*: 366). For this form, five 'levels of political spatiality' are forwarded, namely: 'transnational, international, national, regional and local' (*ibid.*: 368). Transfer is argued to occur between multiple actors across 'pathways' between these levels, vastly expanding the potential mechanisms for policy ideas to exchange (*ibid.*). The arguments are extended to include trans-national policy transfer between similar organizations via actors arranged in networks. Moreover, these 'policy transfer networks' can span different levels of governance and include transfer agents such as epistemic communities (*ibid.*: 376). Such networks are known to facilitate policy learning in relation to environmental issues such as climate change (for example, Betsill and Bulkeley 2004).

Transfer at the problem scale

Another scalar dimension could also be added to the work of Evans and Davies. Transfer is occurring at the 'problem scale', at the level of networked governance forms. As governance in multi-level systems change, there has been a marked growth in so-called 'functionally overlapping competing jurisdictions' (Frey and Eichenberger 2004) or Type II governance forms (Hooghe and Marks 2003), whose existence is predicated on task-specific functionality. Such forms cross-cut traditional institutional levels, and also, critically, national borders as established jurisdictional boundaries dissolve, particularly in the EU (Hooghe and Marks 2003). Here, policy is increasingly formulated in networked forms of collaborative public management, featuring state and non-state actors working together to resolve complex 'wicked problems' (McGuire 2006: 34). As such, Wolman and Page (2002) cite the importance, and evident constraints, of institutional learning and transfer between networks – albeit within a national context. Meanwhile, Agranoff (2007: 125-129) cites the role of networks as 'knowledge managers' that assimilate, codify and share knowledge with other like-minded entities in solving 'increasingly vexing and ambiguous problems'.

This sharing of knowledge network-to-network is occurring across borders. Studies are now charting the 'soft' transfer of policy knowledge between networks and lower level actors between national contexts, particularly under the process of Europeanization (de Jong and Engebos 2007). Networks as trans-national 'transfer agents' have been detected in several studies (for example, Dühr and Nadin 2007). In another example, Betsill and Bulkeley (2004) investigate trans-national policy learning between cities under the global *Cities for Climate Protection* Programme. In the EU, such cross-border lesson drawing is proactively encouraged through several sub-national mechanisms such as the INTERREG programme, the Committee of the Regions, The European Grouping for Territorial Cooperation and the Sustainable Cities Project. On a global scale, a myriad of similar information sharing exchanges are also growing, under the wire of government control, for example the Sustainable Cities network which links urban policy-makers in several continents.

The capacity of sub-national networks to facilitate transfer seems in this sense (outwardly at least) to be growing. According to Dühr and Nadin (2007: 373) an 'exponential growth' of cross-border cooperation on spatial development under the INTERREG programme is indicative of a wider process of 'Europeanization' in land use planning. The authors note the potential of trans-national cooperation for 'soft' forms of policy learning, as 'programmes have tended to address intangible outcomes or learning in the form of exchanges of experience and transfer of know-how on working practices' (*ibid.*: 375). In a multi-level, collaborative and increasingly networked world, a pertinent question is then whether similar (demand, programmatic, contextual and application constraints) exist in trans-national policy transfer across and between these levels?

Constraints to network transfer?

Certainly with regards demand side constraints, lower level actors would appear open to information sharing, lesson drawing and policy transfer with like-minded bodies in other jurisdictions. One reason may be the rise of more collaborative, networked forms of governance, with Groff and Jones (2003: 20) arguing knowledge sharing across these forms is attractive since '[u]nlike conventional assets, knowledge grows when it is shared'. And in often resource-constrained organisations, complex problems become 'solved by cooperation and learning behaviour that can be supported by [knowledge management]' (Agranoff 2007: 129). Another reason may well be that lesson drawing or learning from other networks or similar lower institutional levels is perhaps less encumbered by the friction of higher-level structural constraints that inhibit such practices in 'hard' policy transfer between governments. More saliently, within this context, differences in approaches can be a positive source of learning and change.

Constraints however could be resident in the programmatic, contextual and application phases. Wolman and Page (2002), for example, question the capacity of local development partnerships to utilise disseminated 'best practice' for learning from other similar organizations. The inference being that while decision-makers are open to receiving information 'in order to generate new ideas and avoid "reinventing the wheel" ' it rarely played a major part in their decisions (*ibid.*: 497). One constraint identified was the lack of capacity for assessing information and the tendency of officials to revert to trusted personal contacts for information sharing (*ibid.*). It is likely, therefore, that subtly different constraints are manifest at these levels, and relate more to the 'bottom up' ability of actors to reflexively determine transfer activities within the 'top down' framework of higher-level constraints.

Networks as 'transfer agents' and 'consumers'

In summary, the rise of trans-national networks as instruments of policy learning and change therefore challenges our notions of policy transfer. Networks themselves may well have the capacity to reduce the friction of constraints to trans-national transfer through operating

below the wire of national government structures, where horizontal, cross-national linkages are more prevalent and facilitative. But unlike peer-to-peer transfer between policy-makers at national levels, the object of transfer in networks is overtly 'soft', operating at the ideational and informational levels of cognition. Networks are often information rich and actively seek out and consume new sources from other like-minded entities, both home and abroad. Task specific networks are then arguably better able to seek out relevant policy solutions from other contexts, analyse its suitability for transfer and apply lessons learnt. Networks could then reduce programmatic, contextual and application constraints - but further research is needed.

Conclusions

This review sought to provide answers to four questions related to the ongoing 'diffusion' of policy transfer research. Firstly, it has shown how analysts have forwarded multiple arguments on the transfer of policies between jurisdictions. But the constraints or 'contingencies' to transfer remain, it is argued, under-elaborated and hence theorised. Secondly, a critical reflection on research to date shows multiple constraints that raise questions over lesson drawing and policy transfer as analytical strategies and normative prescription. Thirdly, these constraints are apparent across critical junctures in the policy transfer process, providing 'lessons' for those engaged in such research. These were categorised into demand-side, programmatic, contextual and application constraints. An analytical framework was thus developed from existing arguments for identifying potential constraints that could productively frame further research. Finally, another hypothesis developed was that constraints to successful 'hard' transfer are manifest at the national or central level of policy-making, limiting the opportunities for lesson drawing and policy transfer. However, paradigmatic shifts in public policy-making towards greater multi-level collaboration and network governance are opening up trans-national spaces of opportunity for the 'soft' transfer of policy ideas and information, effectively under the wire of central state control. Constraints at these levels seem at once reduced, yet transformed. Here, they more reflect the flexibility of policy actors to import ideas and adapt them to fit existing top-down structures.

Intriguing questions then emerge for future research revolving around how these constraints are being played out across the increasingly multi-levelled, collaborative and networked political landscape of modern governance. On the basis of the above analysis, we might productively ask how the analytical framework developed might guide investigations into future policy transfer both academically and as a normative political project. In addition, how is transfer occurring at the sub-national network level and are soft forms of transfer subject to the same constraints identified? Are manifestly different policy transfer patterns appearing at the network or problem scale? These types of questions could form the basis of innovative and policy relevant research as the nature of governance itself continues to change globally.

Notes

1. Europeanisation is defined as the impact on domestic policy-making and governance of European Union policies (for a discussion, see Bulmer and Radaelli 2005). Internationalization in this context relates to the process by which the EU enters into international agreements on behalf of Member States, and is also reflexively drawn into international action through their participation in such regimes (Benson and Jordan 2009a).

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