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REGULATORY REFORM IN LIGHT OF REGULATORY CHARACTER: ASSESSING INDUSTRIAL SAFETY CHANGE IN THE AFTERMATH OF THE KADER TOY FACTORY FIRE IN BANGKOK, THAILAND

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ABSTRACT

Effective safety regulation remains an elusive goal for many industrializing nations, with the economic philosophy underpinning economic globalization ambivalent towards regulation, while successive industrial disasters demonstrate a need for improvement. This article explores this nexus between globalization and regulatory reform through research into the aftermath of the Kader Toy Factory Fire in Bangkok, Thailand. It argues that reform following such events cannot be assessed by reference to the nature of the regulatory techniques adopted without consideration of the regulatory context. Rather, research on regulatory change needs to develop an appreciation of the interaction between the regulatory framework and the social context. The article develops a theoretical concept of 'regulatory character' as the means to conceptualize and explore this interaction. Regulatory character is informed by an understanding of the importance of cultural ordering to regulatory change and regulatory compliance as outlined by Hood (1998) and Selznick's (1992) argument that cultural order is moulded by the economic and political dependencies. Thai regulatory character is then described and used to assess safety reform in Thailand following the Kader Toy Factory Fire. Finally, the interaction between Thai regulatory character and globalization is explored through the data on the aftermath of the fire.

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INTRODUCTION¹

The Kader Toy Factory fire on 10 May 1993 in Bangkok, Thailand, was the largest factory fire in history with 188 lives lost and a further 469 injured. This toll was exacerbated by the conditions at Kader. Fire exits were blocked, the Kader buildings were substandard, freedom of movement of workers severely curtailed and large piles of flammable material rarely cleared away. The rapid spread of the fire fuelled by these conditions meant that at the height of the conflagration, workers' only choice of escape was to leap out of upper storey windows. Those who survived did so because the dead bodies of their co-workers who had jumped before them broke their fall. Less than an hour after the fire took hold, the structural steel in the building melted and the factory collapsed trapping those left inside (Chua and Wei Ling, 1993).

The awful reality of the fire led to a public outcry demanding something be done. The regulatory changes that ensued included reforms to fire safety, building standards, compensation regimes and occupational health and safety (OHS) standards. New building standards were drawn up and fire prevention standards were updated and translated by the bureaucracy from the US model developed by the National Fire Prevention Authority (NFPA). Compensation outcomes had the highest profile within Thailand. After a long intense international activist campaign, Kader workers were paid the highest compensation in Thai history, paid not from the rudimentary government scheme but directly from the company itself (Charoenloet, 1998; Dilokvidhyarat and Charoenloet, 2000). In addition, worker access to the state compensation fund was broadened to include all businesses that employed ten workers or more. Activist attention then turned to health and safety reform, with measures such as an annual safety day, health and safety committees and prohibition notices were introduced. However, demands for wide ranging reforms, including the development of a dedicated health and safety act, failed. This was despite initial progress with the Ministry of Labour and Social Welfare drafting an occupational health and safety bill with input from activists. Before the bill was debated in parliament, however, the department replaced it with another of their own, more in keeping with current practice. Protest against this move meant that this second bill was not enacted either and the change process lapsed. Beyond these more traditional mechanisms was the development of an OHS management standard under a separate ministry, the Ministry of Industry. TIS 18000 was modelled on international standards aimed at quality management (the ISO 9000 and 14000 series). With this initiative, the Thai government was hoping to use market processes to raise safety standards.

This article provides an assessment of these regulatory changes² in Thailand following the Kader fire. I argue that any assessment of regulatory change in the context of economic globalization cannot simply map the spread of rationalist models of regulation through technocratic policy channels nor can it make *a priori* assumptions about the impact of global economic change on

regulatory standards. It must also attempt to understand how regulatory techniques interact with the local cultural and political conditions. Regulatory change or 'modernization' may well include the adoption of formal standards and procedures that are internationally approved, but local implementation greatly depends on 'regulatory character', that is the interaction between social norms and formal laws.³

There are several distinct components to this argument: firstly, the article acknowledges the 'macro' dimension of globalization and its diverse impact on regulatory change. Secondly, it argues that a 'technocratic' assessment of regulatory change under globalization, that is an assessment of a regulatory framework divorced from its context as either indicative of an improvement or impoverishment of regulatory standards, is limited because it fails to account for the variable extent of the law/practice 'gap' that arises from either global or local pressures in a given place. The article argues that a concept of 'regulatory character' explicitly geared to explore the interaction between a regulatory framework and its context is required. I argue that understanding regulatory character provides a way not only to make sense of the 'law/practice gap' but also of how globalization intersects with local change. Attention then returns to Kader. Thai regulatory character is then tentatively outlined and the regulatory changes after Kader are then assessed in light of Thai regulatory character. Finally, the interaction between Thai regulatory character and globalization in the aftermath of Kader is reviewed.

GLOBALIZATION AND INDUSTRIAL SAFETY

The impact of economic globalization on safety standards is the subject of fierce debate. For some, the pressures released by the policies of free trade force standards down as manufacturing industries with their attendant hazards are transferred from industrialized to industrializing environments. Furthermore, the need to retain investment sees demands for improvement of safety standards within those industrializing nations suppressed by host governments keen to maintain attractive business environments (see, for example, Greider, 1997). In contrast, advocates argue that global economic reform is essential since it is economic growth generated by the market that allows human values to flourish (Freidman and Freidman, 1996) and it is regulation itself that threatens the long-term well-being of all. 'Rent seeking behaviour' clouds the ostensibly social goals of regulation, bending market outcomes to benefit the powerful few (Kolko, 1963, 1965; Stigler, 1975). Access to the market must be protected against special pleading and regulation assessed according to its impact on competition (see for a discussion Trebilock and Howse, 1999: ch. 6). As development proceeds, safety will improve – but through the working of the market, not through regulatory intervention.

This debate places economic change at the centre of globalization within what Held, McGrew, Godblatt and Perraton (1999) label the 'hyperglobalist'

perspective. Hyperglobalists see this economic dynamic changing control from the national to the global level with the nation state declining in importance. For 'pessimistic' hyperglobalists this process undermines the ability of local populations to ward against the demands of the market, which in turn exacerbates global inequality, including inequality in safety standards. 'Optimists' in contrast see the same process leading to a gradual global improvement of standards since access to and participation in the global market, not national political control, are the key to improvement.

While there is evidence for both these views, the debate on globalization has extended well beyond the hyperglobalist view (Waters, 1995; Held et al., 1999) in ways that have implications for industrial safety. A detailed examination is not possible here, yet two elements in recent debates on globalization warrant attention. Firstly, is what Giddens (1990) has labelled 'global rationalism', the exponential increase in rule making and rule dissemination at the international level (see Held et al., 1999; Braithwaite and Drahos, 2000; Haines, 2000). Secondly is 'relativization', whereby states no longer can view themselves as 'the world' but rather must position themselves in light of dominant international forces (Mittleman, 1994). They may align themselves with international trends in the hope of reaping economic and developmental benefit, or reject the overtures of global hegemony as tainted or evil. This response to relativization goes to the heart of concerns about national sovereignty (Weiss, 1998).

A study of the impact of globalization on regulatory change in an industrializing context, then, must be sensitive to several distinct processes. First is the impact of global economic reform and ensuing pressure on the development of safety regulations. Second, the interrelationship between local reform and global rationalism needs to be teased out, namely how international regulatory trends are picked up and translated within different contexts. Finally, analysis would need to explore how sovereignty is expressed in the face of these global pressures and international regulatory trends.

Juxtaposing a study of regulatory reform framed around these questions in the aftermath of Kader promises a rich study. However, there is a critical weakness in combining macro-sociological debates on the nature of globalization with micro-processes of safety reform following disaster. In particular, such a study could well fall foul of a confusion of levels (Mills, 1963) where macroscopic level dynamics are assumed to have a direct, unmediated impact on day-to-day decision-making. What may appear to result from global transformations may instead result from more mundane considerations. In short, too much might be asked from research and consequently little of value gained.

REGULATORY THEORY AND REGULATORY CONTEXT

To overcome this problem of a 'confusion of levels' an analytical framework is needed, separate from that of globalization, one more attuned to dealing with 'close-up' realities of disasters and their regulatory aftermath. For some,

a suitable complement to such macro levels of analysis might be found in regulatory scholarship dedicated to identification and dissemination of regulatory techniques argued to be most likely to succeed. Matching techniques that scholars argue to be successful with those adopted after Kader may be one way to evaluate the worth of reforms. This is a broad undertaking, since regulatory theorists have ventured well beyond traditional 'command and control' punitive regulatory strategies previously seen as emblematic of progress (Ayres and Braithwaite, 1992; Grabosky, 1994a and 1994b; Gunningham and Grabosky, 1998). 'Command and control'-styled regulation is argued to be unable to accommodate the way the market can and does regulate, and can be augmented by a plethora of regulatory techniques from meta-risk management to pyramidal enforcement strategies based on trust and assurance (see for example Ayres and Braithwaite, 1992; Gunningham and Grabosky, 1998; Baldwin and Cave, 1999). Good regulation is that which can act as a buffer between the undesirable outcomes of the market and public good, the means by which the public interest and the private can be combined (Burk, 1988).

This work has been adaptable to the globalized context as it is argued that global market forces, too, can be used to regulate. Examples here include the work of Fung, O'Rourke and Sabel (2001) on Ratcheting Labour Standards, Gunningham and Grabosky (1998) on Responsible Care and Meidinger (2002) on Forest Stewardship. Research in this area emphasizes the benefits of augmented forms of self-regulation, codes of conduct where consumer, unions, non-governmental organizations (NGOs) or auditing firms take on the oversight role previously afforded by the state (see also Diller, 1999). Furthermore, pressure to raise standards can be extended through transferring responsibility for all in a production chain onto the dominant market players, the Transnational Corporations (TNCs).

However, the usefulness of this literature is limited. While it suggests that 'micro' level considerations of regulatory change must look beyond 'command and control', its problem-solving orientation downplays the centrality of political context to regulatory change (Curran, 1993; Reichman, 1998; Hancher and Moran, 1998; Paterson, 2000; Haines and Sutton, 2003).⁴ For reform to occur and strategies to be drawn upon, a 'regulatory crisis' must be precipitated (Hancher and Moran, 1998) with candidates for engendering such crises including a scarcity of labour (Curran, 1993), union activism (Curran, 1993) corporate activism (Reichman, 1998) or other deficits in political legitimacy (Hancher and Moran, 1998; Paterson, 2000). Furthermore, reform following such crises does not necessarily equate with progress. Indeed, in the aftermath of disaster, overcompensation for perceived regulatory weaknesses may occur (Haines, 1999; Paterson 2000). Reforms reflect the competing interests of law, politics and economic actors as they struggle to exert regulatory authority (Reichman, 1998; Haines and Sutton, 2003). Miscommunication between different systems (i.e. legal, political and economic) as to the purpose of new regulations can result in each rescripting reform to suit their underlying worldview (Teubner, 1998a; Paterson, 2000). Thus, regulatory techniques are not exclusively tools for the reduction of risk

and harm. Rather, they are political or bureaucratic manoeuvres aimed to entrench particular worldviews.

REFORM AND THE SPECIFIC CONTRIBUTION OF PLACE

The recognition of the central role of politics must also be extended to an appreciation of the intrinsic importance of place to regulatory change. This is well represented within comparative scholarship (e.g. Bierne, 1983), but tends to be downplayed within regulatory scholarship in the search for the 'best' way of regulating. An exception here is Nelken (1994) who argues that cultural norms play a critical role in effectiveness of regulatory techniques. For Nelken, comparative work must develop an appreciation of how regulatory frameworks intersect with particular economic, political and cultural contexts. Simply put, the 'worth' of different regimes cannot be evaluated independent from their context.

For socio-legal scholars this is nothing new. Bold assertions of the need for a specific style of regulatory reform are simply yet another experiment in 'legal transplantation'. Given historical precedent, such transplants stand a good chance of being ineffective (Kahn-Freund, 1974). Certainly, for many Asian nations, the phenomenon of and problems with legal transplantation are familiar through their experience with colonial law (Riggs, 1966). There is an additional complication, too, for 'legal transplants' within this region that arise from differing conceptions of the role of the state and the purpose of law (Cooney, Lindsey, Mitchell and Zhu, 2002). Cooney et al. (2002) point to much law in Asia being seen as an instrument of the state, not a means to protect the individual from state abuse. The 'rule of law' is the means to institutionalize political control. Law either legitimates repression or is used to underpin corporatist forms of control which divide non-government institutions (such as different labour unions) between 'us' and 'them' in order to undermine dissent (Cooney et al., 2002). Law reform is premised on the need for regime stability. The problems associated with assessing regulatory reform in the face of globalization thus are compounded within a non-western industrializing context. Cooney et al. (2002), extrapolating from Teubner (1998b), argue that much reform should be viewed more in the vein of 'legal irritant' since system communication failures familiar within the west are exacerbated within an Asian setting. Cooney et al. (2002: 561) conclude that 'the impact of regulatory interventions in the field of labour law (within Asia) is likely to be considerably less predictable than in the west'.

EXPLORING REGULATORY CHARACTER

The centrality of politics and the reality of the law/practice gap highlight the need for a means to both conceptualize and explore empirically the interaction between regulation and social context. Christopher Hood has

provided a useful theoretical starting point with which to explore this interaction or 'regulatory character'. His work, *The Art of the State* (1998) draws from Mary Douglas's (1966) cultural theory to demonstrate the centrality of cultural ordering to how the regulatory problem is conceived and regulatory controls devised. This work uses cultural theory to categorize administrative contexts according to the axes of 'grid', the degree to which public management is conducted according to well-established rules, and 'group', the degree to which public management involves coherent collectivities institutionally differentiated from other spheres of society (Hood, 1998: 9). Administrative contexts thus can be assigned to one of four types: hierarchist, fatalist, egalitarian or individualist (see Table 1). Hierarchist administrative styles are high on both grid and group dimensions, having a socially cohesive, rule-bound approach to organization. Fatalists are low on co-operation yet retain a rule-bound approach, thus are low on the group dimension but high on the grid dimension. Egalitarians invest in participation and thus are high on the group dimension, their adherence to a rule-bound approach, though, is low and so are considered low on the grid dimension. Finally, individualists are low on both group and grid dimensions, with an atomized approach to organization and outcomes not determined by rules, but negotiation and bargaining.

Throughout his analysis, Hood (1998) adapts cultural theory in ways central to the regulatory context. He demonstrates, for example, the way in which the four approaches differ in their interpretation of public management disasters,⁵ both in terms of assessing causes and prescribing solutions.

TABLE 1
Four Styles of Public Management Organization: Cultural Theory Applied

<i>Grid</i>	<i>Group</i>	
	<i>Low</i>	<i>High</i>
High	<p><i>The Fatalist Way</i></p> <p>Low cooperation, rule-bound approaches to organization</p> <p><i>Example:</i> Atomized societies sunk into rigid routines (Banfield, 1958)</p>	<p><i>The Hierarchist Way</i></p> <p>Socially cohesive, rule-bound approaches to organization</p> <p><i>Example:</i> Stereotype military structures (Dixon, 1976)</p>
Low	<p><i>The Individualist Way</i></p> <p>Atomized approaches to organization stressing negotiation and bargaining</p> <p><i>Example:</i> Chicago School doctrines of 'government by the market' (Self, 1993) and their antecedents</p>	<p><i>The Egalitarian Way</i></p> <p>High-participation structures in which every decision is 'up for grabs'</p> <p><i>Example:</i> 'Dark green' doctrines of alternatives to conventional bureaucracy (Goodin, 1992)</p>

Source: Hood, 1998: 9.

In the face of disaster, hierarchists point to lack of planning and procedure while fatalists emphasize the fickle finger of fate, individualists emphasize lack of incentive structures and egalitarians the way power structure works to hide latent problems (Hood, 1998: 26). Each approach also has favoured responses, from tightening procedures and processes (hierarchist), the *ad hoc* responses of the fatalist, the public accountability mechanisms of the individualist and finally policies to increase participation and encouragement of whistleblowers (egalitarian). Equally as important, though, in Hood's analysis of how each type has inherent weaknesses, are weaknesses that can engender future public management crises (Hood, 1998: 28). The analysis questions the linear 'progressiveness' inherent within much regulatory literature, instead pointing to the way approaches are (re)discovered.

Hood's (1998) work can also be extended to explore regulatory change within a given cultural framework. Regulatory change following disasters would be expected to follow a given cultural understanding of the safety problems that led to the disaster. So, a hierarchist culture might be expected to develop greater specificity in regulatory requirements, a fatalist response would see tokenistic change, an individualist culture would emphasize the need for punitive enforcement mechanisms aimed at promoting individual responsibility and an egalitarian greater tripartite access.

Nonetheless, a categorical analysis based on a cultural approach is limited to the extent that it suggests a given regulatory context is static, a pre-existent given based on immutable cultural values. Both the categorical approach taken by Hood and Douglas and the exclusive emphasis on culture needs revision. First, exploring context is better viewed as a process of identifying the influence of ideal typical behaviour, rather than one of an exhaustive categorization. In this way, the dynamism within a given context is brought to the fore, where dominant ideal types (hierarchist, fatalist and so on) act as a gravitational 'pull' on reform. The empirical reality of a given regulatory character is likely to contain more than one ideal type.

The dynamism of regulatory context is enhanced further by use of the dimensions of group and grid as a means to explore, within a particular context, the *interaction* between social norms and formal laws (the interaction within the grid dimension) and the *interaction* between individuals and social norms as well as that between individuals and formal laws (the interaction within the group dimension). Regulatory character is thus a series of interactions essential to understanding the generation of regulations and the nature of regulatory compliance. This is schematically outlined in Figure 1.

The cultural emphasis of Douglas and Hood also benefits from further revision where 'culture' – that is norms, beliefs and assumptions (Geertz and Geertz, 1975) within a given regulatory context – is understood to emerge from a particular set of economic and political circumstances not simply as a cultural 'given'. Regulatory character is in a sense a distillation of economic, political and cultural history. Each context thus develops a particular regulatory 'character' that draws on one or more of ideal types (hierarchist, fatalist and so on) identified by Hood and Douglas that mould the interaction

FIGURE 1
Dimensions of Regulatory Character

between individuals, social norms and formal laws. Regulatory character provides the resources for both understanding and acting within a given set of circumstances and critically establishes the means to exert power and influence. A characteristic analysis does not, however, alter economic realities that may be faced, such as the need to retain investment or win a contract (Selznick, 1992;⁶ Haines, 1997), but it may shape how these demands are responded to including provision of characteristic resources to exert power through exploiting economic and political circumstances should the opportunity arise. In this way, the essentialism within a cultural analysis is overcome by a focus on regulatory character, as in a characteristic analysis norms are seen to exist in relation to economic and political realities, as both an historical product, but also an independent influence on the present.

A characteristic analysis also has a further advantage as it can explore the response to economic and political pressure arising from global as well as local sources. In doing so, it provides a means to understand how the 'macro' environment ('globalization') intersects with and is incorporated into the local environment. Finally, it can explain both the uniqueness of a given context as well as the resonance of one context with another. While a certain regulatory character remains grounded in the particular context where law and the targeted behaviour intersect, the ideal typical forms identified by Hood and Douglas (e.g. hierarchist, fatalist and so on) are shared in differing measure across regulatory contexts.

SKETCHING THAI REGULATORY CHARACTER

How, then, might regulatory character be used to explore the regulatory aftermath of Kader? The first step is to use the theoretical parameters of regulatory character as outlined in Figure 1 and ground them in the Thai context, to move from a theoretical concept to an empirical reality. To do this is to

answer the following questions: what is the interaction between social norms and legislative or regulatory rules in the Thai context? How do individuals act and interact with social norms? And finally, how do individuals use and respond to legislative and regulatory responsibilities? To answer this requires some familiarity with Thai economic, political and cultural context as presented in relevant literature. A detailed examination is clearly beyond the scope of the article, but a brief overview is required in order to appreciate Thai regulatory character.

The Thai academic literature suggests both a cultural tension and a political tension underpinning Thai regulatory character. The cultural tension relates notions of 'proper order' (Douglas, 1966) that mould expectations and obligations in relationships. Mulder (2000) argues that Thai culture divides notions of proper order between relationships considered outside the sphere of moral obligation and those considered inside. Relational distance provides the backdrop for assessing the nature of a relationship, with close relationships bringing with them certain obligations in terms of care and reciprocity. Although public interaction (such as that between employer and employee, regulator and manager) can primarily be seen as 'outside', there is some interpenetration through networks, personal and patronage links. These can extend quite broadly, as the benevolent intention within the Thai rhetoric of 'Nation, Religion, King' with its emphasis on moral obligation has some currency in public debate. Nonetheless, Mulder's (2000) emphasis on the way 'outside' relationships are characterized by strategy and power is important in order to understand the emphasis on status and appearance within cultural and public life. Perhaps a useful way to describe these two dimensions is that 'inside' relationships exhibit value rationality where notions of morality are central, while 'external' relationships are viewed strategically.

Normative social order is both hierarchical and personal. In Hood's (1998) scheme it is heavily influenced by hierarchist norms, but is best understood as patriarchal, since authority is vested in the leader and the status they hold to a greater extent than the written law (Mulder, 2000: 127).⁷ However, authority must be viewed in terms of the implications for individuals, within Thai society this means recognition of individual self-reliance. While Thailand has been characterized as individualistic and loosely structured by some (Unger, 1998), Mulder (2000: 44) disagrees. Individuals need to be understood in light of the broader society. Individuals use their skills to recognize their own position and the status of others. Self-reliance involves using status symbols and systems of patronage themselves in order to maintain or enhance one's own position. Furthermore, this mutual recognition of position, accompanied by appropriate presentation of the self, allows for smooth social relations.

The political tension is complex, and points to conflict within Thai regulatory character. It is simply not helpful to view the patriarchal/self-reliance nexus as unchallenged. However, neither such challenge is necessarily united in its aims, since the challenge comes from both protest aimed at altering Thai norms away from patriarchalism towards egalitarianism (either within a communist or democratic frame) as well as protest aimed at replacing an

absolutism (either by the monarchy or military) with a benevolent public service elite – in other words to strengthen patriarchalism (Phongpaichit and Baker, 1995: ch. 8). The dividing line between these two demands is not always clear, nonetheless the history of protest against military rule holds within it a strong demand both for greater democracy as well as more benevolent rule. In ideal typical terms, then, the hierarchist grounding of Thai regulatory character is contested, not absolute.

Furthermore, the nature of contemporary Thai politics, comprising multiple parties with an emphasis on individual personalities needs to be understood (Maisrikrod and McCargo, 1997). Contemporary Thai political and bureaucratic life illustrates that patriarchalism is not singular, nor are regulatory areas likely to be discrete. Moreover, politics is primarily seen as ‘outside’ the sphere of moral obligation, so that strategic and manipulative practices are expected. Indeed, well-respected figures may even be tainted in the public eye simply by the fact of moving from civil to political arena (Mulder, 2000).

The interaction between norms and laws, the grid dimension, also requires exploration from a political vantage-point. Here it is important to recognize the way law reform has been used to placate an outside audience (first used successfully to ward off colonization (Riggs, 1966)), rather than to vest the law with authority independent from existing power structures. Furthermore, the law has clearly been used to exert control or maintain the status quo, evident (but not exclusively) in periods of military rule.

In terms of the economic and business context, the relationship between the Chinese business sector and the Thai elite figures prominently. Sino-Thai TNCs dominate some sectors and, as they diversify, their influence spreads (Phongpaichit and Baker, 1997, 1998). The relationship between public and private sectors is not clear, with many political figures holding major business interests. Furthermore, a ‘revolving door’ exists between major private interests and public or political service (Phongpaichit and Baker, 1995). Alongside this, the diversity of the business context must be understood, with almost 70 percent of business establishments employing less than nine workers (Brown, Thonachaisetavut and Hewison, 2002) as well as a large number of Thais in the informal or illegal (that is, unlicensed) business sector (Phongpaichit and Baker, 2000). Irrespective of the size of the employer, however, temporary and peripheral forms of employment remain common (Hewison, 2001). Furthermore, the rapid nature of both investment and disinvestment in Thailand means economic forces exert very real pressure (Phongpaichit and Baker, 2000).

Figures 2 and 3 sketch regulatory character that incorporates the cultural, political and economic insights described earlier. The two depictions take account of the cultural dualism, namely in terms of whether relationships are expressed through a substantive, value based (in Thai terms ‘inside’ relationship) or a strategic (‘outside’) framework. Regulatory character is thus not unitary. Furthermore, the figures illustrate what might be tentatively termed ‘traditional’ Thai regulatory character, one subject to the political challenge and public protest. Nonetheless, they allow insight into the regulatory

FIGURE 2
Regulatory Character (Interpenetrative Dimension)

Patriarchalism		
Social Norms		Formal Law
Social Norms	Ideology of Nation, Religion, King. Leader expected to exhibit benevolence and 'leadership'. Emphasis on smooth relationships based on hierarchical norms.	Law as a mechanism of protection of the good of society, an expression of benevolence and paternalism.
Individual	Use of skills of self-reliance to acknowledge and work within hierarchy. Individual finds his/her own place within hierarchy and seeks patronage. Potential for overt conflict due to different beliefs, values and ideas and attitudes reduced. Reciprocation expected according to social norms.	Use of formal mechanisms of law eschewed under emphasis on relationships and obligations. Dissonance and contradiction between law and social norms accepted.

dynamic. In Figure 2, labelled 'interpenetrative regulatory character', a label that signals the penetration of the moral into the administrative sphere, the ideals of Thai patriarchalism are expressed with the emphasis on 'Thai-ness', religion (Buddhism) and reverence for the Monarchy. Leadership involves both personal authority and obligation. These elements are supported in law. For ordinary Thais, linking in to systems of patronage is important, and understanding the nature of patronage a key element of self-reliance. Self-reliance is supported through the presence of hierarchy and norms of reciprocation.

Under conditions of 'decha' or strategy, the obligations of leadership are replaced by the fruits of status and the need to retain control. While political repression is present in Thai history, corporatist forms of control, through building relationships and excluding dissenters, are more common (Phongpaichit and Baker, 1995). Those in positions of authority in business, government, military, and to a lesser extent unions, join to establish control. Here self-reliance means getting ahead by working strategically within the status quo. Formal authority (i.e. law) is a tool for retaining control as well as, following Riggs (1966), a means of placating various audiences.

The regulatory character, though, must not be viewed in isolation from the history of protest emanating both from labour and the bureaucratic elite. The reality of almost constant constitutional change (reflecting change from

FIGURE 3
Regulatory Character (Strategic Dimension)

Patriarchalism	
	Social Norms Formal Law
Social Norms	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Domination of the population by those in authority through corporatism. Roles used to increasing status and social position. Relationships with other members of the elite a means to excluding those who threaten status quo.</p> </div> <div style="width: 48%;"> <p>Law as a strategy for extending control. This works in one of two ways: either laws are drafted to entrench those in positions of authority and/or are designed to deflect criticism, while ensuring they are unable to function in a way that challenges the status quo.</p> </div> </div>
Individual	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Nepotism characterizes patronage, with individuals rewarded for their ability to extend control of those in authority. Individual strategy aimed at increasing social position central to action. Those not in networks of patronage, or who challenge them, repressed and exploited.</p> </div> <div style="width: 48%;"> <p>Knowledge of hierarchy and social norms central to strategy of improving position, with law another tool to be exploited. Violent private confrontation possible if position is threatened.</p> </div> </div>

military to civilian rule and the reverse) as well as reform and repeal of labour laws (Phongpaichit and Baker, 1995: ch. 6), mean that Thai regulatory character at any one time is likely to be fluid and have the capacity for surprise. However, knowledge of what might be termed 'traditional' Thai regulatory character allows an understanding of the predominant logic of regulatory change within the Thai context while highlighting the radical nature of those reforms following Kader which challenged this logic. The analysis provides a way of distinguishing between reforms 'familiar' to that character, and something that can be seen as a radical break.

THAI REGULATORY CHARACTER AND REGULATORY REFORM FOLLOWING KADER

How then are the reforms outlined at the beginning of this article to be understood in light of Thai regulatory character? The data show three main areas

where the influence of Thai regulatory character influenced regulatory reform and enforcement following Kader. Firstly, the tension was between patriarchalism as expressed through the interpenetrative dimension of regulatory character (Figure 2) and that under the strategic dimension (Figure 3). Patriarchalism could, on the one hand, further reform measures that had the potential to improve standards by drawing on the obligations of those in authority, while at the same time patriarchalism could also justify strategies aimed at bolstering status and influence in the wake of Kader. Secondly, Thai regulatory character was highlighted in the disjunction between characteristic forms of self-reliance and the need for worker 'safety awareness' promoted by both the bureaucracy and activists in reform efforts. Finally, the radical nature of activist visions of necessary safety reform is clarified against the backdrop of bureaucratic proposals that conformed to characteristic patterns. The tension between these two models was played out through the reform process, that is the translation of proposals into the legislative and regulatory framework, with the final outcome largely reaffirming traditional Thai regulatory character.

TENSION AND DUALISM WITHIN PATRIARCHAL CONTROL

Interpenetrative patriarchal authority (see Figure 2), premised on service and benevolence was woven into the fabric of how some members of the Thai elite viewed themselves. Where present, it provided some opportunities for change and improvement in safety, at least to the extent of reforming regulations and introducing new regulatory techniques. For those bureaucrats coming from this perspective, their control over reform independent from 'political interference' was seen as positive since politics was 'tainted' by strategic machinations of dubious motivation. More could be achieved without such interference. Furthermore, those activists from the elite who chose to champion change had access to levels of the bureaucratic and political hierarchy denied to others. Where they met a sympathetic ear, their reform demands were taken seriously, assisted by the characteristic emphasis on the importance of personal relationships and status.

In contrast, interviews revealed many examples of control under strategic patriarchal authority that undermined reform. The emphasis on the importance of elite status could thwart reform effectiveness. For example, policy recommendations emanating from some committees could reflect more the opinions of high status members rather than those with relevant expertise in OHS. Moreover, strategic patriarchal control could be expressed in a repressive manner, with imprisonment (either of witnesses to a disaster or political opponents) occasionally used to silence dissent. A more usual form of patriarchal control, however, was corporatist (Cooney et al., 2002), that is, developing relationships with key groups of like-minded others and excluding those who demanded more radical change. This included tripartite arrangements structured to maintain control, with access to tripartite

committees manipulated by government (Thanachaisethavut, 1995). While debate on these tripartite committees could be forthright, the outcome rarely challenged the status quo in a meaningful way. For example, OHS enforcement was subject to tripartite oversight with the effect that an OHS inspector placing a prohibition notice on a dangerous machine could face a lawsuit from the business owner for lost production time, should their judgement be considered overzealous by that committee.

Critically, the emphasis on control and status within the various ministries that constitute public service meant that OHS responsibilities were divided among multiple bureaucracies. This created gaps, redundancy and overlap in regulatory responsibilities. Attempts were being made to improve communication and bridge gaps through memoranda of understanding, but since each department was keen to retain its own status and authority, it appeared genuine collaboration still had a considerable way to go.

Patriarchalism of both dimensions had implications for women. They could be disadvantaged by patriarchal influence which failed to acknowledge the gendered nature of regulation. This was illustrated by the long-term effect of the compensation paid by the Kader company. A research report (Napaorn, 1997) found instances where cultural practices allowed men to avoid responsibility after the Kader fire, that further victimized children and grandmothers of victims. The case histories presented in the report highlighted the ability of the husband or father of the victim to squander the compensation money on highly risky business ventures or simply high levels of consumption. A number of husbands took a second wife and left with the compensation money, leaving the mother or grandmother of the children stranded.

THE TENSION BETWEEN SELF-RELIANCE AND SAFETY AWARENESS

Self-reliance within an interpenetrative frame (Figure 2) is a complex achievement. It requires survival and thriving within the norms and expectations of patriarchal authority. Nonetheless, there are expectations of reciprocity from those in authority (cf. Woodiwiss, 1998), such that demands for compensation following Kader were given some public support. However, the shift to injury prevention and safety awareness (as opposed to self-reliance) inherent in a robust health and safety regime was much more difficult under traditional Thai regulatory character. This was because self-reliance could best be achieved when the responsibility of those in authority was unequivocal, that is by signalling that you are *not* aware of the risk in the environment. Awareness of risk by workers, before it was realized, brought with it the possibility that responsibility for avoiding that danger would shift to workers, even if avoidance were, in reality, impossible. As long as there was no awareness, this conundrum was avoided. When something did happen, there was recourse to notions of fate and karma to explain the event as well as legitimate demands for compensation.

Within safety and fire prevention, regulatory authorities recognized the

need to raise awareness but did not want to do so at the expense of undermining patriarchal authority. Their response tended to emphasize the need to raise awareness through education campaigns. Such policies did not acknowledge, however, the relationship of self-reliance to patriarchalism or the advantages for workers in self-reliant forms of 'not knowing'. Furthermore, education programmes themselves could re-emphasize the status differences and thus the need for self-reliance by the form it took. Highly stylized seminars where 'experts' lectured and others sat quietly and listened reinforced the reality of the status quo, the importance of self-reliance and 'not knowing'. The contents of these seminars thus were undermined by their form. Interpenetrative self-reliance (Figure 2) was particularly vulnerable under strategic forms of patriarchal authority where any pretence of obligation was lost. Here the government philosophy of investment first left little room for a priority on safety. In this environment, assuming work is safe is to take a gamble, albeit one in which the odds are better than the gamble of losing a job. As one activist lamented, 'workers have a choice – to work and die, or be unemployed'.

Under strategic forms of self-reliance (Figure 3), the skills acquired in achieving self-reliance were used to avoid blame and to move up the status hierarchy. Deflecting blame and scapegoating, such as using prosecutions used to thwart political opponents, were necessary qualities in strategic advancement. Strategy transformed others into pawns or tools for advancement and were found not only within politics or the bureaucracy, but also within unions and NGOs. NGOs and unions agitating for safety improvements needed to be aware of these possibilities to ensure ongoing integrity of campaigns and operations. The way this worked was spoken about quite openly. However, the cynicism in the general population generated as a result of such strategies meant that getting public commitment to policies that actually had the potential to be a genuine step forward, such as moves towards a comprehensive compensation scheme, was made more difficult.

*THE TENSION BETWEEN PATRIARCHAL AND ACTIVIST VISIONS
OF 'APPROPRIATE' SAFETY REFORM AND ENFORCEMENT*

The obstacles that traditional Thai regulatory character (of both hues) presented to comprehensive reform were clear to activists. For them, genuine reform required more than the presence of certain regulatory techniques in legislative or regulatory form, it needed a change in patriarchal forms of authority to one where workers had a voice, and that voice demanded implementation of safety measures. Without this new safety measures were either ignored or ritualized with adherence to the letter of the law but little sense of purpose. One example here is the preference of workers for airing safety concerns with a 'good boss' rather than work through the new safety committee structure. The Thai expression *pak chee roy nah*⁸ or 'it looks better but it tastes the same' captured the reality of reform without a change in regulatory character.

Activist groups lobbied hard for a change in the structure of law that would change regulatory character. The purpose here was to change the nature of the interaction between norms and laws by injecting norms of empowerment into the drafting of law. This empowerment included the experience of negotiation for the victims (rather than acquiescence or acceptance of authority) and changes to the structure of the law itself and the institutional forms and practices it enabled. The protest that followed Kader brought together a diverse range of people, including victim groups, as well as many who had continued the struggle for change evident in much of recent Thai history (Phongpaichit and Baker, 1995; Brown, 2001). The demand was for a regulatory regime in which the voices of workers, particularly those with illness and injury, were heard. This was well demonstrated through the struggle for a new institutional structure, a five-partite model of safety regulation within an independent health and safety institute. The proposal generated not only opposition from within Thailand, but also apathy from the international sphere, in part because it went beyond familiar regulatory techniques viewed as intrinsically positive, such as safety officers, safety committees, prohibition notices and state-based compensation schemes.

Despite this, at one point wide-ranging reforms looked like they might succeed. A bill was drafted by the government in conjunction with activist groups which rationalized all aspects of health and safety regulation, including compensation, under a single independent institute. The institute itself was under 'five-partite' control with victims groups and academics added to the usual tripartite framework, a move to break the corporatist functioning of tripartism within Thailand (Thanachaisethavut, 1995). However, the government pulled out of the reform process at the critical moment and drafted its own bill. On the level of regulatory techniques, both bills looked similar. Both had a new health and safety institute and an apparently strong focus on health and safety. Yet, in critical respects the government bill retained traditional Thai regulatory character. Firstly, under the government model the current bureaucratic structure was retained, the new institute was to be an addition to but not a replacement of any other system of authority. Secondly, the government model did not include moving the compensation fund, and with it critical resources, from the Ministry of Industry to the institute. Finally, the government model saw the institute as purely responsible for research and education with no enforcement powers. These powers were kept within existing bureaucracies. A memorandum of understanding between government departments replaced a radical restructuring of health and safety regulation.

These changes were clearly unacceptable to activists. The result was that neither of the bills ultimately succeeded, the first because of bureaucratic opposition and the second because of worker protest. In the process, the momentum for substantial reform arising out of Kader was lost and those reforms which did occur to the safety regime were achieved by way of amendment to existing legislation, or through ministerial notifications.⁹

GLOBALIZATION, REGULATORY CHARACTER AND REFORM

The final task is to understand how globalization intersected with regulatory character and reform following Kader. In keeping with the earlier discussion on globalization, the interest is with the impact of economic globalization and the consequent undermining of the nation state, the influence of global rationalism and the reassertion of sovereignty. The reforms following Kader illustrate how globalization interacts with regulatory character to valorize certain elements, which in turn reinforce certain critical relationships within the regulatory environment. Three elements stand out: firstly is the valorization of self-reliance through the mechanisms of economic globalization; secondly is the interaction between Thai law and global rationalism, and thirdly the reassertion of national sovereignty through re-imposition of the contours of regulatory character. These three processes are schematically represented in Figure 4. A final element, however, is the challenge to regulatory character posed by coordinated protest between the local and global activist movement. Each of these four elements is discussed later.

Globalization, with its emphasis on individuals and markets, intersected with the self-reliance within Thai regulatory character. The need for competitiveness emphasized by global economic pressures was picked up by the government in an 'investment first' focus which in turn relied on the willingness of workers to cope with the uncertainties of peripheral employment and few social safety nets. Within the bureaucracy too, regulatory reforms were pushed in the direction of working with the market, using market mechanisms to raise standards. Market mechanisms comprised self-regulatory schemes, often developed by groups outside of Thailand. International NGOs developed standards that aimed to use consumer pressure in northern markets to raise corporate standards. Notwithstanding the activist underpinning of these initiatives, what makes them intriguing is the way they bypass the state and focus on the individual employees within a company and the market. Government then becomes secondary, in this case to a role of promoting such schemes as the way of the future, compatible with opening up a particular industry to international market forces. Safety standards could be that 'competitive edge' with which to stem capital flight to China. Social regulation was thus translated into the market language of competitive advantage.

Self-reliance was also augmented by the bureaucracy valorizing of international examples that emphasized the need for safety awareness in isolation from broad reform. These were popular since they appeared to emphasize the need for self-reliance of workers yet did not require change in patriarchal authority structures. One oft-cited example was an increase in fire safety awareness training prompted by the graphic example of an American woman who saved both herself and her daughter from a hotel fire in Pattaya in which many others perished, through applying basic fire safety awareness skills. In contrast, reform that cut across patriarchal interests was floundering. This included reforms to centralize fire-fighting capabilities that required a shift

FIGURE 4

The Intersection of Globalization and Regulatory Character

in resources and personnel from the police to the Bangkok Municipal Authority (BMA). Since the police was a more prestigious institution than the BMA, very few fire fighters were actually willing to make the move, making the pace of reform in this area painfully slow.

While policies associated with economic globalization valorize self-reliance, they are equivocal, if not hostile towards patriarchy. Under IMF governance strategies self-reliance and the market are valued but patriarchy eschewed (Kanishka, 2001). Regulation should be delegated to the market, a move seen as reducing corruption. One example from Kader was a demand by the IMF that auditing of the new Thai Safety Management System (TIS 18000) must eventually be privatized to ensure a 'cleaner' auditing process. In light of regulatory character, such proposals appear naïve. Within Thai regulatory character, the connection between self-reliance and patriarchy cuts across public and private spheres. While international institutions might wish to have the benefits of market-augmented self-reliance independent from its connection to patriarchy, this may be difficult to achieve. Furthermore, ordinary Thais also work through traditional networks to have their needs met. For them too, the emphasis of the market on self-reliance necessarily strengthens the connection between self-reliance and patriarchy. Research on corruption in Thailand demonstrates the way *Jao Pho* (local strong men) thrive on their ability to control key industries as well as remain popular by meeting the needs of local populations, needs that politicians are unable or unwilling to meet (Phongpaichit and Piriyaarangsarn, 1994; Phongpaichit, Piriyaarangsarn and Treerat, 1998).

Global rationalism, the development and transplantation of rules to guide how trade was to be conducted, what was allowed, and what prohibited worked at a number of levels to influence reform. At one level, global institutions would 'sniff the wind' of regulatory change and seek to influence its

direction by developing rules for others, with national or corporate influence to draw on. The ILO declaration of principles concerning Multinational Enterprises and Social Policy was specifically set up for this purpose and was subsequently drawn on by NGO groups, such as SAI in their development of codes of conduct. In this way, the ILO tried to maintain relevance in the face of increased emphasis on market-based forms of regulation. The attitude towards laws and regulations by multinationals was another means by which international legal norms influenced regulatory change. There were differences between companies in Thailand in their attitude to the letter of the law. Multinationals, particularly those well known to Western consumers (most often Western or Japanese firms) were well aware of their responsibility to abide by the law. Such multinationals were seen by some to take their responsibilities, under Thai law at least, seriously. Thai professionals working within such institutions could then see the potential of international standards and could develop personal experience of and commitment to making those standards work. These companies could be distinguished from others often less visible where adherence to law – any law – was lacking.

Global rationalism, though, cannot be seen independently from sovereignty concerns. Although standards and regulatory techniques were regularly picked up from a variety of overseas sources and translated into the Thai regulatory system, this process could result in the reassertion of regulatory character where people took priority over rules and regulations developed to placate an audience rather than for effective risk control. In some cases fire standards would be copied from overseas (particularly from the National Fire Prevention Association in the United States) but then critical elements replaced so they were rendered ineffective. Smoke detectors were replaced by cheaper heat protectors or cheaper fire panels purchased from China, units that lacked proper laboratory testing. International accreditation regimes, such as ISO 9000, too were often referred to as 'Thai style' indicating a lack of rigour. In other cases, there was potential for changes to pervert the original intent of the standard. In fire prevention training there was some indication that a licensing regime ostensibly to control training standards was rather set up to advantage a business model of provision over NGO involvement. This did not appear to benefit provision, but rather allowed for business and personal gain.

International networks, however, did enable activist groups to work more effectively for change. In the aftermath of Kader, the assistance given to Thai NGOs and unions by international groups, especially those in Hong Kong, were critical to the gains made, particularly in the area of compensation. Ongoing campaigns continued the push for unmet demands. Furthermore, the interviews also revealed global institutions, such as the World Bank, increasingly drawing on the expertise and knowledge of local NGOs. This latter development was viewed with some suspicion, however, since the philosophical orientation of global institutions meant that activists felt uneasy about 'sleeping with the enemy'. Furthermore, their involvement with such global institutions could leave them with more responsibilities and

no more resources. 'Consulting' NGOs could result in the delegation of extra tasks or demands to solve all the problems themselves.

CONCLUSION

The Kader fire generated a regulatory crisis that engendered significant reform. Safety committees, prohibition notices, reforms to the compensation regime as well as gradual development of stronger building standards and comprehensive fire prevention standards all indicate that, on one level, rapidly industrializing countries such as Thailand respond to industrial disasters in a manner familiar to other industrialized nations. Regulatory change in line with international trends is occurring. Certainly, such countries are not the regulatory wasteland they are sometimes depicted to be.

However, understanding the significance of these changes is critical to any evaluation of progress and this requires a grounded understanding of regulatory context. The theoretical construct of regulatory character enables a grounded approach and brings to the fore the interaction between formal regulatory mechanisms, such as the legislative provision for safety committees, with the underlying social norms (the grid dimension) together with the ways individuals interact both with sources of authority and social norms (the group dimension). The article then fleshed out regulatory character within Thailand, arguing that it was both dualistic and in tension. The dualism related to social norms on the one hand as underlying values that were resources able to be used to promote safety in a way that resonated with the Thai context (the interpenetrative dimension) to on the other a view which used safety (and the material and status resources associated with it) strategically for the purpose of individual advancement (the strategic dimension). This dualism was clearly evident in the ways different bureaucrats worked. The clash between self-reliance tied to a characteristic hierarchical and patriarchal frame of reference and safety awareness which required a more individualistic view also illustrates the disjunction possible between regulatory character and regulatory technique.

Thai regulatory character, though, was under challenge by both activism and global economic changes. This challenge brought about change that was neither linear nor unproblematic. Activist demands for comprehensive safety reforms that linked into global networks to challenge regulatory character were moulded by government and the bureaucracy to extract elements that could fit characteristic routines. The impact of rapid economic change was also mixed. Economic realities emphasized elements of fatalism within the strategic dimension of regulatory character where the obligations of patronage were paid lip service, but the reality of living up to such obligations was consigned to history. Economic changes consolidated and strengthened aspects of Thai regulatory character, with powerful individuals using rapid economic change to their advantage. Similarly, economic globalization with its emphasis on individuals and markets was re-scripted to enable sovereignty in the form of

regulatory character to be re-established. Personal relationships within Thailand remained key to economic success. The penetration of international regulatory models and standards into Thailand, captured by the term global rationalism also were shaped by regulatory character. International Fire standards and auditing regimes provided a means to legitimate industrial activity, but were not necessarily accompanied by improvement on the ground.

Nonetheless, to conclude that 'nothing changed' would also be a misreading of the aftermath of Kader. Regulatory character may exert an independent influence on the way regulations emerge and are given effect, but is itself a product of economic, political and social historical processes. Over time, regulatory character will change. This change will reflect the impact of rapid economic development that brings with it, in Hood's (1998) terms, elements of both individualism and fatalism. The degree to which activist campaigns link into public demands for greater political access and bureaucratic responsiveness to their needs will determine whether hierarchist norms continue to dominate or greater egalitarianism develops. It should be clear from this that such pressures do not necessarily combine to push regulatory character in a single direction. Regulatory character as it evolves is likely to include paradox and uncertainty.

For regulatory scholarship eager to promote new ways of regulating, ignorance of Thai regulatory character in the aftermath of Kader risks misunderstanding what reforms are most likely to succeed and why reforms that appear promising are ineffective. The usefulness of techniques must be assessed in light of the dynamic of regulatory character that either enhances or undermines their potential. Regulatory solutions gleaned from a global context without regard to local conditions may simply miss the point. Furthermore, simply imposing 'good regulation' risks 'regulatory colonialism', of the imposition of techniques and rules without engagement in the political process that feeds local resentment.¹⁰ Furthermore, examples of effective regulatory regimes may well arise from within a specific context – not the international ('developed world') sphere. The 'five-partite' model of safety regulation championed by Thai activists provides an example from which others might learn. An adequate emphasis on regulation – and regulatory reform – as process is critical. In this arena, regulatory scholarship still has much to learn from the broader socio-legal literature.

Moreover, the study demonstrates the importance of analyzing the interaction between globalization and regulatory character. Globalization interacts with regulatory character, but regulatory character has an integrity which means that the effect of global policies may be less than that intended. Current global policies which seeks to valorize self-reliance without recognizing its connection to patriarchal forms of authority, give rise to naïve market-based policies with potential to reinforce the least accountable patriarchal networks – those lying outside of the political process. This article is a timely reminder of the need to preserve tension within our understanding of regulation and regulatory reform. Without this, regulatory scholarship that becomes too preoccupied with prescribing regulatory 'fixes' may unwittingly become part

of the problem – rather than part of the solution working towards a global system where disasters such as Kader become a less and less frequent occurrence.

NOTES

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The convention of using first names when citing Thai authors has not been used in this article.

1. The fieldwork that forms the basis of this article took place predominantly during two trips to Bangkok in 1999 and 2000 as well as Hong Kong in 2002. As part of the fieldwork a series of interviews were undertaken with government officials from three separate government bureaucracies, NGO and union activists (both national and international), business people and global institutions such as the ILO. Documentation, including legislation and research reports, such as those undertaken by Arom Pompangan, the Asia Disaster Preparedness Centre (ADPC), the ILO and academics from the Economics Faculty at Chulalongkorn University were also accessed while in the field. This was added to material available in Australia which included written references (International Confederation of Free Trade Unions (undated); Cavanagh Grant and Klem, 1994; Symonds, 1997; Charoenloet, 1998).
2. In this article, the terms regulatory reform and regulatory change are used interchangeably. This is because regulatory reform is defined broadly in the article, to encompass legislative, regulatory and other changes (for example, to codes of practice, ministerial directions, national and international standards). The term reform is useful, however, in that it conveys an overt purpose of improving industrial standards in the particular area of concern (i.e. health and safety, workers' compensation, building standards or fire safety standards). Interchangeable use of the term regulatory change signals that the term regulatory reform is not being referred to in its narrow sense.
3. I am indebted to an anonymous reviewer for the succinct characterization of the central argument of this article.
4. For example, proposals within this pragmatic frame that are seen as most relevant to industrializing contexts, such as corporate codes of conduct, view national or state regulatory authorities as relatively powerless, either to promote

safety standards, or to obstruct them. Ironically, however, the potential for codes to be effective independent of a strong state regime is yet to be proven. Gunningham and Johnstone (1999) argue that voluntary codes work best as an adjunct to, but not a replacement of traditional forms of government regulation. Yet, they are promoted as a useful technique in the industrializing world as a method of improving behaviour in the absence of a strong state-based regime. Here too, self-regulation enforced by non-state actors has yet to prove its effectiveness and compliance problems remain (Diller, 1999; Murray 2001).

5. The public management disasters cited include industrial disasters such as Chernobyl.
6. The understanding of character borrows from Selznick's (1992) use of the term in understanding organizational behaviour as resulting from cultural norms shaped by economic and political dependencies. In his words character as it relates to an organization is:

... a broader idea than culture. Culture is the symbolic expression of shared perception, valuation and belief. ... The character of an organization includes its culture, but something more as well. A pattern of dependency – for example on a particular labour force, a market, or particular suppliers – may have little to do with symbolism or belief. The character of a company or trade union owes much to the structure of the industry, the skills of employees or members, the alliances that can be fashioned, and many other practical limits and opportunities. Attitudes and beliefs only account for a part of an organization's distinctive character. (Selznick, 1992: 321)

7. It should be noted that historically Thailand had a strong matriarchal culture, but this has largely dissipated (Keyes, 1987).
8. Literally 'coriander on ordinary fare' or 'coriander on the rice'.
9. Ministerial notifications act in similar manner to subordinate legislation. In the Thai legal system, regulations must go through the full legislative process, whereas ministerial notifications can be given effect by bureaucratic processes only.
10. An interview with Apo Leong of Asia Monitor Resource Center (AMRC), suggests that codes of conduct imposed by MNCs can be as unpopular with workers as with management. They can be intrusive and focus on high profile companies, missing many local smaller operators where conditions are equally bad, if not worse.

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