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in this short chapter is for a more concerted effort to examine choices of this type and to compare and contrast the policy processes involved in making such choices at the local, national, and international levels.

In thinking about the implications of these distinctions, it may help to visualize the major points outlined in the preceding paragraphs. Table 41.1 highlights the distinction between the mainstream of policy analyses and the supplemental stream I am advocating. To be specific, the center of gravity of mainstream analyses of public policy processes falls into the cells marked "A" in the table. The supplemental stream I am advocating, by contrast, focuses on the cells marked "B." Note that there is no conflict between the two streams, except perhaps with regard to the allocation of scarce resources available to support research. On the contrary, the addition of the second stream provides a new lens for the examination of public policy processes that can sharpen our understanding of these processes at all levels.

3. Comparing Policy Processes

Turn now to a comparison of policy processes involving efforts to create institutional arrangements across three levels of social organization: small-scale, largely traditional societies, national societies, and international society. It is apparent at once that small-scale, traditional societies and international society share a fundamental feature that sets them apart from national societies. They are stateless societies in the sense that they do not have well-developed governments possessing the authority to make public choices regarding a range of important matters and the capacity to make them stick (Young 2005). Yet the need to create governance systems or regimes capable of addressing the demand for governance is just as pressing in these settings as it is in national societies. A systematic investigation is needed to understand the implications of this difference—together with a number of lesser differences—for efforts to establish and implement regimes in a variety of issue domains. In addressing this topic here, I draw relatively sharp distinctions among the three levels of social organization. No doubt, some actual societies constitute borderline cases or exhibit

Table 41.1. Policy domains

Type of decision	Level of decision making		
	Small scale, traditional	National	International
One-off choices		A	
Generic decisions		A	
Regimes	B	B	B

complexities that make them hard to place into one or another of the categories I employ. Even so, an analysis of public policy processes in three distinct social settings can generate insights that help to illuminate fundamental features of the processes involved in making public choices about the provisions of institutional arrangements or regimes. I discuss the most significant of these insights in this section and summarize them in Table 41.2.

3.1 Policy Products

The provisions of institutional arrangements take distinct forms depending upon the level of social organization at which they operate. We are all familiar with the legislative acts or statutes (e.g. the US Fishery Conservation and Management Act of 1976 or the Outer Continental Shelf Lands Act of 1978) that set forth the principal elements of regimes and provide the administrative arrangements needed to operate them at the national level. Many small-scale traditional societies by contrast, make no use of legislative acts or statutes; their institutional arrangements develop spontaneously and evolve into informal but often well-understood and generally effective social conventions. For their part, international regimes generally find expression in conventions or treaties (e.g. the 1946 International Convention on the Regulation of Whaling, the 1992 UN Convention on Biological Diversity). In some respects, these products differ sharply. Whereas legislation becomes the law of the land upon enactment, for instance, international conventions do not enter into force until they are ratified by some specified number of signatories. The UN Convention on the Law of the Sea, for example, was opened for signature in 1982 but did not enter into force until 1994; the United States has still to ratify the convention.

Table 41.2. Comparing policy processes

Policy processes	Social settings		
	Small-scale societies	National society	International society
Policy products	Social conventions	Legislation/statutes	Conventions/treaties
Agenda formation	Individual leaders	Interest groups	Civil society/non-state actors
Relevant knowledge	Traditional knowledge	Mainstream science	Global science
Decision process	Consensus building	Legislative bargaining	International negotiation
Implementation	Stakeholders themselves	Government agencies	Two-step processes
Sources of compliance	Social pressure	Sanctions	Management
Interpretation	Ad hoc tribunals	Courts/litigation	Self-help procedures

Even so, it would be a mistake to exaggerate these differences. Rules in use at the national level and in international society often differ substantially from the letter of the law (Ostrom 1990); social conventions may become quite clear-cut with the passage of time and the growth of precedents. Although their building blocks are quite distinct, institutional arrangements become successful at all three levels of social organization when they give rise to rules of the game or social practices that subjects follow routinely or out of habit.

3.2 Agenda Formation

Recent studies of policy processes have documented the importance of the pathways through which issues are framed, find their way onto policy agendas, and achieve sufficient salience to attract the attention of influential players (Kingdon 1995). In small-scale societies, individuals are apt to champion specific issues and to play essential roles in propelling these issues toward the top of the policy agenda. Surprisingly perhaps, interest groups and various non-state actors loom large in processes of agenda formation at the national and international levels. Naturally, chief executives at the national level and powerful states at the international level can exert considerable influence over processes of agenda formation. Nevertheless, it is uncommon for an issue to move toward the top of the policy agenda in these settings in the absence of one or more groups that provide the intellectual capital needed to cast the relevant issues in an appealing manner and invest the time, energy, and political capital needed to ensure that the issue does not get displaced or over-shadowed by issues of interest to other groups. At all three levels in other words, leadership is essential to framing and promoting issues arising in policy processes. But the forms that leadership takes can be expected to differ substantially from one level of social organization to another.

3.3 Relevant Knowledge

Those who focus on policy processes at the national level have become accustomed to focusing on the science/policy interface. But what types of knowledge are most relevant to policy making at other levels of social organization (Jasanoff and Martello 2004)? For the most part, small-scale traditional societies do not rely on scientific knowledge in the sense of mainstream Western science; they base their decisions on traditional ecological knowledge (Berkes 1999) and analogous modes of thinking applicable to other issue areas (Usher 1987; Riordan 1990).

Proponents of science often maintain that the scientific method is international or global in character so that science should play the same role at the international level as it does at the national level. In many cases, however, this is not the case. Not only do non-state actors in international society have their own stables of scientists ready

to provide testimony of the desired sort, but also there is no international or global academy of sciences or similar body to evaluate and aggregate the views of the science community regarding matters of policy arising at the international level. The resultant problem has given rise to the creation of blue ribbon panels (e.g. the Intergovernmental Panel on Climate Change, the Millennium Ecosystem Assessment) designed to provide scientific assessments that seek to distill and codify current judgements of the global scientific community (Andresen et al. 2000). But as these examples suggest, the task of developing a consensus regarding the state of knowledge pertaining to global concerns such as climate change or the loss of biological diversity is not an easy one. As a result, policy processes taking place at the international level are particularly susceptible to dissension regarding the knowledge claims that proponents of different plans of action bring to such processes.

3.4 Decision Processes

Actual decisions about the creation of institutional arrangements or regimes emerge from different processes at the three levels of social organization. Most familiar perhaps is the process of legislative bargaining that yields outcomes regarding the (re)formation of regimes at the national level. Because it is clear who the players are in legislative bargaining and it is assumed that subjects are likely to comply with the outcomes, analyses of this process typically center on matters like the development of minimum winning coalitions and the opportunities for logrolling or vote trading across two or more distinct issues (Riker 1962).

The decision process in stateless societies differs fundamentally from the process of legislative bargaining. In small-scale traditional societies, every effort is made to craft institutional arrangements capable of producing consensus among the stakeholders themselves (in contrast to their elected representatives). In international society, the weakness of compliance mechanisms generally leads to a process of institutional bargaining in which the goal is to put together maximum winning coalitions in contrast to minimum winning coalitions (Young 1994). Although the formal players in these processes are normally states in contrast to the stakeholders themselves, it is worth emphasizing that the result is a process in which those engaged in bargaining make a concerted effort to arrive at consensual results in much the same way that stakeholders do in devising the terms of institutional arrangements at the level of small-scale societies.

3.5 Implementation

How are the provisions of the regimes emanating from these processes implemented? Again, we are most familiar with the national-level process in which legislative provisions assign a public agency (e.g. the US Forest Service, the National Park

Service, the National Marine Fisheries Service) to take the lead in the implementation process, the lead agency prepares and promulgates regulations, and agency personnel serve as what are sometimes called "street-level bureaucrats" in administering the provisions of regimes on the ground

Here again, the processes occurring in small-scale societies and international society are quite distinct. In small-scale traditional settings, stakeholders participating in the process of developing the rules of the game often play key roles in implementing the provisions of regimes as well. Whether the regime focuses on the appropriation of water for agricultural use or the allocation of fishing sites and trap lines, the stakeholders themselves monitor implementation and are the first to spot deviations from the terms of consensus-based rights and rules. Due to the under-development of administrative arrangements at the international level, by contrast, efforts are commonly made to incorporate the provisions of conventions or treaties into the legal and administrative systems of member states. What ensues is a two-step process in which member states ratify conventions or treaties, (typically) pass implementing legislation, and assign the task of administering implementation to specific agencies. On a day-to-day basis, therefore, the implementation of international regimes is apt to resemble the implementation of national-level regimes. Yet, as I discuss below, this similarity can prove illusory when it comes to the resolution of disagreements regarding compliance or the production of authoritative interpretations concerning the meaning of specific provisions embedded in regimes.

3.6 Sources of Compliance

At the end of the day, institutional arrangements work at every level of social organization when they evolve into social practices whose participants adhere to the rights and rules embedded in them as a matter of habit or in other words, without making calculations regarding the benefits and costs of compliance on a case-by-case basis (Hart 1961). Beyond this, however, the procedures employed to discourage potential violators differ substantially from one level of social organization to another. In small-scale traditional societies, the essential mechanism involves the application of social pressure. In extreme cases, traditional communities can resort to ostracism, an outcome that is generally costly to the violator and that can amount to a death sentence under some conditions. Lacking the capacity to impose serious sanctions, international society tends toward the use of what have come to be known as management mechanisms in contrast to enforcement mechanisms (Chayes and Chayes 1995). In essence, this means building capacity for compliance in cases where members of regimes are willing to comply once enabled to do so and nurturing the growth of what is often called the logic of appropriateness in contrast to the logic of consequences as a determinant of the behavior of the members of the relevant regimes (March and Olsen 1998).

Once again, there is a clear distinction between these processes and the parallel processes occurring at the national level in which government agencies have the capacity to monitor the behavior of subjects, and public authorities (e.g. the US Department of Justice) can initiate legal action against violators and ultimately impose serious penalties on them. Yet it would be a mistake to exaggerate these differences, especially in terms of day-to-day practices in contrast to the procedures envisioned in constitutive documents. Not only are social pressures and management approaches often quite effective, but also those who violate the provisions of national-level arrangements may get away with their infractions without being caught and often receive no more than symbolic punishments even when they are caught.

3.7 Interpretation

One of the more striking differences in the policy processes occurring at the three levels involves the mechanisms available for producing authoritative interpretations when disagreements arise regarding the application of the provisions of institutional arrangements to specific situations. Even the promulgation of detailed regulations cannot prevent the emergence of more or less sharp disagreements concerning the application of regulations to concrete cases. At the national level, this is where the courts enter the picture. In most (but not all) systems, stakeholders can sue the government asserting that the responsible agency has failed to implement the terms of a regime in accordance with the intent of the legislature. Conversely, the government can sue individuals—including corporations treated as legal persons—alleging that the defendants are failing to comply with the relevant rights and rules. Societies in which such procedures work well have a great advantage wherever there is a need to implement the provisions of institutional arrangements in a wide range of circumstances.

By contrast, small-scale societies rely for the most part on ad hoc tribunals, and international society either turns to the domestic systems of individual members for authoritative interpretations or accepts (or tolerates) self-help procedures in the sense of interpretations arrived at by individual member states, often on their own behalf. It would be a mistake to overemphasize these differences. Some national societies do not have a fully independent judiciary. Ad hoc tribunals can produce satisfactory outcomes without incurring the cost to society of creating a permanent judiciary, and international society is engaging in important experiments with tribunals designed to deal with the need to arrive at authoritative interpretations in specific issue areas (e.g. the International Tribunal on the Law of the Sea). Still, differences regarding the production of authoritative interpretations constitute one of the sharper contrasts between policy processes occurring at the national level and their counterparts occurring in small-scale, traditional societies and in international society.

4. Exploring the Implications

What are the implications of the differences in public policy processes discussed in the preceding section? Do analytic differences typically wash out in concrete settings or are the effects of these differences amplified as we shift our attention from regimes on paper to regimes in practice? Those who take the view that institutions matter can be counted on to argue that the contrasts described in the preceding section will have a marked impact on the products emerging from public policy processes (Weaver and Rockman 1993). Analysts who claim that other driving forces, such as population, consumption patterns, or technology explain most of the variance in human affairs will take the view that the differences I have described are not likely to explain a significant portion of the variance in the character—much less the impacts—of public choices. I cannot address this issue systematically in these reflections. But I do want to identify and comment on two important aspects of this topic; I describe them as the problem of scale and the problem of interplay (Young et al. 1999).

4.1 The Problem of Scale

With regard to public policy processes, the problem of scale is a matter of the extent to which propositions developed in the course of analyses conducted at one level of social organization hold at other levels as well. Are generalizations derived from research on policy processes at the national level, for instance, applicable to parallel processes occurring in small-scale traditional societies or in international society? Can we apply generalizations about policy processes occurring in international society to analogous processes in small-scale societies and vice versa (Ostrom et al. 1999; Young 2002)? The preceding discussion suggests that it is important to avoid both excessive optimism and undue pessimism in this regard. There are obvious differences among the three levels that lead to skepticism about the prospects for scaling up and scaling down in this field of study. The actors involved in policy processes at the three levels—individual stakeholders, elected representatives, appointed representatives of governments—are sufficiently different to raise questions about the applicability of models based on the same behavioral assumptions at the three levels. Similarly, both the decision rules employed and the types of knowledge brought to bear on specific issues differ, often dramatically, across the level of social organization. Yet it would be inappropriate to dismiss the prospects for scaling up and down for these reasons. The policy processes occurring at all three levels address the same basic functional need: how to arrive at public or collective choices in settings involving interactions among a number of actors whose interests overlap but are by no means identical.

One attractive response to this concern features the selection of a particularly important element of policy processes for more thorough investigation. Take the case

of the decision process, for instance, where the differences I have noted among consensus building, legislative bargaining, and international negotiation appear to be profound, at least at first glance. Building winning coalitions through vote trading or logrolling across distinct issues certainly seems to differ fundamentally from bargaining over the terms of a single convention or treaty. And both of these processes seem to differ from the consensus-building processes occurring in small-scale societies. On reflection, however, these differences are not so sharp or dramatic. Actors engaged in legislative bargaining frequently strive to put together bipartisan and even maximum winning coalitions rather than minimum winning coalitions. Those engaged in negotiating the terms of treaties are mindful of the importance of consensus building, especially in settings where nurturing a sense of ownership on the part of major constituencies provides the best prospect for securing compliance once a specific treaty has entered into force. More generally, there is a lot to be said for the proposition that a serious concern for consensus building looms large—in fact if not on paper—in policy processes at all three levels. It follows that future research on policy processes may well generate significant payoffs by comparing and contrasting strategies and styles of consensus building under the specific circumstances prevailing at the different levels of social organization.

4.2 The Problem of Interplay

The problem of interplay centers on a fundamentally different concern. As the density of institutional arrangements operative in a given social space increases, the probability that individual regimes will affect one another in significant ways rises (Young et al. 1999). In many cases, these interactions, which may be both unintended and unforeseen, are horizontal in nature in the sense that they involve two or more institutional arrangements operating at the same level of social organization. As levels of interdependence among human activities rise, however, vertical inter-actions—those involving regimes operating at two or more levels of social organiza-tion—become more common. Recent developments featuring both globalization and the devolution of authority from central governments to local governments have intensified this trend. Increasingly, actions occurring at the international and global levels affect the results flowing from public or collective choices made at the local level. Far from reducing vertical interactions, efforts to reallocate political authority between the national and local levels regularly intensify interplay, since the growth of functional interactions continues apace without regard to juridical decisions about the allocation of authority. As a result, the need to structure policy processes at different levels of social organization in such a way as to maximize synergy and minimize conflict has emerged as a central concern in the field of public policy.

Yet addressing this need is easier said than done. A particularly striking case in point in the realm of environmental or resource regimes centers on the creation of

co-management systems (Singleton 1998). The defining feature of co-management is the sharing of decision-making power (though not necessarily authority) regarding the use of natural resources or environmental services among users and managers who are located at different levels of social organization. Typical examples in the United States involve the establishment of boards whose members include representatives of federal agencies (e.g. the US Fish and Wildlife Service) and representatives of local user communities (e.g. harvesters of migratory birds in western Alaska) (Osherenko 1988). When they are successful, such arrangements can generate a sense of legitimacy that encourages all the stakeholders to comply with their provisions on grounds of appropriateness rather than some utilitarian calculation of the relevant benefits and costs. But how likely are initiatives of this sort to succeed? A consideration of the distinctions discussed in the preceding section should make it clear that achieving success in this realm is a major challenge. Members of local user groups often rely on different types of knowledge (e.g. traditional ecological knowledge) from representatives of federal agencies in arriving at conclusions about harvesting renewable resources (Berkes 1999). What is more, traditional approaches to implementation and compliance bear little resemblance to those characteristic of modern bureaucratic systems. None of this is to argue that co-management cannot work. Several intriguing arrangements that appear to be producing positive results have been established in recent years. But the argument I present in these reflections points to several key issues that must be addressed in a thoughtful and sensitive manner if co-management is to be capable of overcoming divergences in policy processes occurring at different levels of social organization.

5. A CONCLUDING OBSERVATION

The comparative approach to the study of public policy processes I recommend in these reflections will not only sharpen our understanding of the production of public choices in specific settings, it can also contribute to the transition from studies of government to studies of governance now occurring in a number of subfields of political science. As the discussion in the preceding sections makes clear, it is a serious mistake to assume that the domain of public choice is confined to the products of governments and that public policy processes do not occur in stateless societies. It goes without saying that this does not mean that research on policy processes centered on the actions of legislatures or government agencies (e.g. studies of legislative bargaining) is no longer relevant. But expanding the analysis of policy processes to encompass stateless systems, including small-scale traditional societies as well as international society, makes it possible both to contrast processes of arriving at public choices with and without the involvement of a government in

the normal sense and to identify fundamental features in contrast to idiosyncratic details of policy processes occurring at the national level.

To take a single example, we want to know how much the operation of specific attributes of decision rules affects the substantive character of the regimes or management systems chosen in different settings. One way to approach this concern is to compare and contrast national societies that differ from one another with regard to these attributes. But an alternative—and equally attractive—procedure is to compare and contrast processes of consensus building and institutional bargaining occurring in small-scale societies and international society with the legislative bargaining characteristic of national societies. It is not easy to forecast the results likely to flow from comparisons of this sort. But they may well involve the identification of certain underlying similarities in mechanisms leading to the selection of public choices that are not affected by specific attributes of particular policy processes.

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