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AUTONOMY AND REREGULATION: EXPLAINING DYNAMICS IN THE FLEMISH SOCIAL HOUSING SECTOR

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ABSTRACT

Autonomy repeatedly triggers reregulation. Reregulation has two dimensions: the *layering* of different control mechanisms and the *growth* of the rules within those layers. Using a case study of social housing in Belgium, we explain the tendency to reregulate once autonomy is provided. We attribute the layering of rules to a conflict regarding oversight between the established legal profession and an ascending management profession. Crozier's vicious circle of bureaucratization helps to explain the growth of regulation within layers. The legal culture of the Rechtsstaat is a catalyst for both professional competition and bureaucratization.

KEYWORDS: Crozier, housing, professionalism, reregulation

INTRODUCTION

In recent decades, we see a tendency to move policy implementation away from the center and towards agencies, local authorities and civil society (Braithwaite 2000). At the same time, many observers assert that the increased autonomy has been offset by new forms of arm's-length regulation of those actors. In the end, real autonomy may be reduced and a substantial overhead cost may be added to the overall system of public governance (Pires 2011). An excess of oversight and oversight bodies often defeats the purposes of giving autonomy, essentially reregulating the system. In practice, this reregulation is not just a return to the previous state of affairs, but a more complex regulatory architecture with more layers and more rules (Radaelli and Meuwese 2009). The existence of reregulation is well-documented in the regulation literature (see below), but the social mechanisms that cause deregulation to recoil receive less attention. However, a good understanding of these mechanisms is vital for successful regulatory reform.

This article explores the social mechanisms behind reregulation, addressing the research question: *which mechanisms explain why increased autonomy seems to coincide with a seemingly disproportionate increase in regulation and control?* Based on a case study in the Belgian (Flanders) social housing sector, we define two plausible mechanisms. The first is the *professionalization thesis*. Autonomy requires a different kind of oversight. Law and management professionals compete to address this need. This professional conflict over the oversight jurisdiction leads to a layering of rules. A second mechanism is a *cycle of regulation*, a self-supporting dynamic in which regulation and control triggers more regulation and control. This mechanism explains why the volume of rules within the layers grows, as illustrated prominently in Crozier's (1971) '*bureaucratic phenomenon*'.

First, we refine our problem statement by reviewing the literature on reregulation, before exploring the two social mechanisms that may provide explanations for our case analysis. The

methodology is discussed next. We then report our case and conclude with some implications and limitations of the study.

REREGULATION: AUTONOMY OFFSET BY LAYERING AND REGULATORY GROWTH

The managerial movement led many countries to policy implementation modes, beyond or beside central bureaucracy, along two lines (Maggetti and Verhoest 2014; O'Toole and Meier 2015). Firstly, monolithic bureaucracies were dismantled through processes of decentralization, privatization and devolution - the main rationale being specialization. Autonomous actors are expected to focus on fewer tasks and hence to build specific expertise and economies of scale, while performance contracts should ensure that autonomy is used in line with expectations. Secondly, the politics-administration split was reinforced. Politicians, supported by a small nexus of policy professionals should be responsible for defining and evaluating policies. Implementation, which in this view is a mere matter of routine, should be carried out by agencies, local authorities, and the private sector.

This combination of autonomy and a focus on results implied a promise of deregulation. The public entrepreneur would finally be liberated from the rules and regulations that chained his or her hands. Based on clear performance targets, managers would - at last - be free to manage. Yet several observers now doubt whether this is really happening, discerning a dynamic of giving and taking autonomy at the same time. Frissen (2004) described this as the "daughters in dorms syndrome". Parents are proud that their children go to college and gain some autonomy in their life. Yet, at the same time, they check daily whether everything is fine.

Reregulation has two dimensions: layering and growth within the layers of regulation. *Layering* occurs when regulatory practices are attached to existing institutions without replacing them (Shpaizman 2014, p. 1039). Various bodies of literature report the emergence of new regulatory layers following the provision of autonomy (Levi-Faur 2014; Van Den Bovenkamp *et al.* 2013). A first discussion can be found in the accountability literature (Willems & Van Dooren 2011). The shift from government to governance undermined traditional mechanisms of accountability and therefore new accountability mechanisms were implemented. Yet, politicians and decision-makers need to maintain some governing capacity, which they risk losing when every decision can be subject to forensic analysis (Flinders 2011). The accumulation of accountability mechanisms then hampers decision-making (Anechiarico & Jacobs 1996; Koppell 2005). Other authors see less harm in redundancy of accountability. For instance, Schillemans and Bovens (2011) argue that redundancy mitigates the information-asymmetry between agents and principals. Moreover, it provides the opportunity to incorporate different values into accountability processes (Braithwaite 2008; Scott 2000). In this respect, some authors also indicate a base dynamic that increases accountability, namely self-imposed forms or 'voluntary accountability' like codes of conduct (Koop 2014). A second discussion occurs in literature concerning regulation inside government (Hood 1999) essentially arguing that the proclaimed rise of the regulatory state has led to over-regulation (Downe and Martin 2007; Hood *et al.* 1998). A key factor is the growing population of actors with a regulatory role, including inspectorates (Martin 2010), auditors (Power 2003), issuers of quality certificates (Norreklit 2000), rating agencies (Kerwer 2005) and integrity bureaus (Pope

2000). The regulatory effects of central guidance are also documented, adding another layer of regulation and bringing public advisers and private consultants within the realm of the regulators (Bowerman 2002; Brandsen *et al.* 2006). Here, the main regulatory force is isomorphism rather than enforcement. The distribution of 'best practices' and central guidelines works as a device for coalescing local practices into a centrally set standard of practice. These uniform models may not suit local context, leading to either symbolic implementation (Radaelli 2004; Radaelli and Meuwese 2009) or the loss of practical local knowledge (Brandsen *et al.* 2006; Norreklit 2000). A third discussion deals with the measurement of and accountability for performance (Van Dooren *et al.* 2015). Performance-based accountability is seen as a new regulatory layer with predominantly negative effects on frontline behaviour (Heinrich 2002; Hood and Bevan 2004; Smith 1995; Van Thiel and Leeuw 2002). Based on a study of UK health care, police and schools, Bowerman *et al.* (2000) conclude that we have progressed towards a '*performance measurement society*' that confuses rather than enlightens public oversight.

Other scholars have focused on regulatory *growth* (Foss Hansen and Holm Pederson 2006). Ayres and Braithwaite (1992), for instance, demonstrated how the deregulation movement under President Reagan rebounded. In fields like the environment, occupational health and safety, tax enforcement and food standards, regulation increased. A broader social force of community movements drives this trend towards more regulation (Sunstein 1990). European Union scholars also observe the rise of the EU as a regulatory state, implying a shift towards the use of legal authority or regulation over redistributive policy instruments and a more expansionist intervention in policy fields (see Majone (1994) and Lodge (2008)). The deregulation literature likewise discusses the impact of chance events. A cycling wheel of deregulation–crisis–reregulation creates regulatory dynamics (Parker 2013; Young and Park 2013). Reregulation after the 2008 financial crisis is the most recent case, although the level of reregulation remains open for debate (Rixen 2013). Finally, the growth of regulation is associated with the creation of autonomous agencies within government, increasing the need for control (Christensen and Lægreid 2006).

Furthermore, regulatory growth can occur when regulation reaches previously unregulated territories. An interesting discussion concerns the application of public law when public services are outsourced to private providers. Benish and Levi-Faur (2012, p. 888) distinguish between two theses. The first assumes a diminishing publicness due to the replacement of public values with managerial ones. Outsourcing hence leads to a retreat of public regulation. Rosenbloom and Piotrowski (2005) warn that constitutional and administrative law norms might be overlooked in deciding when to privatize and outsource governmental functions (p.110). The alternative position however posits that often public regulation extends to the private sector when services are outsourced. This so-called publicization leads to a wider application of public law. Based on an analysis of public law norms in a privatized Wisconsin welfare program, Benish and Levi-Faur (2012) conclude that the publicization thesis has the greatest currency. Bumgarner and Newswander (2009, 2012) report similar findings based on an analysis of congressional actions and court cases involving external contracting in the USA.

The normative implications of layering and regulatory growth are clearly not straightforward (Lodge 2004).

All told, in different social contexts, autonomy is met with more regulation and increasingly more layers of oversight. So, while reregulation is clearly not a new subject, our intention is to improve understanding of the mechanisms by considering the *mechanisms that explain why reregulation is so ubiquitous?* We build on professionalization and bureaucratization theories, and apply them to the case of reregulation in the Flemish social housing sector.

CONCEPTUAL FRAMEWORK: A SOCIAL MECHANISMS PERSPECTIVE ON REREGULATION

Our theoretical position builds upon the social mechanisms approach of social theory (Stinchcombe 1991). In order to specify the social cogs and wheels that explain reregulation, we have to dig into the behaviour of controllers and those controlled, of regulators and those regulated (Hedström and Swedberg 1996, p. 286). We explore two possible explanations as to why more autonomy seems to coincide with layering and regulatory growth. We first introduce both mechanisms and then apply them to the case study in the next section.

Mechanism 1: Professionalization

The first mechanism is grounded in the theory of the professions (Abbott 1988). A profession is a group of people in a learned occupation, with specified rules of conduct. The process of professionalization typically consists of a series of events such as the control of work, the development of schools and other knowledge institutions, association, licensing, and scientific transformation (Abbott 1991). Successful professionalization requires a technical base, an exclusive jurisdiction to standards of training and a public that is convinced that services of professionals are unique and trustworthy (Wilensky 1964).

Professionalization does not occur in a vacuum. Abbott (1988) points to the relevance of competition between professional groups. The currency of competition between professions is the claim over a *jurisdiction* – i.e. the tasks that need to be fulfilled. The social process of professional competition over tasks defines and redefines the self-image of the professions and the tasks to be fulfilled within a jurisdiction. Hence professional competition is a dynamic process. Audiences outside of the professions, most notably the state, determine who wins and loses. Professions that convince politicians that their definition and approach to a problem is most relevant will be granted jurisdiction (for instance through licensing). Politicians are no disinterested bystanders but also compete on policy issues and outcomes. Successful professions therefore build alliances with political sub-groups.

Professionalization can drive reregulation. Increasing specialization in society has broadened the scope for professional action. Arguably, this has led to a denser ecology of professions with more professionals and professional identities. Likewise, management has developed as a profession, building on a strong alliance with politicians promoting New Public Management (NPM) agendas (Pollitt and Bouckaert 2011; Power 2000). As a result, a separate knowledge base has been developed and transferred into specialized education (such as Masters in Public Management) and management associations (Exworthy and Halford 1999). Public

management has thus become a profession (Noordegraaf and Van Der Meulen 2008). At the same time, the declared jurisdiction of the management profession – i.e. of letting and making managers manage – seems to collide with other professions, like those of the policy field (in our case housing), that might fear losing discretion (Jarl *et al.* 2012; Kerpershoek *et al.* 2014). Professional conflict will be most intense with the adjacent profession of law, which may feel that its jurisdiction of regulation is challenged. Consequently, the field of practice faces increasing demands from both professions defending their jurisdiction: management professionals arguing for results-based control and law professionals pleading for rule-based control. Rather than replacing one regulatory regime for another, layers of regulation are added up. The mechanism can hence be represented as follows:

Development of a management profession → conflict with law profession → increasing demands for both rule-based and results-based regulation and control → layering of controls

Mechanism 2: A Circle of Regulation

The second mechanism builds on Crozier's (1971) 'bureaucratic phenomenon'. Crozier uses the concept of strata to denominate the rungs in the hierarchy in which growth of regulation unfolds. In our case, distinct administrative strata are: the political level of the minister for housing, the central leadership of the inspectorate, the inspectors in the field, and the housing actors being controlled (see the case analysis). The mechanism of reregulation is rooted in the dialectic relation of informal and formal structures. Higher strata determine the formal structure that establishes routines and relationships of authority. The rights and responsibilities at the different strata emanate from this formal rule-making. At the same time, the formal structure defines the degrees of freedom that remain. Formal rules draw boundaries but also create space for discretion. Lower strata derive power from those degrees of freedom because this discretion allows their behaviour to be less defined and non-predictable. The interplay between formal structure and behavioural responses generates a circle of (formal) regulation. We anticipate the lower echelons (in our case the housing actors) attempting to exploit the autonomy they have and making use of unique information on the execution of policies gained from their operations. The potential responses of higher echelons to the latter (in our case the central inspectorates and housing policymakers) are limited by previous formalization. Higher strata cannot bluntly exert their power beyond formalized rules and routines, and hence are likely to engage in more rule-making to neutralize new fields of discretion. By doing so, however, new fields of ambiguity are defined and exploited. The result is an ever-expanding formal structure, with high bureaucratic compliance costs one that does not succeed in determining operations at street-level. The mechanism can be summarized as follows:

Separation of echelons (central/local) → formalization → behavioural reactions of housing actors → additional formalization → growth in regulation

The Cultural Context

Our study targets the daily social mechanisms that explain reregulation, but they unfold in an institutional and cultural context. Some contexts may be more conducive to the mechanisms of professional competition and regulatory growth described above. For our purpose, a country's legal culture is worth mentioning. A well-established distinction is one between *Rechtsstaat* traditions – with a public law system and a strong emphasis on legality, equality, legal security and group rights – as opposed to public interest traditions – with a common law system and a focus on service and managerialism, efficiency and individual rights (Pierre 2011). *Rechtsstaat* cultures foster deductive decision-making, in which the decision about an individual case is made on the basis of deductive reasoning from a legal premise (Peters 2001, p. 39). If the deduction of the specific decision is performed correctly, there is little basis for argument. Typically, these systems have difficulties in dealing with discretion, which according to the formal approach is not supposed to exist. Public interest systems, on the contrary, work inductively. Generalities are derived from observations. Peters (2001, p. 39) characterizes this legal culture as pragmatic and empirical. Administrative and legal decisions are almost inherently individualized and, notwithstanding the importance of precedents, each case may be contested on its merits (Peters 2001, p. 40). This being said, the distinction is not absolute. Pierre (2011) warns that the difference between the two types of systems is one of degree rather than demarcation.

Belgium (including the Region of Flanders) has a *Rechtsstaat* tradition (Pollitt and Bouckaert 2011). Theoretically, we can expect that the mechanisms of layering and regulatory growth find a more fertile ground in *Rechtsstaat* traditions. Arguably, it is more difficult to abolish old layers of regulation valued by the legal culture. *Rechtsstaat* cultures will also assign a higher status to legal professions that can exploit this cultural goodwill to protect their distinctive professional competences. The general societal culture in Belgium is also risk averse. Belgium has one of the highest scores (94) worldwide on Hofstede's Uncertainty Avoidance Index (Hofstede 2014). Since rules give people (at least the illusion of) security (reducing uncertainty), we expect reregulation mechanisms to fare well in Belgium. Culturally, Belgium (Flanders) can be typified as an extreme case that should allow for a clear observation of the mechanisms at play.

METHODOLOGY

The nature of the topic and research question underpins the choice for a qualitative case study design (Yin 2009). We use a single holistic or instrumental case study, namely the regulation of the housing policy sector in Flanders. The aim is explanation-building, starting with the initial statements in the theoretical section on social mechanisms to better understand and explain regulatory practice. Data was gathered from a policy-oriented research project to improve regulation and supervision in the housing sector.

The empirical core consists of interviews with 41 people in the housing sector, conducted in spring 2011. The semi-structured interviews dealt with the regulatory context of the actors as well as a series of issues that are topical in the field of practice. Particular attention was given

to the role of the inspectorate as the main supervisory body. Interviewees with similar profiles were interviewed in focus groups: directors of Social Housing Associations, Social Rental Offices, and Certified Credit Agencies. Individual interviews were conducted with the political cabinet of housing, the management of the inspectorate, the housing department, the housing agency, frontline inspectors (two inspectors and a frontline supervisor), interest groups representing the housing sector, and the municipal association. Most interviews were not recorded but extensive manual notes were taken because the sensitive nature of the topic led to frequent requests to stop recording or 'off the record' comments.

All interviews were conducted by two members of the three-person research team, to ensure good note-taking while maintaining focus on the dialogue and non-verbal behaviour (Warren 2002). We supplemented the interviews with documentary evidence (e.g. main legislation, reports). In this way, we believe to have obtained a 360° view on the regulatory context of the housing actors. Coding of interview notes and documents was done manually. Inter-rater reliability was increased through researcher triangulation: three researchers first analyzed data separately and then confronted their analysis with one another (Miles *et al.* 2014). Finally, reliability and validity were improved through member checks (through individual feedback and a group discussion based on a draft research report).

CASE ANALYSIS

Introducing the multilayered regulatory regime of social housing in Flanders

In Flanders, one of the three Belgian Regions, social housing is provided for rent and for sale. Approximately 5,6% of the housing market in Belgium is social rented housing (Winters and Elsinga 2008). We analyze the regulatory dynamics in the Flemish social housing sector and the Housing Inspectorate that oversees the three main groups of social housing actors.

The first group consists of 101 Social Housing Associations (SHAs), which build, rent and/or sell houses. They are the oldest and most institutionalized group, many SHAs originated in the early twentieth century. Their size varies considerably from 500 dwellings in countryside corporations to 18,000 in cities, but averaging 1,500 units. They are mostly private legal entities and incorporated, but have public shareholders.

A second group involves 50 Social Rental Offices (SROs), which assist needy people in finding a home on the private market. They are intermediaries between owners and renters, renting houses from owners and guaranteeing regular payment and maintenance of properties while then renting them on to persons in need. They also provide housing assistance to tenants. They originated in the 1990's from third sector and local social policy initiatives and have a private, non-profit legal personality.

The third group includes 40 Certified Credit Associations (CCAs) that provide mortgages for low and medium income households. Their loans are partly guaranteed by government, reducing funding costs and allowing lenders to enjoy competitive interest rates. Until the late 1990s, they were certified by a large public savings bank (ASLK). In 1997, some of these associations organized their own funding with support from the Flemish Social Housing Agency (FSHA) and

certification and control was assigned to the Flemish Housing Agency (FHA). After the privatization of ASLK in 2000, the other associations became certified by the Flemish government.

These groups are autonomous, in the sense that they are independent legal entities with separate accounting and management responsibilities. However, the Flemish government regulates key policy and management issues such as eligibility criteria, allocation rules, rental prices, planning and financing of projects, and architectural quality of new projects. Several actors at the central level have a responsibility in this system. The FHA prepares housing policies and legislation and advised the Housing Minister. The FSHA provides daily support to the housing actors. The Housing Inspectorate acts as their main supervisor to enforce regulation. Local governments coordinate local housing policy, make local housing plans, organize town planning and prioritize specific target groups in the eligibility criteria. The table below sketches the institutional landscape.

TABLE 1 *Multilayered housing policy*

Regional tier	Political level	Public administration
	Housing Minister: <i>decides on policies, autonomy and regulation</i>	Flemish Social Housing Agency: <i>supports housing actors</i> Housing Inspectorate: <i>enforces regulation</i>
Local tier	Local government	Social housing actors
	Municipalities: <i>coordinate local housing policy</i>	Social Housing Associations: <i>provide social housing</i> Social Rental Offices: <i>acts as intermediary on the private housing market</i> Certified Credit Associations: <i>provide social loans</i>

Autonomy and Layers of Control?

We first need to establish whether our case is indeed evidencing additional layers of control and growth of regulation, combined with (a discourse of) autonomy. We discuss the period 1990-2012 because the main developments are situated in that time frame.

When the FSHA was founded in 1990, the control of this statutory body over the activities of SHAs was far-reaching. SHAs were compelled to inform the FSHA concerning all financial activities, to deposit all financial means with the FSHA, and required authorization for many

legal actions (Rombaut 2003). Each SHA had a commissioner of the Flemish government that controlled their decisions and attended board meetings. However, most respondents asserted that this system was not effective, with commissioners rarely filing complaints. Arguably, this is an instance of regulatory capture, where the commissioners mainly went along with the SHAs and their interests (Lodge and Wegrich 2012). The FSHA also had staff to control SHAs but only a limited number of instruments to impose sanctions in the event of non-compliance. The SROs have a very different history, as they developed within social welfare organizations, enjoying a far-reaching autonomy: no commissioner and only obliged to submit an annual financial plan and report, and a limited set of documents for a 5-year accreditation.

In 1999, SHA autonomy was increased as the number of actions requiring approval by the FSHA was reduced from 40 to 14 (Rombaut 2003). In 2006, a new article was inserted into the Housing Code of 1997 – the main piece of housing legislation – defining the SHAs explicitly as autonomous companies and removing all procedures of ex ante authorization. The FSHA was confined to providing support and advice to all social housing actors.

However, at the same time (2006) – as part of a major NPM flavored reform of the Flemish government – a central Housing Inspectorate (HI) was installed and took over the supervisory capacity of the FSHA. While policy documents of the Housing Ministers between 2004-2014 stressed the importance of strong, independent housing actors (Keulen 2004; Van den Bossche 2009), the HI became a powerful controller (see below).

So while formal autonomy appears to increase during the 1990s, and despite a similar policy discourse in the 2000s, the control practice was strengthened and shifted towards actual reregulation. At first, regulation became more detailed and complex. The Social Housing Resolution of 1994 that defined the terms and conditions for the letting of social dwellings was expanded extensively in 2007 (from 16 to 72 pages). For instance, within the formal Flemish allocation rules, SHAs could prioritize certain target groups but only if based on a plan developed together with local actors, and after approval of that plan by the local government and by the FSHA. Another example is that rent-setting, from then on, was entirely determined by regulation. In this way, the SHAs lost one of their main instruments for balancing their budgets. Another important piece of legislation was the Flemish Government Resolution of 2008 regarding the supervision rules. Social housing actors now had to report all their meeting documents to the HI and the right of supervisors to make random and unannounced site visits was introduced. That Resolution was also the legal basis for Housing Minister circulars to regulate various issues regarding internal management, accounting and real estate transactions that were previously laid down in FSHA rules. However, the most important change was that the HI became authorized to impose a wide range of sanctions, including suspension and nullification of SHA-decisions and administrative and financial penalties.

A good illustration of the all-encompassing supervision that developed up to 2012 is the inventory of fields of inspection by the HI, which lists 45 (!) domains of control, covering virtually everything; ranging from housing issues such as the social rent calculation, allocation of housing and vacancy rates, to management issues such as internal control and financial management. In the future, there are plans to prioritize inspections based on risk analysis. Yet,

inspectors argued not to do away with standardized checklist-based control entirely, potentially adding another layer of control.

While the HI is the main new kid on the block, an increasing number of actors gained some degree of control capacity too. *External auditors* need to ratify financial statements annually. The Flemish government's *Inspectorate of Finance* can check the acquirement of land by SHAs. The Flemish government's *Internal Audit Agency* can do forensic audits when fraud is suspected. *Local governments* are given more leeway to set policies for housing actors. Finally, the Housing Department introduced a system of performance assessments in 2012, combining performance indicators and interviews by an accreditation committee.

So, compared to the time when the SHAs were controlled by the FSHA, the local housing actors now face more legal and risk-based control, performance-based control (for the SHAs), and an expanding corpus of regulation. We will now explore possible explanations for this regulatory dynamic.

Mechanism 1: Professionalization at Work?

As discussed earlier, the dynamics of professionalization can explain the layering of regulation through professional competition. In our case, the housing profession, the legal profession, and management profession enter the picture.

We find that the development of a management profession leads to professional competition. Yet, this competition is not so much between management and housing professionals, because they are entrusted with different tasks. The contestants are the management and law professions, competing for regulatory oversight of the housing sector – this is the jurisdiction at stake. We find evidence for the (1) professionalization of management and (2) for (non-deliberative) competition between legal and management professions. We conclude (3) that this competition has led to the accumulation of regulatory oversight.

(1) The need for professional management is acknowledged by social housing actors. Virtually all interviewees confirmed the significance of what they literally called '*professionalization*' of the sector, referring to professional management of finances, facilities, information, and internal control systems. The legal professionalization was also a point of concern, particularly public procurement legislation. After approval of contracting by the FSHA was abolished, a stronger need for more professional procurement was felt. Arguments in favor of professionalization usually co-existed with arguments for increasing the scale of organizations, intended to permit specialization and the application of '*state of the art*' management techniques. Moreover, several actors anticipated that better support and training would be beneficial for their sector. As mentioned above, in 2006 the role of support was formally assigned to the FSHA and expanded in 2012 to all social housing actors. The performance evaluation scheme for SHAs developed in that period also includes several requirements on professional strategic planning, in the fields of building, renovation and finance. If they do not comply with those requirements, the Housing Minister can force them to accept guidance by the FSHA.

Additionally, the composition of the accreditation committee for performance assessments indicates the management profession creeping in; fifteen members have a mixed profile of management and housing skills, three members have a private management background, and only one member is a lawyer. A final argument for professionalization is the growing importance of the Housing Association Union – shifting from a volunteer lobby organization to a professional organization with a five member staff that also supports SHAs.

(2) While the management profession expanded, deliberate strategies to compete for jurisdictions were rare in law and management professions. Indeed, legal and managerial standards were intrinsically adopted by some local housing professionals as well as by inspectors. The HI acknowledges the value of both professions. While there is little evidence for deliberate competitive strategies, we did find tensions between the systems of knowledge developed by professions.

This tension was identified, for instance, in the discussion on whether inspectors could take up an advisory role for housing organizations. Some clearly argued from a legal perspective that providing advice may lead to liability issues and should therefore be avoided. In their view, a clear separation is needed between the legal role and the advisory role. Ensuring legal compliance is regarded as their core task, while giving management advice to those controlled could compromise their independence as supervisors. Here, the legal profession was shielded from managerial influences.

Others argued from a management perspective, claiming that in practice the advisory role could not – and even should not – be avoided. They used efficiency arguments to legitimize a pro-active advisory role. In their view, it is better to help housing actors to avoid mistakes than to sit and wait for them to take wrong decisions and then engage in the formal procedures, which also costs time and manpower at regional and local level.

The housing professionals strategically positioned themselves between the legal and managerial knowledge base. Generally, housing professionals sided with the management profession. Respondents from the SROs, for instance, stated that the increased attention for management features by the HI accelerated the professionalization of their sector. Not surprisingly, SHAs stressed the management discourse of letting and making managers manage, criticizing the extensive regulation that leaves little room for managerial decisions (e.g. the rental price) and costs time and money to implement in daily practice (e.g. internal control). In part, this was a strategic stance to defend their autonomy and to oppose what they saw as the overly bureaucratic and legalistic approach of inspectors.

(3) In our view, there is some truth in the professionalization thesis. Professionalization of management has led to new demands for oversight. Traditional legal compliance was supplemented – rather than replaced – with financial audit, internal control and performance steering. It is also clear that housing professionals were increasingly convinced of the importance of better management. Further evidence is the support of the Housing Association Union for the performance evaluation scheme being piloted during our study. Because these different oversight traditions are combined in practice – as opposed to an NPM-tradition

replacing the classic public administration tradition – it is not strange to find that tensions have risen within the field of oversight, between management and legal professions rather than between the housing profession and the managerial profession.

However, we did not find evidence of deliberate competition for jurisdiction. On the contrary, actors generally acknowledged the distinctive competences: laws have to provide a framework, finances should be sound and, indeed, results matter. We find that the tensions mainly surface in the daily practice of oversight, in situations where prominence needs to be given to one approach over another: for instance, when a results orientation – to get a case solved – stands in the way of legal compliance. One such example concerns an SHA that found a suitable candidate for a job requiring a highly sought-after profile and expertise in the labor market, so the ability to decide and communicate quickly to candidates was vital. However, oversight rules required the SHA to wait twenty days before informing the person that he was hired, because that decision could still be annulled by oversight in that period. Tension also arises from the complexity of regulation and the intensity and level of detail of control actions. As the director of a large SHA stated: *‘We allocate dozens of dwellings every week, while an inspector devotes a whole day to verify one single allocation decision, [so he is] bound to find a mistake on our part.*

Mechanism 2: Vicious Circle of Regulation at Work?

As discussed earlier, Crozier’s vicious circle of regulation seeks to explain the growth in regulation. Rules that regulate behaviour create new uncertainties, which are in turn addressed by new rules. We argue that (1) regulation did indeed grow, that (2) regulatory growth is often a response to the use of discretion by housing actors, but (3) that regulatory growth is not driven by strata competition as Crozier suggests.

(1) All respondents agree that regulation expanded and has reached a problematic level of complexity and detail. As a respondent puts it: *‘The regulation is far too complex. The Social Housing Resolution for instance is too detailed. About each detail, you can start asking questions.’* Central policy makers, inspectors and political advisers all expressed this view. We observe some truth in this claim, because housing laws have expanded, and regulation on matters such as public procurement, accounting, labor law, non-profits, and zoning have indeed become increasingly complex.

(2) Crozier observed, however, that more rules do not necessarily squeeze out frontline discretion. Lower echelons will attempt to exploit the remaining degrees of freedom to the utmost. A telling example is the way housing actors deal with the requirement to provide all meeting documents to the HI. Some housing actors intentionally reduced the level of detail in those documents and made them as vague as possible, in order to avoid comments or questions from the HI. As a result, a circular in 2010 stipulated that in these documents, all decisions should be motivated based on legal and factual arguments – thus forcing the housing actors to provide more detail instead of only reporting a decision taken. For decisions on allocation of dwellings, the circular included a list of details to be provided.

Housing actors explicitly posit that complete legal compliance is impossible. As one director puts it: *'The reality is so complex that it cannot be captured in rules. We need to operate on the edges of the law every day to make it work'*. Several actors said, *'if you go by the book, nothing would happen'*. Yet, higher echelons keep relying on more rules to steer housing actors. An extreme example was a series of heavily mediatized scandals in the early 2000s. Some SHA-directors drove luxury cars, and enjoyed expensive dinners and trips. They exploited the discretionary power they had to – or over – the edge of legality. At that time, FSHA tried to exercise control but had a limited range of sanctions at its disposal. Several respondents pointed to this episode in explaining reregulation. When the HI was established in 2007, the Housing Minister explicitly referred to these misuses in his communication. Other regulatory options such as (enforced) self-regulation or risk regulation were not explored in response to the scandal (Baldwin *et al.* 2013). Crozier argues that the higher echelons often see regulatory growth as their only option to deal with local discretion. As a respondent put it: *The reason why there is so much detail in the legislation, is the result of the way legislation is made. This is local case-based: general rules are based on local incidents and contexts, and thus rules keep growing. Rules should be simplified and actors then should take up their responsibilities themselves. But the politicians do not succeed in making such legislation.* In Crozier's words, higher strata use general rules to respond to (mis-)use of local discretion, since they do not have the authority to solve local problems by making use of blunt hierarchical power.

(3) Crozier argues that power struggles between lower and higher strata (strata competition) drive the regulatory growth. Yet, contrary to the expectation, lower strata also ask for more rules. This is most evident when the inspectorate questions decisions made by housing actors. Housing actors then often accuse the central policy makers of providing insufficient guidance. One example concerns the central requirement to have an internal control system. Housing actors criticized the HI for not providing details on how such a system should be structured, thus preventing them from complying with this requirement. The HI hesitates to define concrete guidelines, arguing that a managerial instrument for autonomous actors would then lapse into a pseudo-regulatory device similar to traditional legal compliance regulation. So we detect a vicious circle of regulation, but it is only partly driven by the desire of central actors to squeeze out the discretionary powers of housing actors. Rather than being a principle-agent game, the vicious circle is fuelled by a cultural disposition towards the role of law in society. Respondents at all levels describe the role of law as that of setting the framework. Rules and regulations have to delineate the playing field. An instructive debate concerns the position of good governance principles, like legal equality, legal certainty, proportionality of administrative actions, and impartiality, as proposed by legal scholars. These principles are already used by the courts (Valkeneers 2011). The HI claims to use these principles when laws are not mandating supervision, for instance, to assess whether a foreign study visit by the board and its management is acceptable (namely Amsterdam is acceptable, Hawaii is not). These principles should allow for a case-by-case assessment. Yet, this case-based approach sits uneasy with the dominant perception on what is expected from regulations, namely setting general boundaries. As a result, the publication of precedents and guidelines gives these principles a pseudo-regulatory character. Several central actors mentioned this dynamic, but it

seems hard to resist in practice. Crozier's vicious circle is at work, but then fuelled by a legal culture instead of a deliberate power game.

DISCUSSION AND CONCLUSION

We studied potential explanations for the reregulation that often follows the granting of autonomy. The *layering* of regulation and control in our housing case can be explained by the dynamics of professional competition. The competition is primarily between the oversight professions of law and management. The *growth* of regulation within layers can be explained by Crozier's vicious circle of bureaucracy. Yet, this vicious circle was not driven by competition between principals and agents (roughly the 'strata' in Crozier's work).

Rather than strata competition, our legalist administrative culture seems to be the lubricant of the vicious circle. Our study was a single case study and we should be careful with comparative statements. Moreover, the literature section on autonomy and reregulation at the outset of the article has documented many cases of reregulation in public interest systems. However, it seems that managerial freedom and case-by-case problem solving as promoted by NPM flavored autonomy, sit uneasily within the legal culture of the Rechtsstaat. The culture of uncertainty avoidance further fuels the tendency to formalize as much as possible or ask for guidelines to ensure compliance, as discussed above, even when more managerial autonomy is provided to housing actors.

While reregulation tendencies are clearly no prerogative of the Rechtsstaat, it can be argued that there is stronger cultural pull for reregulation in legalist cultures as opposed to public interest cultures. For instance, in our case, the criteria to determine risk in risk-based oversight were regarded, after only a few iterations, as formal requirements that all SHAs needed to meet. The inspectorate was aware of this drift towards legalism and was hesitant to publish the set of criteria. Similarly, performance indicators in a performance-oriented control system were quickly seen as another set of rules – i.e. outputs that *must* be attained. Again, central actors attempted to oppose this view by installing a visitation formula that leaves room for performance dialogue (Moynihan 2008). It seems to us that the interplay between law and public management is a field of research that warrants more attention from comparative scholarship (Troupin 2012).

We also found that the development of a management profession has led to competition with the legal profession. Several studies have concluded that the rise of managerialism in the public sector has affected frontline professionals (Noordegraaf and Abma 2003; Radin 2006; Soss *et al.* 2011). In our case, the housing professionals on the frontline are also affected but are by no means a lame duck. This is consistent with a recent Swedish study that shows how schoolteachers and welfare managers align NPM with their professional project (Jarl *et al.* 2012). Professionals and their professional associations position themselves in the competition between legal and management professionals. In a reaction against a widely shared dissatisfaction with the legal approach, professionals generally side with the management discourse of letting and making managers manage. Yet, in conflicted situations, the housing sector goes back to legal arguments to build their line of defense. For instance, when the HI

rules against the decision of a SHA based on principles of good governance, the counterargument is typically that the meaning of good governance should have been translated into more explicit rules.

Our study also has its limitations. We acknowledge the typical limits of a single case study, and can only hypothesize that the relations we reported are valid in similar cases – in terms of issues, institutional make-up, and politico-administrative culture. Secondly, while we show that social theory is helpful to explain reregulation, other perspectives might provide different or more nuanced conclusions, or shed light on other factors and mechanisms that complement our findings. Institutional theories, governance theories, or complexity theories are among the most obvious candidates to study and explain this issue as well.

Despite these limitations, we feel that our findings have some relevance for both academia and practice. For scholars studying regulation and public management, we demonstrate how regulatory growth and layering can affect the effectiveness of managerial reform. Future research can build on this, by looking at other sectors and more importantly other countries, to see if these findings hold their ground in different contexts and different cultures or how they vary. Do professionalization and Crozier's vicious circle of bureaucracy have similar effects in, for instance, countries that have a common law culture? Is principal-agent competition in some sectors or countries more important to explain the growth of regulation than in our case? Do housing sectors in other countries also face a similar increase in layering of regulation, and can this be explained by professional competition or are other mechanisms at work (e.g. The Netherlands or the UK, see van Bortel *et al.* 2010)? Are the effects on managerial reforms similar or different in those cases?

For practitioners, there is also some food for thought. First of all, regulators should take into account, more explicitly, the importance of cultural characteristics in shaping their behaviour, in regulating a sector and in managing their oversight practice. Secondly, government should engage more systematically in cost-benefit analysis of modes of oversight and supervision. Finally, governments should be more aware of the different professions and the competition and incompatibilities between them. Bringing the law, housing, and management professions closer together is a difficult but necessary task in which educators can also play a role (e.g. through training programs).

REFERENCES

- Abbott, A. 1988. *The system of professions: An essay on the division of expert labor*. Chicago: University of Chicago Press.
- Abbott, A. 1991. 'The Order of Professionalization', *Work and Occupations*, 18, 4, 355-84.
- Anechiarico, F. and J.B. Jacobs. 1996. *The Pursuit of Absolute Integrity: how corruption control makes government ineffective*. Chicago: University of Chicago Press.

- Ayres, I. and J. Braithwaite. 1992. *Responsive regulation : transcending the deregulation debate*. New York: Oxford University Press.
- Baldwin, R., M. Cave and M. Lodge. 2013. *Understanding Regulation: Theory, Strategy, and Practice*, 2nd edn. New York: Oxford University Press.
- Benish, A. and D. Levi-Faur. 2012. 'New Forms of Administrative Law in the Age of Third-Party Government', *Public Administration*, 90, 4, 886–900.
- Bowerman, M. 2002. 'Isomorphism Without Legitimacy? The Case of the Business Excellence Model in Local Government', *Public Money & Management*, 22, 2, 47–52.
- Bowerman, M., H. Raby and C. Humphrey. 2000. 'In Search of the Audit Society: Some Evidence from Health Care, Police and Schools', *International Journal of Auditing*, 4, 1, 71–100.
- Braithwaite, J. 2000. 'The new regulatory state and the transformation of criminology', *The British Journal of Criminology*, 40, 2, 222–38.
- Braithwaite, J. 2008. *Regulatory Capitalism: How It Works, Ideas for Making It Work Better*. Cheltenham: Edward Elgar.
- Brandsen, T., M. Boogers and P. Tops. 2006. 'Soft Governance, Hard Consequences: The Ambiguous Status of Unofficial Guidelines', *Public Administration Review*, 66, 4, 546–53.
- Bumgarner, J. and C.B. Newswander. 2009. 'The Irony of NPM The Inevitable Extension of the Role of the American State', *The American Review of Public Administration*, 39, 2, 189–207.
- Bumgarner, J. and C.B. Newswander. 2012. 'Governing Alone and With Partners Presidential Governance in a Post-NPM Environment', *Administration & Society*, 44, 5, 546–70.
- Christensen, T. and P. Lægreid. 2006. *Autonomy and regulation: coping with agencies in the modern state*. Cheltenham: Edward Elgar.
- Crozier, M. 1971. *The bureaucratic phenomenon*. Chicago: University of Chicago Press.
- Downe, J. and S. Martin. 2007. 'Regulation inside government: processes and impacts of inspection of local public services', *Policy & Politics*, 35, 2, 215–32.
- Exworthy, M. and S. Halford. 1999. *Professionals and the new managerialism in the public sector*. Buckingham: Open University Press.
- Flinders, M. 2011. 'Daring to be a Daniel', *Administration & Society*, 43, 5, 595–619.
- Foss Hansen, H. and L. Holm Pederson. 2006. 'The dynamics of regulatory reform', in T. Christensen and P. Lægreid (eds), *Autonomy and regulation: coping with agencies in the modern state*. Cheltenham: Edward Elgar, pp. 328–55.
- Frissen, P.H.A. 2004. 'Dochters op Kamers', *Pentascopie*, 53–55.

- Hedström, P. and R. Swedberg. 1996. 'Social Mechanisms', *Acta Sociologica*, 39, 3, 281-308.
- Heinrich, C. J. 2002. 'Outcomes-Based Performance Management in the Public Sector: Implications for Government Accountability and Effectiveness', *Public Administration Review*, 62, 6, 712-25.
- Hofstede, G. 2014. *What about Belgium?* Online at <http://geert-hofstede.com/belgium.html>
- Hood, C. 1999. *Regulation inside government*. Oxford: Oxford University Press.
- Hood, C. and G. Bevan. 2004. *Where Soft Theory Meets Hard Cases: The Limits of Transparency and Proportionality in Health Care Regulation*. Paper presented at the ASPA Conference 'Transforming Governance in a World Without Boundaries' (Portland, Oregon, March 27-30).
- Hood, C., O. James, G. Jones, C. Scott and T. Travers. 1998. 'Regulation Inside Government: Where New Public Management Meets the Audit Explosion', *Public Money & Management*, 18, 2, 61-8.
- Jarl, M., A. Fredriksson and S. Persson. 2012. 'New Public Management in Public Education: A Catalyst for the Professionalization of Swedish School Principals', *Public Administration*, 90, 2, 429-44.
- Kerpershoek, E., M. Groenleer and H. de Bruijn. 2014. 'Unintended responses to performance management in dutch hospital care: Bringing together the managerial and professional perspectives', *Public Management Review* (published online, DOI:10.1080/14719037.2014.985248).
- Kerwer, D. 2005. 'Holding Global Regulators Accountable: The Case of Credit Rating Agencies', *Governance*, 18, 3, 453-75.
- Keulen, M. 2004. *Vlaams Woonbeleid: Beleidsnota 2004-2009*. Brussel: Vlaamse Regering.
- Koop, C. 2014. 'Theorizing and Explaining Voluntary Accountability', *Public Administration*, 92, 3, 565-581.
- Koppell, J.G.S. 2005. 'Pathologies of Accountability: ICANN and the Challenge of 'Multiple Accountabilities Disorder'', *Public administration review*, 65, 1, 94-108.
- Levi-Faur, D. 2014. 'The Welfare State: A Regulatory Perspective', *Public Administration*, 92, 3, 599-314.
- Lodge, M. 2004. 'Accountability and transparency in regulation: critiques, doctrines and instruments', in J. Jordana and D. Levi-Faur (eds), *The politics of regulation: institutions and regulatory reforms for the age of governance*. Cheltenham: Edward Elgar, pp. 124-44.
- Lodge, M. 2008. 'Regulation, the Regulatory State and European Politics', *West European Politics*, 31, 1-2, 280-301.

Lodge, M. and K. Wegrich. 2012. *Managing Regulation: Regulatory Analysis, Politics and Policy*. London: Palgrave Macmillan.

Maggetti, M. and K. Verhoest. 2014. 'Unexplored aspects of bureaucratic autonomy: a state of the field and ways forward', *International Review of Administrative Sciences*, 80, 2, 239-56.

Majone, G. 1994. 'The rise of the regulatory state in Europe', *West European Politics*, 17, 3, 77-101.

Martin, S. 2010. 'Knowledge from inspection: external oversight and information to improve performance', in K. Walshe, G. Harvey and P. Jas (eds), *Connecting Knowledge and Performance in Public Services: From Knowing to Doing*. Cambridge: Cambridge University Press, pp. 16-33.

Miles, M.B., Huberman, M.A. and J. Saldaña. 2014. *Qualitative Data Analysis* (3rd ed.). London: Sage.

Moynihan, D. P. 2008. *The Dynamics of Performance Management: Constructing Information and Reform*. Washington: Georgetown University Press.

Noordegraaf, M. and T. Abma. 2003. 'Management by Measurement? Public Management Practices Amidst Ambiguity', *Public Administration*, 81, 4, 853-71.

Noordegraaf, M. and M. Van Der Meulen. 2008. 'Professional power play: Organizing management in health care', *Public administration*, 86, 4, 1055-69.

Norreklit, H. 2000. 'The balance on the balanced scorecard a critical analysis of some of its assumptions', *Management Accounting Research*, 11, 1, 65-88.

O'Toole, L.J. and K.J. Meier. 2015. 'Public Management, Context, and Performance: In Quest of a More General Theory', *Journal of Public Administration Research and Theory*, 25, 1, 237-56.

Parker, C. 2013. 'Twenty years of responsive regulation: An appreciation and appraisal', *Regulation & Governance*, 7, 1, 2-13.

Peters, B.G. 2001. *The politics of bureaucracy*. London: Routledge.

Pierre, J. 2011. 'Stealth Economy? Economic Theory and the Politics of Administrative Reform', *Administration & Society*, 43, 6, 672-92.

Pires, R.R.C. 2011. 'Beyond the fear of discretion: Flexibility, performance, and accountability in the management of regulatory bureaucracies', *Regulation & Governance*, 5, 1, 43-69.

Pollitt, C. and G. Bouckaert. 2011. *Public Management Reform: A comparative analysis-new public management, governance, and the Neo-Weberian state*, 3rd edn. Oxford: Oxford University Press.

Pope, J. 2000. *Confronting corruption: the elements of a national integrity system*. London:

Transparency International.

Power, M. 2000. 'The Audit Society — Second Thoughts', *International Journal of Auditing*, 4, 1, 111–9.

Power, M. 2003. 'Evaluating the Audit Explosion', *Law & Policy*, 2, 3, 185–202.

Radaelli, C.M. 2004. 'The diffusion of regulatory impact analysis – Best practice or lesson-drawing?', *European Journal of Political Research*, 43, 5, 723–47.

Radaelli, C.M. and A.C.M. Meuwese. 2009. 'Better Regulation in Europe: Between Public Management and Regulatory Reform', *Public Administration*, 87, 3, 639–54.

Radin, B.A. 2006. *Challenging the Performance Movement: Accountability, Complexity, and Democratic Values*. Georgetown: Georgetown University Press.

Rixen, T. 2013. 'Why reregulation after the crisis is feeble: Shadow banking, offshore financial centers, and jurisdictional competition', *Regulation & Governance*, 7, 4, 435–59.

Rombaut, H. 2003. Het toezicht op de sociale huisvestingsactoren. (unpublished report)

Rosenbloom, D.H. and S.J. Piotrowski. 2005. 'Outsourcing the Constitution and Administrative Law Norms', *The American Review of Public Administration*, 35, 2, 103–21.

Schillemans, T. and M. Bovens. 2011. 'The Challenge of Multiple Accountability: Does Redundancy lead to Overload?', in M. Dubnick and G. Frederickson (eds), *Accountable Governance: Problems and Promises*. New York: ME Sharpe, pp. 3–21.

Scott, C. 2000. 'Accountability in the Regulatory State', *Journal of Law and Society*, 27, 1, 38–60.

Shpaizman, I. 2014. 'Ideas and Institutional Conversion Through Layering: The Case of Israeli Immigration Policy', *Public Administration*, 92, 4, 1038–53.

Smith, P. 1995. 'Performance Indicators and Outcome in the Public Sector', *Public Money and Management*, 15, 13–16.

Soss, J., R. Fording and F.S. Schram. 2011. 'The Organization of Discipline: From Performance Management to Perversity and Punishment', *Journal of Public Administration Research and Theory*, 21, suppl 2, i203–32.

Stinchcombe, A.L. 1991. 'The Conditions of Fruitfulness of Theorizing About Mechanisms in Social-Science', *Philosophy of the Social Sciences*, 21, 3, 367–88.

Sunstein, C.R. 1990. *After the rights revolution: reconceiving the regulatory state*. Cambridge: Harvard University Press.

Troupin, S. 2012. *Professionalizing Public Administration(s)? The Cases of Performance Audit in Canada and the Netherlands*. Leuven: KU Leuven.

Valkeneers, R. 2011. Commentaar bij Hof van Cassatie – Arrest nr. C.09.0390.N. *Chroniques de Droit Public/Publiekrechtelijke Kronieken*, 2011(1).

van Bortel, G., D. Mullins and V. Gruis. 2010. 'Change for the Better?'—making sense of housing association mergers in the Netherlands and England', *Journal of Housing and the Built Environment*, 25, 3, 353-74.

Van den Bossche, F. 2009. *Beleidsnota Wonen 2009-2014*. Brussel: Vlaamse Regering.

Van Den Bovenkamp, H., M. De Mul, J. Quartz, A.M. Weggelaar-Jansen and R. Bal. 2013. 'Institutional Layering in Governing Healthcare', *Public Administration*, 92, 1, 208-23.

Van Dooren, W., G. Bouckaert and J. Halligan. 2015. *Performance management in the public sector*. London: Routledge.

Van Thiel, S. and F.L. Leeuw. 2002. 'The Performance Paradox in the Public Sector', *Public Performance & Management Review*, 25, 3, 267–81.

Warren, C.A. 2002. 'Qualitative interviewing'. In: Gubrium J.G. and J.A. Holstein (eds), *Handbook of interview research: Context and method*. Thousand Oaks: Sage, pp. 83–99.

Wilensky, H.L. 1964. 'The Professionalization of Everyone?', *American Journal of Sociology*, 70, 2, 137–58.

Willems, T. and W. Van Dooren. 2012. 'Coming to Terms with Accountability', *Public Management Review*, 14, 7, 1011-36.

Willems, T. and W. Van Dooren. 2011. 'Lost in diffusion? How collaborative arrangements lead to an accountability paradox', *International Review of Administrative Sciences*, 77, 3, 505–530.

Winters, S. and M. Elsinga. 2008. 'The future of Flemish social housing', *Journal of Housing and the Built Environment*, 23, 3, 215–230.

Young, K.L. and S.H. Park. 2013. 'Regulatory Opportunism: Cross-National Patterns in National Banking Regulatory Responses Following the Global Financial Crisis', *Public Administration*, 91, 3, 561–81.

Yin, R.K. 2009. *Case Study Research. Design and Methods*, 4th edn. Thousand Oaks: Sage.