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# Regime Complexity, What Role Does It Play?

A Critical Review

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*Mingde Wang*

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Universität Hamburg  
Institut für Politikwissenschaft  
Allende-Platz 1  
D – 20146 Hamburg

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# Abstract

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For international relations scholars, anarchy has disposed states towards enduring hostility and conflict between states on a systematic level. However, this does not mean the preclusion of inter-state cooperation. Neo-institutionalist scholars have long recognized the value of international institutions in facilitating cooperative relations between states. From a rationalist perspective, many of them argue that international institutions emerge from states' motivation to manage transaction costs for certain regular interactions that bring about, largely, economic benefits. While international institutions can help stabilize interstate exchange in searching for absolute gains, uncertainties about each other's intentions in terms of the need for survival can, in turn, be significantly reduced. Therefore, the promise of international institutions seems to lie in their capacities to offset the Security Dilemma that anarchy produces and, eventually, facilitating stable peace. However, recent studies of regime complexes have complicated the theoretical discussions regarding cooperation through international institutions. Regime Complexity scholars have pointed out that as international institutions become increasingly "dense" over certain issue areas, their overlapping jurisdictions are not necessarily associated with positive spillover and reciprocity, but often lead to new problems and tensions, hence, inefficiency in global governance. This paper is aimed at critically reviewing recent development in the regime complexity literature. After surveying major studies and their implications for policy making, it argues that three structural problems in the existing research paradigm may hinder the further progress of the research field as well as its potential for generating value implications for policy making in relations to international cooperation, in particular global governance.

**Keywords:** international cooperation, regime complexity, global governance, contested multilateralism.



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## 1 Introduction

For two decades since the end of the bipolar confrontation of the Cold War, world politics have not stepped “back to the future.”(Mearsheimer 1990) Instead of returning to the classical balance of power system before the World Wars, the international system has witnessed a steady ascendance of globalization, which is characterized by increasing, transnational “flows and influences of capital and goods, information and ideas, people and forces, as well as environmentally and biologically relevant substances.” (Keohane and Nye 2001, 229) Institutionalist scholars such as Robert Keohane, Joseph Nye, and Ngaire Woods point out that this increasing economic interconnectedness not only reshaped commercial and socio-cultural terrains on a global scale, but is also profoundly transforming the nature of global politics; the process of political liberation turns closely intertwined with economic globalization and technological revolution (Keohane and Nye 2001, 229; Woods 2002, 25-7). Confronted by this unprecedented transcontinental interdependence, sovereign states are compelled to engage with multiple channels of communication and a proliferation of new agendas associated with social-economic ties that have arisen. Military forces, in turn, become largely inefficient and even irrelevant in resolving those issues between national governments, such as trade disputes and environmental degradation (Keohane and Nye 2001, 21-3). Paralleling this trend is the emergence of new agencies, mainly non-state actors, on the stage of world politics, and the diffusion of power and authority in those issue areas where the territory state seems an increasingly inappropriate device for governance. Against this background, the functionalist argument concerning the promise of international institutions seems to find a firm empirical ground: There are substantial incentives for states to reap benefits by negotiating and coordinating; international institutions are, thus, created and sustained for the purpose of cooperation on a range of new issue areas where gains are unlikely to come out of unilateral state policies (Keohane 1984). In turn, international institutions provide various platforms for states to exchange and acquire credible information about each other’s long-term intentions, hence, adding to the potential of a stable pattern of positive reciprocity between states (Axelrod 1984). In

other words, institutionalist scholars have generally aligned with the prospect that the peaceful and stable governance of the world without a world government is an attainable goal even for states in an anarchical system.

Yet, recent development in the institutionalist scholarship has increasingly called our attention to the previously overlooked, complex nature of institutional change in international politics. There has emerged a burgeoning literature of “regime complexes” (RC), that is, as Raustiala and Victor define, “an array of partially overlapping and nonhierarchical institutions governing a particular issue-area.” (Raustiala and Victor 2004, 279) Usually, such collectives of institutions or elemental regimes are characterized by both functional overlap of their constitutive legal agreements or rules and disaggregated decision making with no agreement upon the hierarchy of the elements. The addition of regime complexes, therefore, complicates the story regarding how international institutions evolve and operate in the international system. From this perspective, the standard functionalist view about the role of international institutions in global governance seems oversimplifying. Just as the RC literature highlight, international institution does not only function as a solution for efficient management of transaction cost *per se*, but may also become a potential venue for competition, conflict, hence, inefficiency. Nevertheless, conventional wisdom has been short of insights regarding the conditions under which such functionally overlapping collectives of elemental regimes are likely to facilitate (or undermine) inter-state cooperation, particularly the solution for imminent issues of global governance. In the light of the growing scholarly effort to understanding regime complexes in recent years, this article is aimed at critically examining the theoretical discussions concerning the consequences and implications of regime complexes vis-a-vis global governance. The major argument is put forward as the following: Despite of various contributions to the knowledge of specific issue areas, three structural issues have been embedded in the current efforts to foster a systematic understanding of the casual mechanisms linking regime complexes to international cooperation. Respectively, these problems have to do with the conflation of structural and agential complexity, and considerable indeterminacy in research design, and

the conceptualization of regime complexes. Therefore, to overcome these obstacles, the studies of regime complexes may benefit from a more structured design of case studies, and advances in exploring the operation of key agential factors in regime complexes.

The rest of the article is divided into three sections. The first part will shortly summarize the major themes and developments of the regime complexes literature. The second part is then devoted to laying down the major criticisms against the context of specific research efforts to examining regime complexes as a dependent variable. Building on the criticisms, I will then move on to concluding the article with a brief discussion of the potential research venues to approach in order to overcome the identified problems and further the progress in the study of regime complexes.

## 2 The Origin and Implications of Regional Complexitiy

For most of the time since its emergence in the institutionalist literature, “regime complexes” have largely served as a general term rather than a strictly defined analytical device for the generic phenomenon it describes. Recently, there is certain scholarly effort to more clearly demarcate the concept. For example, in a special issue of *Global Governance*, Orsini, Morin, and Young propose to narrow down the concept, and conceptualize regime complexes as “a network of three or more international regimes that relate to a common subject matter; exhibit overlapping membership; and generate substantive, normative, or operative interactions.” (Orsini, Morin and Young 2013, 29) However, most scholars seem to follow the conventional approach exemplified by Raustiala and Victor’s classical definition. Therefore, to avoid arbitrarily excluding existing studies from examination, this article also does not deviate from the simpler and more inclusive understanding that regime complexes are simply “systems of functionally overlapping international institutions that continuously affect each other’s operations.”( Gehring and Faude 2013, 120) That means, regime complexes may potentially include a range of patterns of institutional overlapping. At the minimum, it can be the overlap of two international institutions or regimes, such as the



relationship between NATO and European Security and Defense Policy (ESDP) over the issue of European security (Hofmann 2009). Yet, regime complexes may well be manifested as a network of interactive legal agreements, such as the complex collective of interlinked regimes governing global cyber activities (Nye 2014, 7).

Some RC literature have specifically paid attention to the origins of regime complexes. In Raustiala and Victor's early analysis of the overlapping international regulations over plant genetic resources (PGR), they notice that the divergent economic interests between developed and developing countries played an important role in creating incentives for the South to develop alternative, protective mechanisms for property rights in PGR, hence, complicating the existing regulatory system regarding PGR (Raustiala and Victor 2004, 289). In their examination of the evolution of energy regimes, Colgan, Keohane, and Van de Graaf recognize that dissatisfaction over the status quo often led powerful oil-producer states to bypass existing institutional arrangement and push for the rise of alternative regulatory mechanisms (Colgan, Keohane and Van de Graaf 2012, 120). Echoing this finding, many scholars of regionalism have noticed that the latest wave of regional institutional alternatives to global options, such as Asian Infrastructure Investment Bank (AIIB) and the European Stability Mechanism (ESM), originated in the dissatisfaction over existing global institutions among governments, NGOs, and multinational corporations (Helfer 2009, 40; Patrick and Forman 2002, 450). Keohane and Victor have advanced one of the most systematic explanations to multiple, functionally overlapping institutions. According to their account of the evolution of climate change regimes, the landscape of the existing regime complexes for climate change can be attributed to the following five factors: (1) distribution of interests among major actors, (2) governments' uncertainty about each other's commitment, (3) the lack of issue linkages, (4) problem diversity, and (5) political difficulties (Keohane and Victor 2011, 12-3). In general, the emergence of regime complexes along with the increasing complexity in the governance of certain issue area, in one way or another, is associated with what Morse and Keohane term "contested multilateralism," that is, "the creation or use of formal or informal institutions or networks [...] to challenge the rules,

practices, or missions of existing multilateral institutions.” (Morse and Keohane 2014, 386-7)

From the perspective of contested multilateralism, the emergence of regime complexes is always associated with a certain degree of challenge to trans-national cooperation in a given issue area. First, as Morse and Keohane point out, the shifting of forum or the creation of alternative institutions naturally implies conflicts between the fundamental intentions of actors. Although the challenge to established institutions or practices that dissatisfied states mount may not necessarily bear substantive outcomes, that is, the actual change of the status quo, issue complexity and the transaction cost for cooperation are likely to build up during the process (Morse and Keohane 2014, 388-9). Moreover, regime complexes are the manifest of the fragmented and disintegrated nature of a system of legal agreements, in opposed to a comprehensive and integrated form of institution. In other words, its very existence is telling about the political barriers (or domestic constraints on) to multilateral settlement and the magnitude of the incentives for inaction in a domain of issue. For instance, in their explanation of the regime complexes for climate change, Keohane and Victor naturally align with a non-optimistic prediction for effective reductions in emissions that meet international expectations, through the contemporary institutional arrangements (Keohane and Victor 2011, 7). Though the authors acknowledge the flexibility and adaptability that regime complexes may grant the decision making process for individual states, they also emphasize that a loosely coupled system of such may easily fall into a collective of conflicting components that “yield gridlock rather than innovation” and “create critical veto points” and a “race to the bottom.” (Keohane and Victor 2011, 14-6)

In line with such policy relevant concerns, recent studies have increasingly focused attention on the systematic patterns of consequences that regime complexes bring about in relationship to specific issue areas in international cooperation and global governance. Particularly, scholarly attention has been largely devoted to theorizing about the problems or detrimental effects associated with regime complexes. As Orsini, Morin, and Young

comments, “tensions between the trade regime and various environmental regimes were often given as the main examples” for severe conflicts among regimes that the rapid growth of the number of functionally overlapping international institutions (Orsini, Morin and Young 2013, 28). Representing this trend is the 2009 special issue on regime complexes of *Perspective on Politics*, in which a series of articles are devoted to shedding light on the causal pathways through which overlapping international regimes can influence the transnational governance of issue agenda at global and regional levels.<sup>1</sup> These causal mechanisms under examination, according to Gomez-Mera, can generally be categorized into two types: The first focuses on the “influence of regime dynamics on actors’ preferences and choices, which, in turn, have consequences on the effectiveness of other regimes in the complex or dyad” (Gómez-Mera 2015, 5) And the second centers on the primarily systemic interactions that “emerge between two (or more) institutions when the operation of one institution directly affects the effectiveness of another through shared activities.” (Gómez-Mera 2015, 4; Young 2002)

Among the actor-centered mechanisms, forum-shopping/shifting or “chessboard politics” has been identified as a major pattern of behavior which international actors, particularly states, tend to engage in. More than one studies show that, above a certain density threshold, multiple institutions with authority over an issue encourage actors to “select the international venues based on where they are best able to promote specific policy preferences, with the goal of eliciting a decision that favors their interests,” or to influence policy outcomes by promoting “agenda across multiple international institutions.” (Alter and Meunier 2009, 16) Such behavioral patterns can be observed in a wide number of issues, ranging from international election monitoring to trade negotiations. Kelley, for example, illustrates governments’ selective use of election monitoring organizations to their own advantage with the cases of Kenya, Zimbabwe, Russia, and Cambodia. And this may easily offset the positive sides of multiple election monitoring organizations, diverting their energies to mutual competition for public eye or survival. (Kelley 2009, 62) In his analysis of

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<sup>1</sup> See an introduction of the issue in Alter and Meunier 2009.

the trade negotiations over TRIPs, Helfer also demonstrates that developing countries shifted away from WTO and, instead, turned to international venues such as WHO, FAO, and CBD in order to challenge the established norms of strong intellectual property rights that largely benefit developed countries (Helfer 2009, 41).

Furthermore, the literature also calls readers' attention to the psychological consequences of growing complexity on the process of decision making. For instance, Alter and Meunier point out that complexity may lead to "selective information processing and a reliance on relations and heuristics to cut through what is an overwhelming amount of information." (Alter and Meunier 2009, 17) In turn, such "bounded rationality" may end up considerably undermining the efficiency, the full potential, or even the fairness of a decision making process (Drezner 2009, 67). Moreover, scholars also suggest that as regime complexes encourage the multiplication of international venues for decision makers to interact in a fragmented manner, they may be particularly associated with small group effects, which often suggest increasing risk of group think and in-group/out-group rivalry, and decreasing responsiveness to information flow in the decision making environment (Dezalay and Garth 2002; Cohen and Madsen 2007; Alter and Meunier 2009, 18).

On the more systematic side of the causal mechanisms, the feedback effects, in particular the possibility of negative spillover across institutions, are emphasized. Systematic competitions for constituencies and resources between IOs and NGOs can be particularly problematic, because that perpetuate the lack of incentives to coordinate and even create incentives to engage in lasting turf battles and the undermining of each other's function. Such examples have been seen in both the areas of election monitoring and the dynamics between ESDP and NATO behind the development of their limited strategic vision (Alter and Meunier 2009, 19; Hofmann 2009, 48; Kelley 2009). Apart from that, regime complexes are also linked to other forms of spillover-like development of institutions, such as unintended reverberations across parallel institutions, undermined accountability, and the facilitation of *de facto* exit through informal means such as forum-shifting (Betts 2009; Hofmann 2009, 47).

However, recent discussions in the field has shifted to a more balanced take of the consequences that overlapping institutions bring about. In other words, regime complexes are no longer depicted as largely problematic phenomena; and in principle, the interactions and dynamics behind can be harnessed in a manageable and productive way in relation to global governance. Gehring and Faude argue that, though institutional competition is a core characteristic of regime complexes, the identification of such competition with conflict may be attributed to a selection bias because a more balanced overview shows that “a lot of synergy and mutual accommodation” exist “alongside lasting tension.” (Gehring and Faude 2013, 123) From their perspective, regime complexes just resemble any systems comprised of agents, and can be conceptualized as “social structures that yield systemic influence, emerge from interactions among their elemental institutions.”(Gehring and Faude 2013, 121) While the elemental institutions in regime complexes are likely to influence each other through the design of commitments or actors’ activities to fulfill obligations, it is not impossible to envision a division of labor (in terms of executive and regulatory functions) between those institutions (Gehring and Faude 2013, 122 & 124). Furthermore, Morin and Orsini theorize about potential stages of the evolution of regime complexes, and associate these stages to a typology of policy coherence based on state behavior. They argue that regime complexes’ external cohesion, that is, the degree of integration and density, and actors’ policy coherence tend to be mutually reinforcing. “The more a government is substantively and procedurally coherent, the more it is likely to promote greater density in the complex;” in turn, a more integrated regime complexes contributes to policy coherence between actors for its capacity to “increase the value of loyalty,” namely, compliance based on the cost of reputation (Morin and Orsini 2014, 308-9). Echoing this view, Gomez-Mera also develops a typology of regime complexes according to variation of “effectiveness,” namely, the ability of institutions to “reduce or solve the specific problems that they were created to address; and influence the behavior and policy choices of member states.”(Gómez-Mera 2015, 7-9) From this perspective, regime complexes can manifest synergistic/virtuous overlap as well as detrimental/vicious overlap.

Along with such attempts to conceptualize regime complexes in a more systematic manner, RC studies have also increasingly paid attention to uncovering the conditions under which regime complexes may facilitate (as well as undermine) international cooperation, particularly global governance. Recent scholarship particularly calls one's attention to the significance of norms in shaping the organization and effectiveness of regime complexes. In his analysis of the development of the food security regime complexes from the 1940s, Margulis shows that international commitments to reducing food insecurity have been decreasing along with growing networks of food security institutions. And conflicts diverging norms, such as the different positions on state-market relations, were manifested in the contested agenda of IOs, the problems of trust between actors, and the division between new and old powers (Margulis 2013, 61-3). While trying to explain the insufficient international responses to maritime piracy, Struett, Nance, and Armstrong find that the capacity to promote cooperation with "loosely integrated regime complexes" depends on whether their central norms are complementary with each other. Thus, enhanced cooperation and conflict resolution in regime complexes do not necessarily rely on centralized institutions, but rather "norm entrepreneurs" who can foster consensus on actors' understandings of piracy, hence, their interests (Struett, Nance and Armstrong 2013, 94). By examining liberal environmentalism in the current regime complexes of trade and environment, Zelli, Gupta, and Van Asselt also identify "overarching norms that shape institutional interactions" as a necessary condition for successful attempts to manage "coordination among specific international institutions." (Zelli, Gupta and Van Asselt 2013, 114) In addition, some scholars have also identified a range of different factors that help explain the extent to which regime complexes work for or against cooperation in specific issues they are created to solve. Such a list includes the perception of integration of regime complexes, the power of expertise, cross-institutional strategies, and path dependence (Betts 2013; Lesage and Van de Graaf 2013; Orsini, Morin and Young 2013; Gómez-Mera 2015).

In general, the existing literature cover a wide range of issues associated with the challenges that regime complexes pose to international cooperation. Conventional RC

studies have examined regime complexes, largely, as a sub-structure that likely causes serious obstacles to international cooperation based on increasingly dense networks of institutions. Currently, the focal point of the research agenda is gradually moving towards the casual mechanisms through which regime complexes influence the behavior of international actors, hence, the outcomes of global governance. These enquiries may bear significant implications for policy making on the level of states and international organizations. Nevertheless, while the RC scholarship provide valuable insights regarding many issue-specific areas in global governance, the extent to which the theoretical discussions can generate clear and systematic implications for policy making remains questionable. In the following section, I will critically examine the general efforts of theorization in the RC literature, and identify some major issues that hinder progress of the research field.

### 3 Limits of Current Scholarship

It is apparent that the major concerns that motivate the RC studies are policy relevant. Initially, regime complexes are largely considered a problem that hinders the effective operation of institutional institutions; gradually, scholars also recognize regime complexes as opportunities for international actors to coordinate collective efforts in a new fashion. They suggest that the virtues of regime complexes lie in effective management and a proper division of labor between those collectives of functionally overlapping institutions (Orsini, Morin and Young 2013). Yet, for decision makers to harness the benefits of regime complexes, a systematic understanding of the interaction between regime complexes and international outcomes has to proceed. In other words, regime complexes are largely understood as an independent variable to international cooperation. Even those studies that take regime complexes as a dependent variable, on many occasions, cannot avoid discussing certain (often negative) outcomes that regime complexes bring about. Despite that such an intellectual orientation usually requires systematic explanations on which

predictability is based, the RC scholarship demonstrate, at best, limited explanatory power in terms of the main target of interests — regime complexes. Instead, one can often witness much indeterminacy in the explanatory attempts across a range of RC studies. This limitation, I argue, is rooted in three general problems in the contemporary practices to theorize about regime complexes: First, the literature have generally conflated two types of complexity, which are respectively based on structure and agency. Furthermore, the existing explanatory attempts have also displayed considerable indeterminacy, particularly in the explanations involving both structural and agential arguments. Finally, both problems in empirical analysis call into question the conventional wisdom to conceptualize regime complexes as a source of structural constraints on agential behavior towards international cooperation. In the rest of the section, I will address each of these problems in order.

### 3.1 Complexity: Institutional or Agential?

First and foremost, in locating complexity, there is a general tendency in the literature to focus on the interactions of overlapping rules and norms across institutions, that is, the institutional or structural dimension of regime complexes, while overlooking the interactions between individual or organizational actors, that is, the agential dimension of regime complexes. As discussed earlier, in much of the efforts to investigate the consequences of regime complexes, most scholars take for granted the understanding that regime complexes operate as structures at the regional or systemic level. For instance, Gehring and Faude explicitly conceptualize regime complexes as a social structure that is consisted of systems of rules and norms (Gehring and Faude 2013, 120). And according to Gomez-Mera's observation, most of the explanatory works by RC scholars can be categorized according to the two causal mechanisms working at a structural level: Regime complexes works to either constrain actors' behavior or generate spillover and feedback effects between institutions. As Morin and Orsini have observed, this structure-centered



tradition spearheaded by Raustiala and Victor has led most scholars of regime complexes paid disproportionate attention to the power of institutions and to discard the detailed analysis of agency (Morin and Orsini 2014). Following their insight, I argue that this omission of agency in the theoretical framework of regime complexity is, in effect, more problematic than noticed, because the interaction between agents is what actually bestows a system with complexity.

According to the complex systems literature, what characterizes the complexity of a system is mainly the fact that its units or agents “have discretion in their choice of behavior.” (Harrison 2012, 3) In other words, a complex system is consisted of agents who have a range of freedom of choices and may play multiple roles simultaneously. And such complexity is often enhanced by decentralized decision-making. A living system is considered complex because it meets these criteria, while an automobile, though comprised of diverse parts, is a simple system as its components are assigned fixed roles (Harrison 2012, 3). This characteristic also underlines, at least, most of regime complexes, as the overlapping rules cannot operate without the organizations that agents created to interpret and put them into practice. And the individuals that comprise those organizations often form inter-state or cross-institutional networks that underpin the complexes (Alter and Meunier 2009). Their basic components may range from national leaders to experts participating in the daily function of the institutions. This organizational dimension may well influence the strategies and the decision-making of individual institutions on a long-term basis, just as demonstrated by Betts and Lesage and Graaf’s analyses of the historical developments of UNHCR and OECD (Betts 2013; Lesage and Van de Graaf 2013). And the interactions motivated by independent interests of the implementing organizations may also contribute to the outcomes of cooperation in regime complexes, apart from the incentives of states and international organizations.

However, by confining the definition of regime complexes to an institutional and normative dimension, many RC scholars are paying lip service to their central analytical concept; the

conventional conceptualizations, in this sense, have generally failed to take into consideration the dimension of complexity characterized by organizational dynamics, agents and their networks in regime complexes. Yet, in fact, many explanatory analyses cannot avoid assigning, though often implicitly, certain causal weight to the agential dynamics in regime complexes. It is often observed that the actual empirical accounts of regime complexes' effect tend to implicitly attribute causal roles to this missing dimension of personnel interactions between institutions.

For instance, in his account of the coordination between NATO and ESDP, Hoffmann cites the mutual-sabotage between member states as a factor that contributes to their relative lack of cooperation in security area (Hofmann 2009, 47-8). Kelley's study of the influence of multiple election monitoring organizations, for example, more directly touches upon the possibility that the issue of personal interactions across international organizations may influence their pattern of cooperation.<sup>2</sup> Helfer discusses how past experiences of negotiators from developing countries shaped their expectations about future outcomes in trade talks with industrialized countries in the WTO (Helfer 2009, 42). Another typical example of such is seen in Struett's work on the relationship maritime piracy regime complexes and the poorly coordinated efforts in preventing piracy. The author explicitly mixes the conflicting norms and the tensions between public and private actors in his account of the interaction between elemental regimes (Struett, Nance and Armstrong 2013, 98-9). All those empirical analyses have pointed to the possibility that certain stable inter-personal behavioral patterns may emerge out of the organizational or personal interactions across institutions; such agential interaction may, in turn, plays a causal role independent of the constraining factors, such as the opportunities and uncertainties that overlapping regimes bring out. Yet, the lack of generalization from the agential side of the story results in an obvious discrepancy between the theoretical insights and the empirical accounts of many RC studies.

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<sup>2</sup> For example, see Kelley 2009.

## 3.2 Indeterminacy

In a general sense, indeterminacy may simply refer to the situation that a theoretical model cannot pin down a specific prediction about outcomes. A parsimonious way to illustrate this is a game theoretical model which ends up more than one equilibrium; this is basically to give an either-or answer of at least 50% uncertainty. In terms of causal inference, the problem of indeterminacy arises when the number of observations are not sufficient to distinguish the multiple causes that may interact to produce certain outcomes, or when multicollinearity occurs (King, Keohane and Verba 1994, 119; Rohlfing 2012, 7). Both types of indeterminacy are not unusual in the empirical analysis and the stated implications of the RC studies.

The either-or type of indeterminacy can often be observed in the earlier works of regime complexes. Although those studies tend to highlight the obstacles to cooperation that the lack of clean institutional slate brings about, some of them are also typical in pointing to both the positive and negative effects of regime complexes in a given issue area without identifying the conditionality. Kelley's work on multiple election monitoring organizations serves as an example of this style of analysis. Although this type of indeterminacy is particularly detrimental to making precise implications to policy-making, it is relatively easy to clean up with intuitive efforts (Kelley 2009). More importantly, the second type of indeterminacy is often associated with certain inherent bias that the typical research design of a RC study introduces: Researchers, firstly, identify a given area of international cooperation or global governance where overlapping elemental regimes are present. Then, they proceed to identify a variety of causal paths or intervening variables by which regime complexes may contribute to certain (mostly negative) outcomes. And usually, a case study of the specified issue area will follow in tracing the correlation between the conditions and a single (usually negative) outcome regarding the examined issue area. In fact, Raustilia and Victor's pioneer work exemplifies this manner of research design. The authors identify path dependency, availability of alternative forums, and legal inconsistency as the three

major effects of overlapping institutions (Raustiala and Victor 2004, 279-81). Although each of those effects is shown to present in certain stages of the elemental regimes governing PGR, such as GATT and FAO, the analysis stops at showing that those causes have all contributed to a vaguely defined outcome, which is often characterized by conflicts, negotiation gridlocks, and poor coordination (Raustiala and Victor 2004, 296-303). Yet, without knowing the relative contribution of such pathways and also variation in the dependent variable, the authors' casual analysis suffers from the typical problem of multicollinearity. Unfortunately, later studies that claim more commitment to uncovering the conditionality of regime complexes' effects have more or less followed this approach to causal inference. For instance, both Helfer and Struett's works have simultaneously linked about three causal mechanisms to a single outcome as the status quo of their respective area of interests defines (Helfer 2009; Struett, Nance and Armstrong 2013).

Furthermore, a particular type of indeterminacy problem in the RC studies is also related to the general tendency to conflate structural and agential causes. Similar to the discrepant role of agency in theorization and empirical analysis, exogenous agential factors are frequently cited along with institutional complexity by RC scholars. Typical among them are conflict of interests, divergent intentions, and perceptions of regime integration. In the case of interest and intention, the RC studies generally suggest that regime complexes prolongs rather than create interest conflict between states and other actors. For example, Margulis argues that the rescaling of the authority over food aid rules with the creation of WTO became a source of conflicts between developed countries and the US because many grain-producing states had already suspected that the US food aid practices served as means to gain a commercial foothold in foreign markets (Margulis 2015, 60). In other words, intention conflict preceded the uncertainty that overlapping rules of the food security regimes brought about. And similar arguments that juxtapose conflicting interests and regime complexity are not unusual in the analyses of other issue areas (Drezner 2009, 68; Helfer 2009, 41; Hofmann 2009, ; Keohane and Victor 2011, 12; Zelli, Gupta and Van Asselt 2013, 113). In other occasions, for example, Morin and Orsini argues that policy

complementaries between administrative units encourage agential contribution to regime integration along with agents' perception of integration, and the degree of regime integration (Orsini, Morin and Young 2013; Morin and Orsini 2014, 315). Yet, without a proper control of variation on the sides of both explanatory variables and the outcome, these studies have generally failed to show that regime complexity influences the outcomes independent of agential attributes such as interests, intentions, and perceptions. That is, they have not ruled out the possibility that conflicting interests or intentions would lead to similar consequences without the participation of regime complexes.

### 3.3 Does Structure Matter?

Both problems I have identified above call into question the conventional wisdom to render regime complexes as an effective analytical category. One should particularly ask that if conceptualizing regime complexes as a structural variable is justifiable, and also what added values this approach can make to the empirical analysis. Nevertheless, there has been surprisingly little discussion regarding the ontology of regime complexes. Most scholars have readily embraced the structural approach of conceptualization. In contrast, I argue that the conventional wisdom is flawed, not only because it theoretically overlooks much of the agential dimension of the complexity involved in overlapping institutions; also, whether regime complexes qualify as a source of structural constraints seems to be not a clear-cut judgment out of the theoretical context. This makes it difficult to conceptualize the causal role of regime complexes on a generalized basis. To flesh out this argument, it is necessary to briefly discuss what structure means to IR scholars in the first place.

Survey a range of social science literature, Colin Wight has demonstrated that a structure is generally defined in the four ways. Respectively, it can refer to: (1) patterns of aggregate behavior that are stable over time; (2) law-like regularities that govern the behavior of social facts; (3) collective rules and resources that structure behavior; (4) systems of human relationships among social positions (Wight 2006, 127). In IR literature, the

common conceptualizations of structure largely fall into type two and three. Regarding structural constraint, IR scholars have roughly aligned with two logics regarding how it operates. The first is the logic of sanction. And the second is the logic of internalization (Wright 2006, 129-30 & 37-40).

Structure as a source of sanctions to deviant behavior is a common understanding among both neorealist and institutionalist theorists. In the neorealist tradition, the most well-known example is probably Kenneth Waltz's notion of a systemic structure. Borrowing from the thinking of systems theory, Waltz defines a system as "a set of interacting units" at one level, and "a structure" that "makes it possible to think of the units as forming as distinct from a mere collection" at another level (Waltz 1959; Waltz 1979, 40). He reasons that system-level forces seem to work in international politics as "similarity of outcomes prevails despite changes in the agents that seem to produce them." (Waltz 1979, 39) To Waltz, an anarchical structure have emerged out of the distribution of capabilities across all states in the international system; and it is this structure that exerts a long-lasting pressure for states to defend their relative position by returning again and again to balance-of-power behavior, because failing to do so risks their own survival.<sup>3</sup> In a similar fashion, institutionalist theories have borrowed from the long-standing view about institutional constraints in economics, which claims that the sanctions to deviance can be derived from institutional arrangements that impose certain costs, such as legal punishment and reputation (Keohane 1984; Grafstein 1988; Milgrom and North 1990). Therefore, once stabilized, institutional constraints on a systemic level are assumed to offset the constant pressure to defect by creating incentives to sustain cooperation.

In comparison, the logic of internalization emphasizes the ideational influence by which a structure constrains the choices of agents. Exemplifying this tradition is Alexander Wendt's structural constructivism. According to Wendt, the distribution of certain ideas/ideologies in the international system have structured the paradigms through which states think

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<sup>3</sup> For the structural logic of survival, see Waltz 1979, Ch.6.

about interests as well as perceive the intentions of each other. Thus, agents who are preoccupied with the ideas of others being enemies can hardly perceive other states as friends (Wendt 1999). Alastair Ian Johnston describes this type of constraint as a set of internalized values that narrow down the full availability of choices for an agent; and their impact on an agent is simultaneously normative and psychological (Johnston 1995).

Overall, the structure of a system, as Bear Braumoeller summarizes, is usually consisted of “the distribution of any characteristics deemed important by the main actors.” For international politics, that is: “systemic distributions of quantities deemed most important by the states in the system,” which may range from military capabilities to ideologies (Braumoeller 2012, 5-6). Yet, regardless of the content, what these structural conceptualizations share is the assumption that a structure plays a fundamental role in explaining international outcomes, as it can generate stable patterns “as a constraint on the agents or [are] interposed between them and the outcomes their actions contribute to” (Waltz 1979, 39); that is basically to “narrow the range of possibilities of action.” (Cudd 2006, 42) Also, such patterns constitute distinct causes, as they operate independent of the “changes occurring either at the level of, or within, agents.” (Wight 2006, 131) It is in this sense that Waltz argues that “one cannot predict outcomes or understand them merely by knowing” the particularities of the units if the structural organization of them also affect unit-level behavior and interactions (Waltz 1979).<sup>4</sup>

In this sense, although regime complexes as collectives of rules and norms resemble a system, it is problematic to perceive the stable patterns of constraints it can exert on agential choices on a regular basis. First and foremost, regime complexes do not tend to conform to impose law-like regularities on agential behavior; to the opposite, it often works to undermine the constraints on agential decisions. This tendency is embedded, firstly, in the widely observed forum-shifting strategies that regime complexes encourage (Alter and Meunier 2009, 16). While regime complexes offers alternative, competitive

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<sup>4</sup> Also see Bessner and Guilhot 2015.

institutions, this is, by nature, widen actors' range of choices by encouraging them to bypass credible sanctions on non-compliance behavior in elemental regimes; this is, in turn, likely to undermine the overall institutional constraints in a system of overall institutions. Moreover, although RC scholars often argue that path dependency based on legal inconsistencies constrains the institutional change by creating too many linkages between existing rules, this argument cannot stand without the participation of actors' divergent interests/incentives as an auxiliary assumption.<sup>5</sup> Yet, interests and incentives are not only fluid, but also exogenous to regime complexes; to the contrary, the reliance on such factors is telling about how on the function of the "structure" is dependent on factors on the particular motivations of agents. Secondly, even as collectives of rules and norms, regime complexes do not tend to constitute an inter-subjective structure that is sufficiently strong in imposing internalized values on member states. The logic is also simple: Regime complexes that homogenizes its normative structure is empirically rare, rather than a norm, owing to the conflicting and fragmented organization of its components. This makes it hard to conceptualize regime complexes as uniform distribution of ideologies as in the structural constructivist tradition. However, one exception might be densely-integrated regime complexes that establishes an effective division of labor and shares a set of core norms. Yet, because this is rather a situation of exception, it is also a problematic basis on which the structural conceptualization of regime complexity is justified.

In general, although it is tempting to conceptualize regime complexes as a structure, such a structural approach is often misleading: While being a structural variable logically implies that certain explanations to outcomes may be derived from the patterns of constraints it generates, a regime complexes, as many studies suggest, may only work to alter the preferences ranking of an actor by extending the range of available options; the actual outcomes depend on the interaction between the choices of different international actors.

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<sup>5</sup> For a typical example, see the authors' explanation of conflicts in PGR talks, which combine path dependency and agential interests, see Raustiala and Victor 2004, 297.



In other words, agential factors may often play a much more significant role than the structural approach would suggest.

## 4 Venues for Future Research

In light of the problems identified above, this section concludes the article by outlining a few possible directions of research that may serve as solutions. These include a possible improvement on the part of research design, and more systematic theorization of the agential dimension of regime complexity.

### 4.1 A Comparative Approach

As discussed earlier, the problem of indeterminacy in the scholarly efforts to understand regime complexes' effect on international cooperation is associated with the particular style of research that many RC scholars have embraced. This usually involves hypotheses about multiple causal mechanisms or intervening variables and insufficient variation on the parts of both the explanatory and the dependent variable — usually defined as the status quo of a particular issue area in global governance. Along with the biased tendency to focus on the institutional dimension of regime complexes, namely, the structural conceptualization, such a research design makes it difficult to systematically establish causal linkage between regime complexes and actors' behavior as well as to identify specific conditions under which regime complexes facilitate or hinder institution-based cooperation. The literature's potential for generating valuable policy implications, thus, has been limited.

However, overcoming this limit can be relatively easy, as the solution lies in formulating a more systematic design that favors a structured comparison of different mechanisms that RC studies have identified on the institutional level. This may be achieved by comparing the variation of certain key mechanisms or variables across multiple regime complexes that govern different issue areas, in opposed to focusing just on a single issue area of

international governance, that is, the dominant approach in the existing literature. Yet, the challenge of a comparative design lies in the possible dramatic increase in the amount of empirical analysis, as well as the difficulty to gain expertise across different issue areas. Instead, scholars may consider either combining certain variables/mechanisms — for, example, path dependency and legal inconsistency as they often intertwine — to reduce the level of indeterminacy or increasing the number of observations by demarcating multiple episodes of the development of regime complexes governing a single issue area. Certainly, this also relies on a more specific theorization that can capture the institutional features of regime complexes that occur across different issue areas of interests. In this sense, Morin and Orsini made a positive example in developing a typology of regime complexes (Morin and Orsini 2014). Yet, their one-dimensional conceptualization merely focus on the density of regime complexes, and is far from uncovering other, institutional features, such as the level of uncertainty or transaction costs that may possibly exist in a structural sense.

## 4.2 Unpacking Complexity through Agency

On the other hand, the frequent conflation of structural and agential explanations in the literature points to the possibility that certain perceived structural or institutional effects may not be independent of agency, in particular interests and perceptions that are exogenous to the institutional dimension of regime complexes. In this case, conceptualizing regime complexes as a holistic, structural variable can be misleading and, in effect, fails to render regime complexes as a meaningful analytical category. Given the existence of the risk, it is also valuable to strike a balance the existing paradigm of theorization by incorporating certain key agential factors.

As discussed earlier, the agential dimension of regime complexity — the patterns of interactions between actors — should be an indispensable aspect to add into the theoretical picture. The analysis of interactions based on the networks of actors or organizations can be a promising starting point. In fact, Alter and Meunier have already

touched upon the issue of personal interactions in regime complexes and propose network analysis as a means to analyze phenomena such as small group environments (Alter and Meunier 2009, 18). Unfortunately, to the author's knowledge, no relevant theorization and empirical work have been conducted so far. Yet, network analysis only not provides a set of measures that can closely certain complexity that underlie a system of individual or organizational actors, such as density and feedback loop; it may also serve as an effective tool to uncover complicated interactive phenomena in terms of ideologies, such as the diffusion of core norms (Emilie and Hafner-Burton 2009).<sup>6</sup> Network analysis may also be employed to model, as the works of Robert Putnam suggest, the distribution of social capital and the horizontal vs vertical organization of social networks, providing possible measurement for the effectiveness of different patterns of networked interactions in regime complexes (Putnam, Leonardi and Nanetti 1993).

Last but not least, trust can also become a significant issue for exploration in the future study of regime complexes. Trust is certainly not particular to the working of international institutions and regime complexes. Yet, trust is important to it, partly because some studies of regime complexes and global governance have already paid attention to its frequently entangled relationship with the function of regime complexes. They generally describe it as an independent factor that can be pre-existing or emerge out of the dynamics in regime complexes, promoting further integration of the complexes (Alter and Meunier 2009, 6-7; Margulis 2013, 62; Morin and Orsini 2014, 48). Some scholars of global governance also call one's attention to the significant role trust plays in the creation and change of multilateral institutions and the collaboration between different international organizations (Maxwell 2005, 416; Rathbun 2012; McNeill and Sandberg 2014). This is corresponding to a burgeoning IR literature on trust and international cooperation in recent years (Adler and Barnett 1998; Hoffman 2002; Lipson 2003; Hoffman 2006; Kupchan 2010; Urban 2015). Such insights are not new at all; in fact, they have been long

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<sup>6</sup> For example, see Erisen and Erisen 2012, for the use of network analysis to study the patterns of political thinking diffusion in social groups.

recognized as an important indicator of coherence in social and political systems by institution-oriented scholars in economics and comparative politics. Kenneth Arrow, a renowned economist and Nobel laureate, is well-known for the assertion that “trust is an important lubricant of a social system,” as it enables one to “save a lot of trouble to have a fair degree of reliance on other people’s words” and to reduce the transaction costs of exchange and consensus in a system (Arrow 1969, 14; Arrow 1974, 23). The works by Francis Fukuyama and Robert Putnam have demonstrated a strong linkage between high level of trust and the performance of economic and democratic institutions in a society (Putnam, Leonardi and Nanetti 1993; Fukuyama 1995). Either aspect of trust (or its opposite distrust) may independently plays a significant role in the development of regime complexes, and patterns of cooperation that follows. Thus, the examination of trust should be potentially included in a research agenda, in which the factor is not only causally traced in its own right, but also controlled for in order to test for the independent influence of those more structure-oriented factors that previous RC studies have identified.

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