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The Transfer of Policy Failure: Bricolage, Experimentalism and Translation.

Diane Stone
IGPA, University of Canberra & PAIS, University of Warwick

Abstract
This article re-assesses some of the literature on policy transfer and policy diffusion in light of ideas as to what constitutes failure, partial failure or limited success. First, the article looks at imperfect, incomplete or uninformed transfer processes as one locus of policy failures. Second, it addresses the concept of 'negative lesson-drawing' as well as the role of interlocutors who complicate policy transfer processes between A and B. Third, the idea of 'transfer' as a neat linear transmission of an intact policy approach or tool is criticised by drawing attention to the extensiveness of hybridity, synthesis, adaptation and 'localisation'. Finally, the article concludes that policy 'translation' is a better conceptual framework for comprehending and valorising the learning and policy innovations that come with the trial and error inherent in policy-making. This entails an abandonment of perceptions of one-way linear processes of country 'A' sending policy to 'B' that characterises many policy transfer approaches to a stronger analytical focus on importing countries that translate policies.

Key words
Policy failure; policy learning; policy transfer; policy translation

1. Introduction

This article re-assesses some of the literature on policy transfer (*inter alia*, Benson and Jordan, 2011; Dolowitz and Marsh, 2000; Evans and Davies, 1999) and policy diffusion (*inter alia,* Dobbin, et al, 2007; Meseguer, 2005; Shipan and Volden, 2012) in light of ideas as to what constitutes failure, partial failure or limited success. It is often presumed that when policy transfer occurs internationally, 'best practices' or superior standards are being transferred to recipient jurisdictions. Or, in other words, the policy success of one country is exported to another. In a more-or-less rational process of decision-making, importing governments recognise policy failures or shortcomings within their borders and through processes of evaluation and learning, as well as peer review, seek solutions and adopt reforms based on successful experience elsewhere. The discussion moves away from 'orthodox' policy transfer studies – where there is often assumed to be a motivated importer and a willing exporter country – abandoning the linear perspectives of country 'A' sending policy to 'B' and shifting to a stronger analytical focus on the messy processes of hybrid policies emerging from multiple exemplars and the messy interpretative processes where importing countries translate and amend transferred policies.

Rather than focusing on policy failure as a starting point for analysis and a prompt for reforms and policy transfer, this article first looks at imperfect or uninformed transfer processes as one locus of policy failure. Second, little discussed in the literature is the concept of 'negative lesson-drawing' which amounts to learning *what not to do*. Yet, widespread consensus on what to do, or not do, is often absent when stakeholders have different and divergent perspectives. The various informants intersecting with policy transfer processes at different stages also complicate a neat linear transmission of an intact policy approach or tool. Third, whether 'transfer' can be said to have been successfully accomplished is qualified by the extensiveness of hybridity, synthesis, tinkering with models, adaptation and 'localisation' (see *inter alia*, Mukhtarov, 2014;

Stone, 2012). This can result in a transferred policy tool or institution from Country A looking completely different in Country B and operationalised in substantively different fashion than originally conceived. Something is either lost, or learnt, in translation.

Rather than outright 'failure', policy transfer has multiple dimensions, often succeeding in some respects but not in others, according to local circumstance and actors, and upon perception and interpretation. Policy transfer studies can be regarded as being both about past successes and failures, and learning from them, as well as about transitioning to potential futures and new policy development. Each iteration of transfer is a unique concoction.

Political and policy community pressures for policy transfer are often a response to perceived policy failures and crises to be ameliorated by emulating or learning from the successes of policy innovation elsewhere. In other words, policy failure and policy success are directly linked in the rationalist thinking of policy transfer. However, policy transfer is rarely a perfect process of transmission. The diffusion of knowledge and transfer of policies across countries can involve a large number of 'proponents' and as will be discussed later, the intermediaries in these processes reflect different interests, sometimes with discordant views on what may amount to success. Instead of regarding incomplete or de-railed policy transfer in negative terms as failure, the article will link dynamics of assemblage (Lendvai and Stubbs, 2009), bricolage (De Jong, 2013) and localisation as modalities of translation in order to argue that the binary distinction between 'success' and 'failure' is inappropriate. As in art, 'assemblage' and 'bricolage' entails creation from a diverse range of available things. The notion of 'localisation' concerns the local adaption, indigenization and modification of policy into new formats. Localisation is one ending or outcome of policy mobilities (McCann and Ward, 2012); that is, transfer and/or diffusion is never an unmediated process for the processes of transmission itself involves (mis)interpretation, mutation and revision en route. In sum, policy translation can be understood as multiple and variable processes incorporating (i) diffusion/transfer (ii) assemblage/bricolage; (iii) mobilities/mutation; (iv) interpretation/localisation; and (v) trial and error.

One further term: "Failure is the mirror image of success: A policy fails if it does not achieve the goals that proponents set out to achieve and opposition is great and/or support is virtually non-existent" (McConnell, 2010: 356). The article proceeds in four remaining sections. The next section provides a short overview of general developments in the policy diffusion and transfer literatures. The third section discusses an area that has captured analytical attention – the view that policy transfer often does not work or goes awry. The fourth section discusses negative lesson-drawing, and the roles of intermediaries. The fifth section addresses the current fashion that messes the hard distinction of an uncontested or unmediated bilateral diffusion from A to B or an unchanged policy idea or instrument X with ideas of policy assemblages, mobilities and the multi-scalar dimensions of transfer, especially the tendency of policies to mutate as they travel. The sixth concluding section returns to the dualism encapsulated in the study of both policy failure/success and in policy diffusion/transfer studies as attempting to impose a rational order over the reality of chaotic and messy policy processes.

2. *The Diffusion of Innovation and Transfer of Policies*

Over the past four decades a substantial body of literature has emerged concerning the related concepts of policy transfer and policy diffusion. Importantly, however, in the past decade plus, there has been some convergence between the diffusion and transfer literatures with the borrowing of concepts and the conflation of terms.

The older concept of policy diffusion grew out of American political science (especially Walker, 1969) and, in particular, analysis of how various American states would copy or emulate innovations and policy developments in neighbouring states (see *inter alia*, Berry and Berry, 1999). Diffusion has been defined as "the process by which an innovation is communicated through certain channels over time among members of a social system" (Berry and Berry, 1999: 171). Diffusion describes a pattern of sequential adoption of a practice, policy or programme.

The 'diffusion' literature suggests that policy disperses into the decision making atmosphere, or diffuses into the 'climate of opinion' where ideas are picked up. In other words, specific policy approaches or instruments are rather more contagious than they are consciously chosen. According to Berry and Berry, four forces may create diffusion patterns:

1. A national communication network among state officials;
2. States are influenced by geographically proximate neighbouring states;
3. Leader states pioneer the adoption of a policy that 'laggard' states subsequently follow; and
4. National government is a vertical influence for prompting emulation (Berry and Berry, 1999: 172-78)

International relations (IR) scholars have since expanded upon the American-centric origins of the approach to discuss the diffusion of ideas internationally (Dobbin, Simmons and Garrett, 2007). IR and policy scholars also introduce a further force behind diffusion – competition between countries (and companies) – propelling the adoption of international norms (such as democratic or human rights norms) and 'best practices' (such as via OECD peer review processes: see McNutt and Pal, 2011; De Francesco, 2014) in order to remain competitive or to meet international standards (Sharman, 2008).

The diffusion perspective tended to posit incremental changes in policy and to regard "the travel of ideas as a function of structural forces, such as industrialisation, globalisation and regionalisation, rather than the work of free agents" (Mukhtarov, 2012: 3). However, the approach has little to say about how policies or practices are altered during processes of adoption (Orenstein, 2003: 174). By identifying *patterns* of policy adoption, diffusion approaches are more concerned with the conditions for the spread of knowledge or norms rather than the substantive content of new policies. As such, there is less concern within this school as to whether policy has been successful or not; the pattern of policy diffusion is expected to be of a variable character.

In the main (but not exclusively), policy transfer studies are a European literature that came to prominence in the early 1990s (for example, Rose, 1993; Page, 2000; Davies and Evans 1999; and Author, 1999, 2004). There has been considerable assessment of policy convergence within the European Union (see *inter alia*, Meyer-Sahling, 2011; Parrado 2008) and increasingly beyond European Union (EU) borders (Casier, 2011; Tews, 2009; Vögtle and Martens, 2014). The strength of the policy transfer literature has been to focus on decision-making dynamics internal to political systems and to address the role of agency, and processes of learning, in transfer processes. The emphasis has been upon the scope for choice in selection of policy ideas that are to be transferred, the interpretation of circumstances or environment, and (bounded) rationality in imitation, copying and modification by decision makers.

Transfers can be either voluntary or coercive or combinations thereof (Dolowitz and Marsh, 2000: 13-17). Descriptive labels such as 'lesson-drawing' (Rose, 1993), 'systematically pinching ideas' (Schneider and Ingram, 1988) or 'donor', 'lending' and 'borrower countries' (Stead et al, 2008) have cast transfer as a voluntary activity

involving choice and deliberation. Other terms, somewhat older and suggestive of the then prominence of aid conditionality and structural adjustment policies of the 1980s and 1990s, emphasise compulsory conformity; that is: 'penetration' (Bennett, 1991) and 'external inducement' (Ikenberry, 1990). In this latter depiction, 'policy transfer' is directly connected with the contested politics of who gets what policy.

Policy transfer can involve a number of processes. First, the objects of transfer can include (i) policies, (ii) institutions, (iii) ideologies or justifications, (iv) attitudes and ideas, and (v) negative lessons (Dolowitz and Marsh, 1996). Second, transfer can take place across time, within countries across policy sectors as well as across countries. The public policy literature has tended to concentrate on the different modalities of transfer, as well as specific policy instruments and/or professional practices, whereas the IR literature has been stronger on the diffusion of norms that can promote learning and building of policy consensus. IR thinking has influenced policy scholars now developing concepts of 'transgovernmentalism' (Legrand, 2015) and 'transnational policy coordination' (Vögtle and Martens, 2014) which stress experimentalism.

Third (and importantly given the theme of this special edition), the early literature recognised different degrees of transfer: straight-forward copying of policy, legislation or techniques as well as various forms of emulation, synthesis and hybridisation, and inspiration (Dolowitz and Marsh, 1996: 351). This recognition of a spectrum of the intensity and extensity of transfer processes automatically qualifies and constrains assumptions of easily identifying instances of failed transfer. This is especially the case when negative lessons are drawn from experience elsewhere and contribute to divergent outcomes. The policy transfer literature also allows us to see the possibilities for a general convergence around broad policy objectives and principles but at the same time, differentiation and divergence with regard to the instruments adopted, type of legislation enacted or specific institutional modes of policy control/delivery. Recognition of these multi-layered dynamics attests to some of the conceptual difficulties in evaluating and determining instances of policy transfer failure or otherwise. The next three sections delve further into how policy transfer failure(s) might be interpreted.

In general, the policy transfer literature has matured and consolidated into a sizeable body of analysis. Indeed, due to the dynamics of globalisation and increasingly integrated political-economies, it is often suggested that policy transfer is 'on the rise' as an empirical phenomenon (Davis, 2009). This has generated a number of reviews and assessments concerning 'future directions' in the study of policy transfer (*inter alia*, Benson and Jordan, 2011; Marsh and Evans, 2012; Shipan and Voldan, 2012). One such assessment suggests that future research could explore cognate ideas of 'policy success' (Dussauge-Laguna, 2012b; Mukhtarov, 2012). Indeed, there are a number of commentators in this field who suggest that there has been an oversight or gap in the literature with a relative lack of analysis linking policy transfer processes with outcomes (Fawcett and Marsh, 2012: 163). However, in linking policy transfer to policy failure the study of policy transfer becomes "the object of debate rather than facilitating analyses of the social processes that constitute policy transfer" (McCann and Ward, 2012: 327). Instead of treating policy transfer as the dependent variable – a process that needs to be understood – if treated as the independent variable, the focus is on the relationship between policy transfer/diffusion and policy outcomes (Marsh and Evans, 2012: 589).

3. Truncated Transfer and 'Dud' Diffusion

Dolowitz and Marsh (2000: 17) argue that policy failure is more likely if the transfer is: uninformed; and/or incomplete; and/or inappropriate. *Uninformed transfer* happens when policies are transferred with insufficient knowledge about the extent to which, and

why, it works in the jurisdiction from which it is being transferred. *Incomplete transfer* results when some features of a policy are transferred, but others are not, and the success in the original jurisdiction depended at least in part on the feature(s) not transferred. Finally, *inappropriate transfer* occurs when the contextual factors – cultural, political economic – are very different, which leads to differences in policy outcomes in the two countries concerned (see Fawcett and Marsh, 2012 for an application).

The 'one size fits all' era of structural adjustment policies of the international financial institutions immediately comes to mind. The financial conditionality of the International Monetary Fund (IMF) and the World Bank practised in heavy handed fashion, in the latter half of last century, represented modes of direct and indirect coercion of client countries to conform to the precepts of the Washington Consensus. Of the three dynamics, the criticism most frequently levelled at the development experts and economists of the IMF and the World Bank is that they sponsored a combination of 'incomplete' and 'inappropriate transfers'. For example, of the three key tenets of the Washington Consensus – deregulation, liberalisation and privatisation – achieving the (numerous) desired outcomes of privatisation policies is very much hinged to the 'rule of law', especially strong property rights, and a sophisticated legal architecture that was very often not transferred nor given sufficient time to grow in developing countries or transition states (Stiglitz, 2000; Lendvai and Stubbs, 2009). Instead, rampant corruption and other unintended outcomes emerged for many countries.

In this example, inappropriate or uninformed transfer is the result of erroneous thinking among policy communities in the sending organisation, or the exemplar nation. This is in distinction to the idea developed in the next section that problems emerge within the processes of transmission and in importation. Policy transfer is inevitably limited or 'truncated' due to the dynamics of 'bounded learning' (Meseguer, 2005). The cognitive processes of engaging in lesson-drawing may well be flawed. That is, in terms of what is 'psychologically proximate' (Rose, 1993) or relevant information that is "near-to-hand (in geographical, cultural or historical terms)" (Meseguer, 2055: 72). British agents of lesson-drawing are more inclined to look towards North America, the EU and certain parts of the Commonwealth for their lessons. This arises for reasons such as habits of mind, the 'special relationship', the historical legacy of empire, or the ease of looking towards other English speaking countries (LeGrand, 2015). There are in-built cultural prejudices towards certain jurisdictions that can lead to the most appropriate lessons being over-looked or dismissed (Stone, 1999: 57). These would be cases of 'missed lessons' (Moynihan, 2006).

Related to 'inappropriate' and 'uninformed' transference is the practice or prospect that 'unsuccessful policies' are successfully transferred. For example, a recent study highlights how 'pay-for-performance' (PFP) – a popular management approach that came out of the business sector and was adopted as a centre piece of the 1978 United States (US) Civil Service Reform Act – has been assessed extensively as largely unsuccessful in the federal government (with problems in PFP also recognised in the private sector). Yet, PFP continues to be adopted by governments in Europe, the United States and Australia (Park and Berry, 2014). Acting at an opportune moment of widely perceived problems in performance appraisal and reward within government, policy entrepreneurs advocated their innovative policy solution in a 'garbage can' decision making dynamic.[1]; that is, pre-existing solutions were plucked from were attached to a

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[1] In the garbage can model, decision-making is portrayed as a highly unpredictable and ambiguous process. Actors define goals and choose means as they go along.
Organisations such as national ministries and executives do not have goals in the

'new' problem or issue. While this diffusion from private to public sector, thence to other countries can be represented as a successful process of transfer, "the problems of private sector PFP were diffused to the public sector". In short, PFP diffusion exemplifies the lack of evidence-based decision making with "policy adoption based on myth rather than fact" (Park and Berry, 2014).

Finally, the idea that policy transfer 'fails' or is 'unsuccessful' is wedded to a rationalist epistemology of certainty that gives little credence to, or valorisation of, 'error' (Little, 2012). Much of the transfer literature "has at its core a conceptualisation of transfer agents as optimising, rational actors, who know what they are after and scan 'the market' for possible solutions, making decisions and trade-offs over which policy products to adopt, albeit on the basis of imperfect knowledge" (McCann and Ward, 2012: 327). Relaxing such assumptions allows for greater appreciation of experimentation and 'trial-and-error' in policy development.

4. The Wrong Lessons (and Whose Lessons?) for Policy Formulation

The section has two parts. First, it argues that 'negative lesson-drawing' has been inadequately addressed. Second, there are many lessons advocated by various groups and stakeholders, yet only some or one are selected. Considering the dynamics of both 'selection' and 'non-selection' brings into analytical sight to a much greater degree, the importance of power and politics, interests and intermediaries, in determining which lessons are adopted or not. Lesson-drawing is not politically neutral exercise. The value of lessons lies in their power to bias policy choices.

This focus can also highlight an unseen dimension of 'failure' – related to the forms of 'inappropriate/uninformed transfer' discussed above – of a process of deliberate 'dysfunctional' transfer occurring as a result of rational responses or explainable circumstances. That is, "normative mimicry, or market pressures, whereby over-committed policymakers have responded to complexity and crisis by unreflectively cutting and pasting from foreign models" (Sharman, 2010: 623; also Moynihan, 2006). This is a form of 'satisficing' where lessons are a "symbolic act whereby politicians seek to enhance their status, credibility or 'modernity'". Compared to learning, or even 'bounded learning', this mimicry or emulation is "blind" as "it does not entail enhanced reflection" (Meseguer, 2005:79). Emulation is ad hoc and piece-meal, reflective of the transfer of rhetoric and ideology. By contrast, policy learning may result in a more coherent transfer of ideas, policies and practices (Author, 1999: 56). This phenomenon is in distinction to the dynamics outlined in the previous section, which emphasised processes of outward diffusion and policy export. This section shifts the focus of where the sources and causes of failings are identified as resting within the importing jurisdiction.

Negative Lesson Drawing: The concept of 'negative lesson-drawing' has been highlighted as an important reflexive dynamic in the literature. However, there has been relatively little analysis of how, when and why it happens (see Leiber, Greß, and Heinemann, 2014). Applying this idea is methodologically difficult. There is rarely a policy output connected directly with a decision not to emulate – nevertheless it occurs. Rather than policy failure *per se*, it is a quest to avoid policy failure where policy learning is not synonymous with policy adoption. Instead policy lessons can help crystallize what ideas and policy paths decision makers do not wish to follow. Many policies are "simply not 'transferable' since they have grown out of the legal,

rational sense, but define them in the process of attaching problems to pre-existing solutions which may not be the best solutions (see Berry and Park, 2014: 775; also Dussage-Laguna, 2012a).

educational and social systems of their host state" (Hulme, 2005: 423) and are neither ideologically nor culturally proximate.

Yet, there is extremely limited empirical investigation of negative lesson drawing. Some exceptions include one study of Britain drawing negative lessons concerning the US Freedom Of Information Act (Bennett, 1991); or Canadian policy actors observing 30 years of US heavy regulatory controls on endangered species to deviate towards legislation favouring voluntary stewardship (Illical and Harrison, 2007). As noted in the latter study, "positive lesson drawing will tend to dominate as an issue reaches the political agenda, but that activists will compete by employing negative and positive lessons at the policy adoption stage" (Illical and Harrison, 2007: 372). Negative lessons can have symbolic value and power in de-railing the proposals of opponents.

Elsewhere it has been suggested that negative lesson-drawing is more prone to take place with regard to normative policy matters (such as gender mainstreaming) rather than areas related to technical issues or instrumentation (such as best practice in sewerage treatment plants) (Stone, 2004). Another perspective is that there is a tendency in many political systems to "overlook negative experiential learning that contradicts the policy doctrine" (Moynihan, 2006: 1029). Alternatively, 'negative lesson-drawing' may be too benign as a term for circumstances characterised by asymmetric interdependence, in which the tactics and strategies of *policy resistance* by 'subordinate' recipient actors are glossed over (Bache and Taylor, 2003).

Coercion also suggests the absence of learning and the greater prospect of inappropriate transfer. Indeed, states and organisations have learnt the hard way: over the past two decades (since the beginning of the Wolfensohn presidency) the World Bank has engaged in a policy correction to the 'one size fits all' approach to structural adjustment policies based on a Western neo-liberal model of economic development. Increasingly appreciated with policy communities of development specialists is that local elites need to be 'in the driving seat' of development. That is, 'active appropriation' by national policy elites to purchase foreign ideas is required for international 'best practice' or overseas models to be effectively transplanted and take root (Stiglitz, 2000: 33). Instead of overt pressure through conditionality on loans (which still occurs), the World Bank and the other multilateral development banks have engaged in persuasion: training, conferences, secondments and other forms of knowledge transmission to inculcate local policy elites into dominant development norms. This is the 'soft-side' of policy transfer that builds common understanding and local bases of support for the transferral of policy reforms.

For 'norm brokers' to be effective there must also be 'norm takers' (Acharya, 2004; see next sub-section). In other words, for policy transfer and ideational influence to eventuate, specific institutional mechanisms for learning or persuasion need to be developed. Moreover, these policy ideas are problematically dependent on a receptive environment. This recognition represents a shift in analytical vantage point from whatever is policy transferred – the idea, organisation, instrument or policy tool – as the main source of explanation, one inevitably propelling change, to an explanatory position that highlights the inherent uncertainty and politicking in the *acceptance* of transferred policy as more relevant and more persuasive in accounting for policy adoption and change.

A virtue of focusing on 'policy failure' is not only a search for explanation or understanding of what did not go to plan. Policy failure also prompts questions about key actors and interests who were not incorporated into decision making or implementation processes. That is, the politics of exclusion.

Intermediaries and Interests: In its most simple understanding, policy transfer is assumed to be an official process of relatively unmediated transmission of a policy approach between exporting and importing jurisdictions. Politicians, policy makers, bureaucrats and government appointed experts 'do' the transfers. Indeed, they are crucial to 'hard' transfer; that is, the legislative adoption and enforcement of a policy approach developed elsewhere. However, the agents of lesson drawing and policy transfer are a much broader category of individuals, networks and organisations. Key actors in the mechanics of policy transfer are non-state actors such as interest groups and NGOs, philanthropic bodies, think tanks, consultancy companies, law firms and professional associations. They are engaged in 'soft' transfer – the spread of ideas and diffusion of knowledge which is essential for providing the norms, evidence and (social) scientific understandings as to 'why' it makes bureaucratic and political sense to transfer policy. In particular, a number of studies have highlighted the role of 'epistemic communities' operating through professional associations and think tanks, seeking advisory positions in government and international organisations, to provide the 'cause and effect' rationales and 'consensual knowledge' behind their active diffusion of policy or standards (*inter alia*, Ladi, 2005).

The epistemic community approach has a specific representation of the role of knowledge or science as being based on facts and empirically discernible realities (Haas, 1992). Consensual knowledge takes the form of concrete knowledge of the physical world, objectively beholden by an epistemically privileged Cartesian observer (and collectively the epistemic community) who then turns into a dispassionate advisor to the powerful. It is a rationalist, technocratic approach to decision making and implies policy linearity with experts editing or re-shaping knowledge in uni-directional movements from basic to applied science, from problem to solution, from theorists to 'enlightened' policy makers. Analysis from the epistemic community perspective co-joined with policy transfer or diffusion studies consider that solutions to problems can be found by utilising the correct knowledge and evidence. 'Truth speaks to power'; so goes the famous phrase coined by Aaron Wildavsky (1987).

Rarely is knowledge or expertise regarded as so pure and uncontested: experts, professional analysts and their organisations are better regarded as engaged in a contest to define the truth. Not only epistemic communities, but other kinds of expert groups and interpretative communities require political patronage in order for ideas or science to become policy relevant. Although often a powerful force, (social) science is not inherently or automatically persuasive in policy debates. Indeed, the experts and evidence base that gain prominence in (transnational) policy communities may be the result of political rather than scientific protocols where knowledge actors are used for purposes of ex post facto justification of predetermined courses of policy action. Instead of truth speaking to power, power decides what is true. Governments, particularly from stronger and more policy autonomous OECD states, decide what policy lessons are appropriate or not (Clifton and Díaz-Fuentes, 2014; De Francesco, 2014).

Burgeoning studies of transfer or diffusion to developing states or transition countries are notable for the way in which they query and contest assumptions of undiluted dichotomous diffusion or unmediated 'import' of transferred ideas (*inter alia*, Grugel, 2009; Lendvai and Stubbs 2007 and 2009; Mukhtarov, 2012; Sissenich 2008; Tews 2009). A small body of literature is emerging on the 'folly' of EU policy transfer (Gorton, et al, 2009). The projection of the EU model to the rest of the world has entailed an unreservedly Eurocentric conception of policy transfer as an outward diffusion of norms, practices and institutions (*inter alia*, Börzel and Risse, 2009; and the 2012 special edition of *West European Politics*). However, the EUs promotion of norms of democratisation has been critiqued for assuming a 'positive identity relationship' between European and Latin American political and policy elites (Grugel, 2007). As

noted earlier, ideas and policies are only likely to be transferred successfully if there are 'norm-takers' who adopt and implement them. The local context and dynamics within the importing jurisdiction is crucial in deciding which, if any, ideas are adopted (Lendvai and Stubbs, 2007). Yet, "intersubjectivity in communication" means that "even when senders attempt to spread truthful, high quality information, the receiver may interpret the message differently from how the sender intended" (Park *et al*, 2014).

The EU has also sought to export its model of regionalisation as the most developed and sophisticated model available as a template for other emergent regions. However, the degree and type of 'policy transfer' and institutional emulation from Eur ope that has actually taken place within East Asia, for instance, has been remarkably limited. Instead, it is characterised by an instrumental selective uptake of instruments and deviation to an 'Asian Way' or a model of regionalisation that is prefigured by East Asia's distinctive political, economic and strategic history (Beeson and Stone, 2013).

There has been a tendency in the analytic focus of much of the European scholarly discussion to evaluate the success and effectiveness (or not, in many assessments) of Asian regional integration in terms of 'hard' institutional transfer that requires a mirroring of the *de jure* legalistic processes characteristic of the EU model. This leads to a short-sightedness of other policy transfer dynamics. On the one hand, 'soft' transfers of European norms and ideas that were subject to selective and negotiated uptake in transformative processes of translation. And on the other hand, instead of an unmediated and mechanical bilateral exchange from A to B – Europe to Asia – policy transfer processes also involves learning from many exemplars to take away a multiplicity of lessons.

Notwithstanding the increasingly sophisticated comprehension of the vagaries of power games, or policy trajectories dealt by path dependencies or the various modalities of social learning now identified in many policy diffusion and transfer studies, the majority of such studies still reflect a realist ontology. That is:

> … 'policy' exists as a kind of 'package' ready and able to be transplanted or transferred from one setting to another. The policy transfer literature… tends to work through binary oppositions: either policy is institutionalised in another place or resisted; it either 'fits' or it does not fit; it is picked up by institutions or actors or it is blocked by veto players and/or at institutional veto points. Crucially, … the literature is still dominated by a rather linear, institutionalist, perspective (Lendvai and Stubbs, 2009: 677).

As discussed in the next section, the concepts of 'policy translation' and 'norm localization' provide a more nuanced account of the social relations of 'assemblage', 'experimentalism' and 'bricolage' in the mobility of policy (de Jong, 2013).

5. *Policy Translation*

Whether 'transfer' can be said to have been successfully accomplished is qualified by the reality and extensiveness of hybridity, synthesis, tinkering with models and adaptation that takes place when policies are moved from one place to the next. The use of words such as 'transfer', 'transmission' and 'export' become highly questionable when a transferred policy tool or institution from Country A looks completely different in Country B (and then again in Countries C and D) and when it is operationalised in substantively different fashion than originally conceived. The more frequent patterns of divergence and hybridisation, adaption and mutation are giving greater credence to the idea of policy 'translation' (Prince 2009: 173) and 'variation' (Newburn 2010) than to the more restricted idea of policy transfer. Taking this perspective is disruptive of linear thinking for it:

> … upsets the often implicit assumption that policies emerge fully formed in one particular place and then sometimes move, whole and unchanged, across space. They do not. It also troubles the idea that policies are internally coherent, stable 'things'. They are not. An assemblage is always in the process of coming together and being territorialized just as it is always potentially pulling apart and being de-territorialised (McCann and Ward, 2012: 328).

This stance not only takes attention away from binary assessments of 'success' or 'failure' in policy transfer, it also departs from the notion that transfers are 'inappropriate', 'incomplete' or 'uninformed'. Rather, in complex societies the occurrence of unintended consequences, ineffective intentions, and misinterpretations of the message provide equally valuable insights into policy development, because they are part of the continuous metamorphoses that policies encounter (Little, 2012: 9). This 'morphological understanding' of policy transfer is not one of 'failure' but one of 'trial and error': "it is through error that we learn about the phenomena we are addressing and it is in the recognition that we have erred that we create space to conceive differing ways of making sense of the issues we address" (Little, 2012: 11). It is one starting point for innovation (Parrado, 2008). This is part of the process of policy 'translation'. Adopting a morphological stance of policy ideas in transmission allows us conceptual space for a valorization of translation and interpretation.

Translation is "a series of interesting, and sometimes even surprising, disturbances that can occur in the spaces between the 'creation', the 'transmission' and the 'interpretation' or 'reception' of policy meanings" (Lendvai and Stubbs, 2007: 175). Such approaches are critical of the rationalist underpinnings of early transfer approaches and instead stress the complexity of context (*inter alia*, Dwyer and Ellison, 2009; Newburn, 2010; McCann and Ward, 2012) and the need for interpretation in the assemblage of policy (Prince, 2009).

Policy translation represents a "move away from thinking of knowledge transfer as a form of technology transfer or dissemination, rejecting if only by implication its mechanistic assumptions and its model of linear messaging from A to B" (Freeman, 2009: 429). Within the IR literature, this dynamic is more frequently labeled 'norm localisation'. That is, local actors "do not remain passive targets and learners as transnational agents, acting out of a universal moral script... (instead) local agents also promote norm diffusion by actively borrowing and modifying transnational norms in accordance with their preconstructed normative beliefs and practices" (Acharya, 2004: 269, author's insertion). Multiple sources of lessons, combined with endogenous policy learning also alter norm brokerage and policy transfer aspirations into a multi-faceted translation dynamic.

For example, 'gradualism' and 'eclecticism' is said to distinguish the Chinese practice of transferring policy ideas and institutions from examples observed elsewhere in the world. Unlike other (post) Communist countries, policy makers in the Chinese political and socio-economic systems did not face regime collapse and the institutions of the past were not effaced but persisted. Instead, like the Japanese in the century prior (see Page, 2000), the Chinese have considered foreign policy lessons via a "tradition of cobbling together various foreign and domestic policy ideas in modular fashion". In a cautious and selective process, "these were then reassembled onto existing institutional frameworks" and are reflective of "a more generic Chinese tradition of institutional bricolage" (de Jong, 2013: 89).

This is by no means exceptional to Asian policy contexts nor even confined to a sovereign state actors. Intermediaries such as scholars, policy thinkers and opinion leaders 'mutate' policy ideas from elsewhere in the professional spaces and policy

communities between exporting and importing jurisdictions. A key element of what they do is piecing scraps of knowledge together. That is, 'assemblage' is policy assembly through interpretation of different bits of information and experience, often creating something new, that is, hybrids from what they have acquired second-hand (de Jong, 2013). The places for these processes of synthesis and adaptation are varied but can take place in the conferences, journals and professional engagements of scientific communities and policy analysts (Mukhtarov, 2012: 7). Policies are not merely transferred over space, but their formats and their effects are also transformed by their journey through professional communities, and through time.

Temporal Transfers: Policy borrowing evolves over time in disjunctures dependent on the legacies of the past, or 'policy windows' thrown open by electoral cycles or other events, or in the sequencing of adoption and implementation (Dussage-Laguna, 2012a). Notwithstanding the comments in the previous section concerning the EU, there have been many achievements along the path of what is a long term inter-generational project. The EU has oft been described as a 'laboratory for policy transfer' for increasing, albeit gradual convergence, among member states. EU processes of regionalisation propel patterns of increasing similarity in economic, social and political organisation between countries. Member and candidate states converge around harmonizing policies: structural funds, cohesion funds and the *acquis communautaire*. The European Commission is a top down influence for compliance through directives and regulations as well as joint progress on policy through the Open Method of Coordination. This process of 'EU-ization' (rather than the broader social and cultural process of 'Europeanization') is a combination of coercive measures and voluntary harmonization.

Back-sliding in the European Union among new member states bring into high relief the temporal considerations (Beeson and Stone, 2013). At the time of accession of new member states in 2005, compliance to the *acquis communautaire* was relatively high and appeared to be on a trajectory of greater convergence. Today in the wake of the global financial crisis and specific difficulties faced in EU regarding the Euro, as well as the widening of EU membership, compliance has declined dramatically. The 'durability' of the EU's civil service reforms is one area where patterns of deviation are now observed: the post accession behaviour of some states has seen reversals of reforms or new reorientations in the absence of sanctions available to the Commission (Meyer-Sahling, 2011). This lack of 'stickiness' over time might suggest policy transfer failure as achievements decay. However, the concept of 'translation' problematizes any quick assessment that regression is occurring. Instead, it reorients the vantage to one where displacement, dislocation, transformation and negotiation is the normal and constant state of play (Lendvai and Stubbs, 2009: 676).

Even if there are cases of straightforward transmission of policy from one jurisdiction to another, the transfer does not create a cryogenically preserved policy forever more. At some point, the policy transfer process ends and endogenous forces of mutation take over. Local ownership becomes more pronounced and the 'indigenization' of policy results. Logics of appropriateness entail a gradual adjustment and modifications that lead to different outcomes than may have originally been envisaged. Existing policy processes and socio-cultural conditions alter imported ideas. What once may have been a foreign idea becomes local practice.

6. *Conclusion: The Fallacy of Failure*

Just as 'policy failure' and 'policy success' are often portrayed as polar opposites in a binary distinction, so too policy transfer and diffusion approaches can suffer from similar binary distinctions. That is, the movement of policy idea, instrument or practice

from jurisdiction A to B or from one innovating organisation or political community to the next. Accordingly, rather than working in a framework where "success and failure are bound inexorably with each other" (McConnell, 2008: 346), the concern in this article has been to escape the idea of these dual tendencies to evoke the metaphor of policy translation as an experimental process in constant policy motion turning between innovation and reaction, compliance and invention. In sum, asking if policy transfer fails (or is 'inappropriate' or a poor 'fit') is in many respects the wrong question for the phenomenon. Instead, divergence is expected: policy *translation* – characterised by fluid multi-actor processes of interpretation, mutation and assemblage – is the constant reality.

To conclude, it is worth revisiting Aristotle's three approaches to knowledge and how it was adapted to policy studies by Flyvberg (2001). Policy translation is not always the result of a directed process of policy learning instigated by policy makers. Indeed, translation can be an analytically rational or 'epistemic' process of learning driven by reform minded bureaucrats, experts and politicians. Yet, policy translation can also be a more haphazard dynamic. Policy translation as 'bricolage' involves tinkering with existing local as well as borrowed policy practices to construct new or hybrid policy formations. This is a creative process that is learning of a quite different nature – one that is the art and craft or 'techne' of policy. Finally, policy translation is also a form of learning that concerns prudence or 'phroenesis'; that is, pragmatic, variable, context dependent and based on a practical value-rationality of localisation or negative lesson-drawing by making judgements about what is desirable policy from elsewhere. Viewing policy translation as a combination of art, episteme and judgement entails a different set of reflections upon policy diffusion and transfer: it means that we will never see some form of perfect 'cloning' of a policy between different places. Instead, policy translation embraces deviation and difference. If policy transfer is to be understood properly, it is as an open-ended process. This stance consigns suggestions that we can talk normatively about 'failed policy transfer' to the dustbin.

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