

## Chapter 9 / POLICY DESIGN WHAT, WHO, HOW, AND WHY?

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*Michael Howlett*

*Policy design involves the effort to more or less systematically develop efficient and effective policies through the application of knowledge about policy means gained from experience, and reason, to the development and adoption of courses of action that are likely to succeed in attaining their desired goals or aims within specific policy contexts. The desire to husband resources involved in goal attainment involves governments of all types and persuasions in processes of more or less conscious and rational efforts at design. However, the object of design – what is actually designed – who designs it, how they do so, and why they make the design decisions they do, are all questions which require clarification if the study of policy design is to move forward. Each of these issues is addressed in turn in what follows and the strengths and weaknesses of the existing literature on these subjects assessed.*

**Key words:** *policy design, policy tools, policy instruments, policy formulation, policy advice, policy advisory systems*

### — The Idea of Policy Design

Public policies are the results of efforts made by governments to alter aspects of their own or social behaviour in order to carry out some end or purpose and are comprised of complex arrangements of policy goals and policy means. These efforts can be more or less systematic and the ends and purposes attempted to be attained are multifarious and wide-ranging. Should all of these efforts be thought of as embodying a conscious “design”?

Although the opposite is often alleged – that many policies are irrational or the result of pure self-interested bargaining and trade-offs among powerful actors – in most cases the answer is “yes”.

Even when the goals pursued are not laudable, such as personal enrichment or military adventurism, or when the knowledge or the

means utilized is less than scientific, such as religious or ideologically inspired dogma or implementation preferences, and even when these efforts are much more *ad hoc* and much less systematic than might be desired, as long as a desire for effective resource use in goal attainment guides policy-making, it will involve some effort at design.

However, this does not mean that all designs are equal or generate equal results. Policy design extends to both the means or mechanisms through which goals are given effect, and to the goals themselves, since goal articulation inevitably involves considerations of feasibility, or what is practical or possible to achieve in given conjunctures or circumstances given the means at hand (Huitt, 1968; Majone, 1975; Ingraham, 1987). The development of programme-level objectives and means choices, for example, take place within a larger governance context in which sets of institutions, actors, and practices are “pre-defined” and make up the “environment” or context within which policy-making occurs (Howlett, 2009). Some of the key elements which comprise a policy, notably, abstract policy aims and general implementation processes, are defined at this “meta” level of policy-making. Hence, a legal mode of governance contains a preference for the use of laws while a market mode involves a preference for market-based tools and so on. And these choices constrain choices of programme-level tools and targets, or policy means (Skodvin, Gulbergand Aakre, 2010), with these meso-level programme objectives and policy instruments, in turn constraining micro-level choices.

In this sense, policy design and especially policy tool selection is a highly constrained process and not all designs are possible at any given moment in time. This multi-level, nested, nature of policy tool choices must be taken into account in any effort to design or plan policy outcomes (Howlett, 2009). Better designs are more effective at doing this, generating policy processes and outcomes which are more consistent with their environments.

In this regard it is important for policy designers to incorporate into their thinking the knowledge that the exact processes by which policy decisions are taken vary greatly by jurisdiction and sector and reflect the great differences, and nuances, that exist between different forms of government – from military regimes to liberal democracies

and within each type – as well as the particular configuration of issues, actors and problems various governments, of whatever type, face in particular areas or sectors of activity – such as health or education policy, industrial policy, transportation or energy policy, social policy, and many others (Ingraham, 1987; Howlett, Ramesh, and Perl, 2009). In some circumstances, policy decisions will be more highly contingent and “irrational”, that is, driven more by situational logics and opportunism rather than by careful deliberation and assessment, than in others (Cohen *et al.*, 1979; Dryzek, 1983; Kingdon, 1984; Eijlander, 2005; Franchino and Hoyland, 2009).

Although this high level of contingency in decision-making has led some critics and observers of policy design efforts to suggest that policies cannot be “designed” in the sense that a house or a piece of furniture can be (Dryzek and Ripley, 1988), many other scholars disagree with this assessment. Their idea of policy design is inextricably linked with the idea of improving the results of government actions through the conscious consideration in policy formulation of the likely outcomes of policy implementation activities. This is a concern both for non-governmental actors concerned with bearing the costs of government failures and incompetence, as well as for governmental ones who may otherwise be tasked with carrying out impossible duties and meeting unrealistic expectations. Regardless of regime and issue type, and regardless of the specific weight given by governments to different substantive and procedural aims, all governments wish to have their goals effectively achieved and usually wish to do so in an efficient way, that is, with a minimum of effort (Weimer, 1993). Thus all governments, of whatever stripe, are interested in applying knowledge and experience about policy issues in such a way as to ensure the more or less efficient and effective realization of their aims (deLeon, 1999; Potoski, 2002).

This desire to husband resources involved in goal attainment involves governments of all types and persuasions in processes of more or less conscious and rational efforts at design (Dryzek, 1983). It also allows us to define the term as the effort to more or less systematically develop efficient and effective policies through the application of knowledge about policy means gained from experience, and

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reason, to the development and adoption of courses of action that are likely to succeed in attaining their desired goals or aims within specific policy contexts (Bobrow and Dryzek, 1987; Bobrow, 2006; Montpetit, 2003).

In their many works on the subject in the late 1980s and early 1990s, Stephen H. Linder and B. Guy Peters argued that the actual process of public policy decision-making could, in an analytical sense, be divorced from the abstract conception of a policy design, in the same way that an abstract architectural concept can be divorced from its engineering manifestation. Policy designs in this sense ~~they argued,~~ can be thought of as “ideal types”, that is, as ideal configurations of sets of policy elements which can reasonably be expected, if adopted as set out within a specific contextual setting, to deliver a specific outcome. Whether or not all of the aspects of such contextual configurations are actually adopted in practice, ~~in their view,~~ is more or less incidental to the design, except in so far as such variations suggest the expected outcome may be less stable or reliable than the original design assumptions would augur. As Linder and Peters (1988) argued:

“Design then, is not synonymous with instrumental reasoning but certainly relies greatly on that form of reasoning. Moreover, the invention or fashioning of policy options is not designing itself and may not even call on any design. While somewhat at odds with conventional (mis)usage, our treatment focuses attention on the conceptual underpinnings of policy rather than its content, on the antecedent intellectual scheme rather than the manifest arrangement of elements. As a result, the study of design is properly “meta-oriented” and, therefore, one step removed from the study of policy and policy-making.” (Linder and Peters, 1988: 744)

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## What is Designed?

This discussion raises several issues about policy design which this chapter sets out to clarify. These include the object of design – what is actually designed – who designs it, how they do so, and why they make the design decisions they do. Each of these is the subject of its

own research programme within the field of policy design studies and is addressed in turn below.

With respect to the first question – “What is designed? – it should be noted that what policy designers create are policy alternatives. That is, alternative options for how government action can be brought to bear on some identified problem. These alternatives are composed of different sets or combinations of the policy elements described above: policy goals, objectives, and aims, as well as policy means, tools, and their calibrations or “settings”. As Linder and Peters noted, while all of these policy elements are present in a well-thought out design, policy instruments are especially significant in this process as they are the techniques through which a state’s goal attainment occurs. They are the subject of deliberation and activity at all stages of the policy process and affect both the agenda-setting and policy formulation processes as well as being the subject of decision-making, policy implementation, and evaluation (Howlett, 2005; Howlett, Ramesh, and Perl, 2009).

These tools have a special place in the consideration and study of policy design because, taken together, they comprise the contents of the toolbox from which governments must choose in building or creating public policies. Policy design elevates the analysis and practice of policy instrument choice – specifically tools for policy implementation – to a central focus of study, making their understanding and analysis a key design concern (Salamon, 1981; Linder and Peters, 1990). Again as Linder and Peters argued:

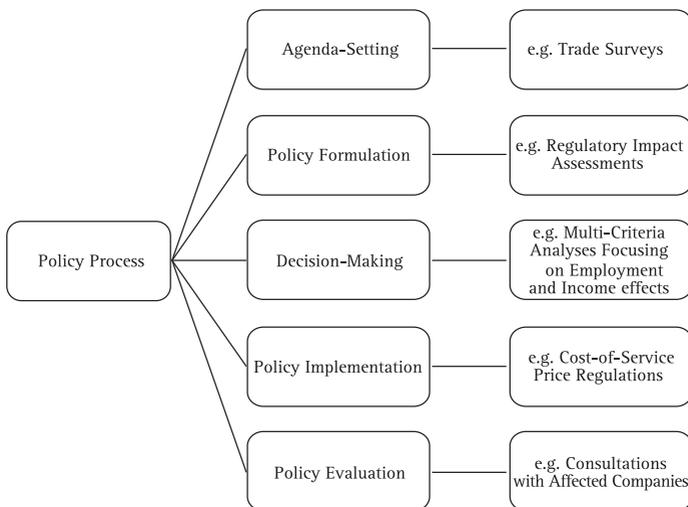
“A design orientation to analysis can illuminate the variety of means implicit in policy alternatives, questioning the choice of instruments and their aptness in particular contexts. The central role it assigns means in policy performance may also be a normative vantage point for appraising design implications of other analytical approaches. More important, such an orientation can be a counterweight to the design biases implicit in other approaches and potentially redefine the fashioning of policy proposals.” (1990: 304)

Instrument choice, from this perspective, *is* public policy-making, just as understanding and analyzing potential instrument choices

involved in implementation activity is what policy design is all about. “Constructing an inventory of potential public capabilities and resources that might be pertinent in any problem-solving situation” is thus a key activity in policy design studies and one which has received a great deal of attention from design scholars over the past several decades (Anderson, 1975: 122).

Policy instruments exist at all stages of the policy process – with specific tools such as stakeholder consultations and government reviews intricately linked to agenda-setting activities (e.g. legislative rules and norms linked to decision-making behaviour and outcomes), and others linked to policy evaluation (e.g. the use of ex-post, or after-the-fact, cost-benefit analyses; see Figure 1).

*Figure 1 - An Example of the Range of Policy Instruments by Governance Mode and Stage of the Policy Cycle*



Although policy instruments appear in all stages of the policy process, those affecting the agenda-setting, decision-making and evaluation stages of the policy process, while very significant and important in public management (Wu *et al.*, 2010), have generally been considered less so with respect to policy design activities. This is because policy design largely takes place at the formulation stage

of the policy process and deals with plans for the implementation stage. Thus the key sets of policy instruments which have generally been of concern to policy design studies are those linked to policy implementation, in the first instance, and to policy formulation, in the second. In the first category we would find examples of many well-known governing tools such as public enterprises and regulatory agencies which are expected to alter or affect the delivery of goods and services to the public and government (Salamon, 2002), while in the second we would find instruments such as regulatory impact or environmental impact appraisals which are designed to alter and affect some aspect of the nature of policy deliberations and the consideration and assessment of alternatives (Turnpenny *et al.*, 2009).

As Linder and Peters noted, it is critical for policy scientists and policy designers alike to understand this basic vocabulary of design:

“Whether the problem is an architectural, mechanical or administrative one, the logic of design is fundamentally similar. The idea is to fashion an instrument that will work in a desired manner. In the context of policy problems, design involves both a systematic process for generating basic strategies and a framework for comparing them. Examining problems from a design perspective offers a more productive way of organizing our thinking and analytical efforts.” (1984: 253)

The role played by implementation instruments in particular has been a central focus of design studies. It is they which provide the substance or content of whatever design deliberations occur at the formulation stage.

One common <sup>or category</sup> type of implementation instrument proposes to alter the actual substance of the kinds of day-to-day production, distribution, and consumption activity carried out in society, while ~~the~~ <sup>an</sup> other focuses upon altering political or policy behaviour in the process of the articulation of implementation goals and means. *Substantive implementation instruments* are those used to directly affect the production, distribution, and consumption of goods and services in society while *procedural implementation instruments* accomplish the second purpose (Ostrom, 1986; Howlett, 2000, 2005).

Substantive instruments are expected to alter some aspect of the production, distribution, and delivery of goods and services in society: broadly conceived to include both mundane goods and services such as school lunches to crude vices such as gambling or illicit drug use, to more common individual virtues such as charitable giving or volunteer work with the physically challenged, and include the attainment of sublime collective goals such as peace and security, sustainability, happiness, and well-being. We can thus define substantive policy instruments as those policy techniques or mechanisms designed to directly or indirectly affect the behaviour of those involved in the production, consumption, and distribution of different kinds of goods and services in society (Schneider and Ingram, 1990, 1993, 1994). This is a large field of action since it extends not only to goods and services provided or affected by markets, but also well beyond markets to state or public provision and regulation, as well as to those goods and services typically provided by the family, community, non-profit and voluntary means often with neither a firm market nor state basis (Salamon, 1989, 2002). Substantive implementation tools determine or influence:

- Who produces a good or service – for example, via licencing, bureaucracy/procurement, or subsidies for new start-ups. The types of goods and services produced – for example, through bans or limits or encouragement.

- The quantity of goods or services provided – for example, via subsidies or quotas.

- The quality of goods or services produced – for example, via product standards, warranties.

- Methods of production – for example, via environmental standards or subsidies for modernization.

- Conditions of production – for example, via health and safety standards, employment standards acts, minimum wage laws, inspections.

- The organization of production – for example, via unionization rules, anti-trust or anti-combines legislation, securities legislation, or tax laws.

Consumption and distribution effects and tools are also manifold. Some examples of these are:

- Prices of goods and services – such as regulated taxi fares or wartime rationing.
- Actual distribution of produced goods and services – affecting the location and types of schools or hospitals, forest tenures or leases.
- Level of consumer demand for specific goods – for example, through information release, nutritional and dangerous goods labeling (cigarettes), export and import taxes and bans and similar activities.
- Level of consumer demand in general – via interest rate, monetary, and fiscal policy.

Procedurally oriented implementation tools, on the other hand, affect production, consumption, and distribution processes only indirectly, if at all. Rather they instead affect the behaviour of actors involved in policy implementation. Policy actors are arrayed in various kinds of policy communities, and just as they can alter or affect the actions of citizens in the productive realm, so too can they affect and alter aspects of policy-making behaviour (Knoke, 1987, 1993; Knoke and Kuklinski, 1991). Procedural implementation tools are an important part of government activities aimed at altering policy interaction within policy sub-systems but, as Klijn *et al.* (1995) put it, they “structure... the game without determining its outcome” (441). That is, these behavioural modifications affect the manner in which implementation unfolds but without predetermining the results of substantive implementation activities.

Some of the kinds of implementation-related activities that can be affected by the use of procedural tools (Klijn *et al.*, 1995; Goldsmith and Eggers, 2004; Klijn and Koppenjan (2006) include:

- 1 Changing actor policy positions
- 2 Setting down, defining or refining actor positions
- 3 Adding actors to policy networks
- 4 Changing access rules for actors to governments and networks
- 5 Influencing network formation
- 6 Promoting network self-regulation
- 7 Modifying system-level policy parameters (e.g. levels of market reliance)

instruments



- 8 Changing evaluative criteria for assessing policy outcomes, success and failure
- 9 Influencing the pay-off structure for policy actors
- 10 Influencing professional and other codes of conduct affecting policy actor behaviour
- 11 Regulating inter-actor policy conflict
- 12 Changing policy actors' interaction procedures
- 13 Certifying or sanctioning certain types of policy-relevant behaviour
- 14 Changing supervisory relations between actors.

Policy designs typically contain “bundles” or “mixes” of both procedural and substantive implementation tools (Howlett, 2000; 2002); such as the use of regulation to control goods or service production combined with the use of advisory committees to legitimize and inform regulators and regulations. Procedural implementation tools and their effects are not as well studied or understood as are substantive instruments, however, although several procedural techniques, such as the use of specialized investigatory commissions and government reorganizations, are quite old and well-used and have been the objects of study in fields such as public administration, public management, and organizational behaviour (Woolley, 2008; Schneider and Sidney, 2009). Nevertheless, like their substantive counterparts, they are a key part of policy designs and policy design activity.

## Who Are the Designers?

As Charles Anderson (1971: 121) noted, policy design is virtually synonymous with “statecraft” or the practice of government as “the art of the possible”. As he noted, design “is always a matter of making choices from the possibilities offered by a given historical situation and cultural context”. From this vantage point, the institutions and procedures of the state to shape the course of economy and society become the equipment provided by a society to its leaders for the solution of public problems. Policy designers use the tools of the trade of statecraft and, as Anderson (1971) also noted, “*the skillful policy maker, then, is [one] who can find appropriate possibilities in the institutional equipment of... society*” to best obtain their goals.

Formulation may proceed without a clear definition of the problem to be addressed (Weber and Khademian, 2008) and may occur over a long period of time in “rounds” of formulation and reformulation of policy problems and solutions (Teisman, 2000). And while formulators often search for “win-win” solutions, it is often the case that the costs and benefits of different options fall disproportionately on different participants (Wilson, 1974). This implies that the capability of policy designs to be realized in practice remains subject to many political as well as technical variables. However, this does not imply that policy design is impossible or an unworthwhile task, simply that it must be recognized that some designs may prove impossible to adopt in given contexts and that the adoption of any design will be a fraught and contingent process as options and various types of policy actors attempt to construct and assess policy alternative designs (Dryzek, 1983).

Given the range of players and sub-stages involved in it, policy formulation is a highly diffuse and often disjointed process whose workings and results are often very difficult to discern and whose nuances in particular instances can be fully understood only through careful empirical case study. As Thomas<sup>2</sup> (2001) notes, different actors are involved in different aspects of policy formulation and policy design activities. However, defining and weighing the merits and risks of various options forms the substance of this second stage of the policy cycle, and more or less formal “policy analysis” is usually a critical component of policy formulation and policy design activity in modern governments (Gormley, 2007; Sidney, 2007; Dunn, 2008).

That is, politicians situated in authoritative decision-making positions ultimately “make” public policy. However, they do so most often by following the advice provided to them by civil servants and others whom they trust or rely upon to consolidate policy alternatives into more or less coherent designs<sup>3</sup> and provide them with expert opinion on the merits and demerits of the proposals put before them (MacRae and Whittington, 1997; Heinrichs, 2005). As such it is useful to think of policy advisors as being arranged in an overall “policy advisory system” which will differ slightly in every particular issue area but which generally assumes a hierarchical shape.

Recent studies of advice systems in countries such as New Zealand, Israel, Canada, and Australia have developed this idea; that government decision-makers sit at the centre of a complex web of policy advisors which include both “traditional” political advisors in government as well as non-governmental actors in NGOs, think tanks and other similar organizations, and less formal or professional forms of advice from colleagues, friends, relatives, members of the public, and political party members, among others (Maley, 2000; Peled, 2002; Dobuzinskis *et al.*, 2007; Eichbaum and Shaw, 2007). As Anderson (1996) noted “a healthy policy-research community outside government can play a vital role in enriching public understanding and debate of policy issues, and it serves as a natural complement to policy capacity within government” (486).

Understanding the nature of policy formulation and design activities in different analytical contexts involves discerning how the relevant policy advice system is structured and operated in the specific sector of policy activity under examination (Brint, 1990; Page, 2010). Different types of “policy advice systems” exist depending on the nature of the knowledge supply and demand in specific policy formulation contexts, which varies not only by national context and institutional design but also by sector (Halfman and Hoppe, 2005).

At their most basic, however, these policy advice systems can be thought of as part of the knowledge utilization system of government, itself a kind of marketplace for policy ideas and information, comprising three separate components: a supply of policy advice, its demand on the part of decision-makers, and a set of brokers whose role it is to match supply and demand in any given conjuncture (Brint, 1990; Lindquist, 1998). That is, these systems can be thought of as arrayed into three general “sets” of analytical activities and participants linked to the positions actors hold in the “market” for policy advice.

The first set of actors at the top of the hierarchy is composed of the “proximate decision-makers” themselves who act as consumers of policy analysis and advice – that is, those with actual authority to make policy decisions, including cabinets, executives, parliaments, legislatures, and congresses, as well as senior administrators and officials delegated decision-making powers by those other bodies. The

second set, at the bottom, is composed of those “knowledge producers” located in academia, statistical agencies, and research institutes who provide the basic scientific, economic, and social scientific data upon which analyses are often based and decisions made. The third set is composed of those “knowledge brokers” who serve as intermediaries between the knowledge generators and proximate decision-makers, repackaging data and information into usable form (Lindvall, 2009; Page, 2010). These include, among others, permanent specialized research staff inside government as well as their temporary equivalents in commissions and task forces, and a large group of non-governmental specialists associated with think tanks and interest groups. Although often thought of as “knowledge suppliers”, key policy advisors almost by definition exist in the brokerage subsystem, and this is where most professional policy analysts can be found (Lindvall, 2009; Verschuere, 2009; Howlett and Newman, 2010).

In general, four distinct sets or “communities” of policy advisors can be identified who perform advisory functions within any policy advice system depending on their location inside or outside of government, and by how closely they operate to decision-makers: core actors, public sector insiders, private sector insiders, and outsiders (see Table 1).

*Table 1: The Four Communities of Policy Advisors*

	Proximate Actors	Peripheral Actors
Public/Governmental Sector	Core Actors Central Agencies Executive Staff Professional Governmental Policy Analysts	Public Sector Insiders Commissions, Committees, and Task Forces Research Councils/Scientists International Organizations
Non-Governmental Sector	Private Sector Insiders Consultants Political Party Staff Pollsters Donors	Outsiders Public Interest Groups Business Associations Trade Unions Academics Think Tanks Media International Non-Governmental Organizations

Along with the less knowledgeable public, these sets of actors can also be thought of as existing on a spectrum moving from the abstract to the more practical, and therefore can also be linked to influence and impact on specific policy elements as set out in Table 2 (Page, 2010).

*Table 2: Advisory System Actors by Policy Level*

	High Level Abstraction	Programme Level Operationalization	Specific On-the-Ground Measures
Policy Goals	General Abstract Policy Aims	Operationalizable Policy Objectives	Specific Policy Targets
(Normative)	Public, Outsiders, and Insiders	Insiders and Core Actors	Core Actors
Policy Means	General Policy Implementation Preferences	Operationalizable Policy Tools	Specific Policy Tool Calibrations
(Cognitive)	Public, Outsiders and Insiders	Insiders and Core Actors	Core Actors

What actors do in policy formulation, how they do it, and with what effect, depend in large part on the type of advisory system present in a specific government or area of interest (Brint, 1990). However core actors typically, albeit in a constrained fashion, are those most able to influence the construction and selection of policy designs given their ability to influence all aspects of a policy, including the specification of policy targets and the calibration of policy tools (Page, 2010).

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## How do They Design?

But what does “advice mean” and how does it influence design activities? Understanding exactly how instrument choices are constrained by higher-order sets of variables is crucial to making correct policy design decisions in specific policy-making contexts. “Advice” in this sense involves both provision of alternative policy options and opinions or data on their acceptability or appropriateness within a design space. As Linder and Peters (1991) argued, policy design is:

“A systematic activity composed of a series of choices... design solutions, then, will correspond to a set of possible locations in a design space... this construction emphasizes not only the potential for generating new mixtures of conventional solutions, but also the importance of giving careful attention to trade offs among design criteria when considering instrument choices.”

That is, designing policies requires thinking about policy-making in such a way as to fully take into account the dual purposes – substantive and procedural – which policies can serve and the nature of the multiple levels of policy elements or components which make up a typical policy: that is, to understand the “design space” (Hillier, Musgrove, and O’Sullivan, 1972; Hillier and Leaman, 1974; Gero, 1990).

Establishing the nature of the policy design space is therefore a crucial activity for policy designers. Designers must avoid simply advocating “stock” solutions unless this is called for by the limited nature of the space available for new designs (May 1981). Rather they should “consider the range of feasible” options possible in a given circumstance and package these into sets of “competing strategies” to achieve policy goals (May 1981: 236 and 238). As David Weimer (1992: 373) has argued, “Instruments, alone or in combination, must be crafted to fit particular substantive, organizational and political contexts”.

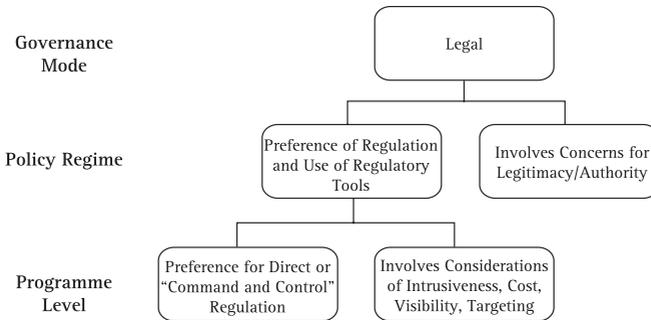
This is a complex task but, as we have seen, policy formulation typically occurs within the confines of an existing governance mode and policy logic, which simplifies the task of policy design. It does this by restricting the number of alternatives which are considered feasible in any given planning situation, reducing to manageable proportions the otherwise almost infinite range of possible specific micro-level instrument choices (Meuleman, 2009); but only if these contextual constraints are diagnosed accurately.

That is, the process of design and instrument selection is made simpler once the fact that some of the elements of public policies remain more amenable to careful thought and deliberate government manipulation than others is recognized (Schon, 1992; Gero and Kannengiesser, n.d.; Kannengiesser and Gero, 1990). High-level abstract “macro” level policy goals typically vary in accordance with the nature of the governance mode found in a particular sector at a specific time which itself encompasses the set of political actors, ideas, and institutional rules which are prevalent in that jurisdiction at the moment at which policy deliberations and decision-making takes place (Moore, 1988; Braun, 1999; Howlett and Ramesh, 2003). The existence of these fairly long-term and stable governance arrangements helps maintain relatively constant general implementation preferences, since these derive from

and are constrained by the same set of factors which influence and inform the development and articulation of abstract policy aims (Howlett, 1991; May, 1991; Dunsire, 1993; Kooiman, 2000 and 2008).

These different modes thus involve different overall preferences for general kinds of substantive and procedural policy instruments expected to attain the general aims of government. The existence of a dominant governance mode in a particular sector or issue area generates certain propensities for the use of specific kinds of tools ~~within and across Hood's resource categories~~. Different countries and sectors share these styles and they are the first important overall determinant of the policy design space found in specific policy and issue areas (Meuleman, 2010; Hardiman and Scott, 2010).<sup>1</sup> An example of the logic of this design schema, is set out in Figure 2 below.

Figure 2: Policy Design Spaces and Modes of Governance



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1. In many countries, the preferred instruments for policy implementation in many sectors have been configured as largely legal and corporatist rather than market or network based, but the context, style, and substance of both the marketplace and the network has infiltrated the policy formulation process in recent years (Majone 1989). However, the policy design space in most sectors in recent decades remains firmly fixed within earlier modes, especially, in many countries in Europe, Asia, and Latin America, for example, within corporatist modes (Heritier et al. 1996; Knill 2001; Pollitt 2001). Although compliance with government intentions has been approached in some sectors in these countries in terms of market-based factors: profit margins and the economic viability of industry, employment patterns, and international competitiveness, this new emphasis on market-based policy tools – or what is sometimes referred to as “the new governance” – has had little effect on policy designs in many sectors (Rhodes 1996; Salamon 2001). This underlines the linkages, which exist in governance modes between patterns of policy instrument choices and general governance preferences and the need for policy designers to be thoroughly aware of the nature of the design space within which they are working.

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The basic nature of possible governance regimes, are well known, and the general implementation preferences they entail are also quite clear. That leaves the essential design challenge in many sectors as one of the identification and articulation of specific policy measures, more or less carefully calibrated, ~~from within each resource category,~~ within an already existing governance mode. However, the common existence of fairly “routine” design situations should not be taken to suggest complete stability in all areas, and governance modes do change. Many governments in recent years, for example, have moved away from legalistic modes relying on command and control instruments towards more flexible modes associated with market and network governance and governance tools.

Promoting “integrated” policy designs involving multiple tools congruent with existing design spaces is another challenge designers face in making choices and selection of instruments (Meijers and Stead, 2004; Stead *et al.*, 2004; Briassoulis, 2005a, 2005b). In such ~~re~~designs, Howlett and Rayner (2007) and Kern and Howlett (2009) have focused attention on the importance of designers aiming to achieve “coherence, consistency, and congruence” in the new design. That is, designers ~~should~~ <sup>try to</sup> ensure that any new design elements are coherent in the sense that they are logically related to overall policy aims and objectives; that they be consistent in that they work together to support a policy goal, and that both policy goals and ~~means should~~ <sup>insert space</sup> be congruent, rather than working at cross-purposes. Such designs require a great deal of administrative and analytical capacity on the part of state actors that may or may not exist in different sectors and countries (Howlett, 2009; Howlett and Newman, 2010). That is, in order for complex “design” to meaningfully occur, policy designers need a great deal of knowledge and insight into the workings of their polity and specific policy sectors, raising to the forefront questions about the capacity of policy experts involved in the policy formulation process (Walker, Rahman, and Cave, 2001). In order to be able to make an appropriate decision about when to introduce new instruments and when to renew old ones, they must be familiar not only with the technical aspects of the menu of instruments before them, but also with the nature of the governance and policy contexts in

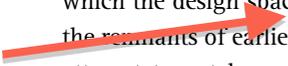
which they are working, and thus require training and experience in both these aspects of the policy design process if design is to occur at all (Braathen, 2005; 2007; Grant, 2010; Skodvin, Gullberg, and Aakre, 2010).

There is also a temporal aspect to these design contexts that designers must take into account. As Christensen *et al.* have argued, the leeway or degree of manoeuvrability policy designers have in developing new designs is influenced not only by existing contextual factors and polity features but also by historical-institutional ones. These factors “place constraints on and create opportunities for purposeful choice, deliberate instrumental actions and intentional efforts taken by political and administrative leaders to launch administrative reforms through administrative design” (2002: 158).

That is, except in the case of completely new policy areas, which are relatively rare, designers are typically faced with a situation in which an already existing policy mix is in place (Thelen, 2003 and 2004). These arrangements may have emerged or evolved over relatively long periods of time through previous design decisions, and even if they had a clear logic and plan at the outset they may no longer do so (Bode, 2006). This is because they may have evolved through such temporal processes as “layering” in which instruments and goals are simply added to existing ones without abandoning the previous ones, a process which has been linked to both incoherence among policy ends and inconsistency with respect to policy means (Howlett and Rayner, 1995; Orren and Skowronek, 1998; Rayner *et al.*, 2001). Or they may have emerged through drift, in which policy ends change while instruments remain unchanged, a process through which means become inconsistent with respect to changed ends and most likely ineffective in achieving them (Torenvlied and Akkerman, 2004; Hacker, 2005). In these contexts designers are faced with the additional challenge of redesign or the replacement of existing regime elements in which the design space <sup>is</sup> has been altered by the continued existence of the remnants of earlier policy efforts. In such situations designers often attempt to patch or restructure existing policy elements rather than propose alternatives *de novo* (Howlett and Rayner, 2013; Gunningham and Sinclair, 1999; Thelen, 2003 and 2004; Eliadis *et al.*, 2005).



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## Why do Designers Design the Way They Do?

A key aspect of policy design, as discussed above, lies in the kinds of ideas held about the feasibility and optimality of alternative possible arrangements of policy tools by policy advisors and decision makers. The ideas held by central policy actors especially play a key role in guiding their efforts to construct policy options and assess design alternatives (Ingraham, 1987; George, 1969; Mayntz, 1983; Jacobsen, 1995; Chadwick, 2000; Gormley, 2007).

But different kinds of actors hold different kinds of ideas and have different levels of influence or impact on policy formulation activities. Not everyone's ideas about policy options and instrument choices are as influential as others when it comes to policy appraisal and design (Lindvall, 2009) and different types of ideas also have different effects on different elements of policy-making and hence upon instrument choices and policy designs. Policy goals, for example, consist of a range of ideas from general philosophical and ethical principles to specific causal logics and sociological constructs. The same is true of policy means, which often embody some knowledge of past practices and concepts of successful and unsuccessful policy implementation. They may also extend beyond this to ideological and other ideational structures informing choices for goal attainment.

Distinguishing between types of ideas in terms of their level of abstraction and their cognitive or normative dimension is an important step in discerning their impact on policy designers (Campbell, 1998) (see Table 3).<sup>2</sup>

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2. Similarly, in their work on the influence of ideas in foreign policy-making situations, Goldstein and Keohane (1993) and their colleagues noted at least three types of ideas that combined normative and cognitive elements but at different levels of generality: world views, principled beliefs, and causal ideas (see also Campbell 1998; Braun 1999). World views or ideologies have long been recognized as helping people make sense of complex realities by identifying general policy problems and the motivations of actors involved in politics and policy. These sets of ideas, however, tend to be very diffuse and do not easily translate into specific views on particular policy problems. Principled beliefs and causal stories, on the other hand, can exercise a much more direct influence on the recognition of policy problems and on policy content. These ideas can influence policy-making by serving as "road maps" for action, defining problems, affecting the strategic interactions between policy actors, and con- straining the range of policy options that are proposed

Ideas such as symbolic frames and public sentiments tend to affect the perception of the legitimacy or “correctness” or “appropriateness” of certain courses of action, while policy paradigms represent a “set of cognitive background assumptions that constrain action by limiting the range of alternatives that policy-making elites are likely to perceive as useful and worth considering” (Campbell, 1998, 2002: 385; also Surel, 2000). The term “programme ideas” represents the selection of specific solutions from among the set designated as acceptable within a particular paradigm. Thus symbolic frames and public sentiments can be expected to largely influence policy goals (Stimson, 1991; Suzuki, 1992; Durr, 1993; Stimson *et al.*, 1995) while more cognitive aspects such as policy paradigms and programme ideas, on the other hand, can be expected to more heavily influence choices of policy means (Stone, 1989; Hall, 1993).

*Table 3: Ideational Components of Policy Contents*

		Level of Policy Debate Affected	
		Background	Foreground
Level of Ideas Affected	Normative (Value)	Public Sentiments	Symbolic Frames
	Cognitive (Causal)	Policy Paradigms	Program Ideas

Source: Adapted from Campbell (1998).

All of these different kinds of policy ideas are pitched at different levels of generality and abstraction, which correlate quite closely with the different elements of policy set out above. The policy ideas found in public sentiments, for example, are generally too broad and normative in nature to have much of a direct impact on programme design. However they serve to set the context within which that design activity occurs. Conversely, policy paradigms have a much greater cognitive component, allowing them to significantly influence the nature of policy means at the policy regime level. These general

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(Carstensen 2010; Stone 1988; 1989). At the micro-level, “causal stories” and beliefs about the behaviour patterns of target groups heavily influence choices of policy settings or calibrations (Stone 1989; Schneider and Ingram 1993 and 1994).

relationships between idea types and policy elements are set out in Table 4 below.

*Table 4: The Relationship Between Policy Ideas and Policy Design Elements*

	Governance Modes	Policy Regimes	Programme Aspects
Policy Goals	General Abstract Policy Aims	Operationalizable Policy Objectives	Specific Policy Targets
Impacting Set of Ideas	Ideologies and World Views	Policy Paradigms	Causal Stories
Policy Means	General Policy Implementation Preferences	Operationalizable Policy Tools	Specific Policy Tool Calibrations

This helps to capture the manner in which established beliefs, values, and attitudes lie behind understandings of public problems and emphasizes how paradigm-inspired notions of the feasibility of the proposed solutions are significant determinants of policy choices and alternative designs (Hall, 1990: 59; also Huitt, 1968; Majone, 1975; Schneider, 1985; Webber, 1986; Edelman, 1988; Hilgartner and Bosk, 1988). As Table 5 shows, different sets of actors, with different sets of ideas can be expected to be active at different levels of policy formulation and policy design.

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*Table 5: The Relationship Between Policy Ideas and Policy Design Elements*

Policy Level	Governance Mode High Level Abstraction	Policy Regime Programme Level Operationalization	Programme Level Specific On-the-Ground Measures
Policy Goals	General Abstract Policy Aims	Operationalizable Policy Objectives	Specific Policy Targets
Policy Ideas	World Views and Ideologies	Policy Paradigms	Causal Stories
Policy Actors	Public, Outsiders and Insiders	Public and Private Sector Insiders and Core Actors	Core Actors
Policy Means	General Policy Implementation Preferences	Operationalizable Policy Tools	Specific Policy Tool Calibrations

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This implies that in a typical design situation the impact of the public and outsiders on formulation is significant but diffused and filtered when it comes to the articulation of causal stories and the design of specific tool selections and calibrations (Lindvall, 2009; Page, 2010). It also suggests, as discussed earlier, that while very significant in such processes, core actors specifying policy targets and tool calibrations act within a greatly circumscribed landscape of existing worldviews and ideologies and policy paradigms (Braun, 1999; Maley, 2000; Haas, 2001; Eichbaum and Shaw, 2008; Dunlop, 2009; Lindvall, 2009). That is, their influence becomes more direct, although also more constrained, as the formulation process becomes focused on particular and more precise design dimensions (Meltsner, 1976). In a typical policy design situation not all elements of a policy are at play and the range of choices left to designers at the micro-level of concrete targeted policy tool calibrations is restricted by general policy aims and implementation preferences which, in turn, inform meso-level considerations about alternative policy objectives and policy tool combinations (Walker, Rahman, and Cave, 2001; Swanson *et al.*, 2011).

Thus in many design situations, general abstract policy aims and implementation preferences can often be taken as given, establishing the context in which design decisions relating to programme-level and on-the-ground specifications are made by policy insiders and core actors. And in many cases, even the goal components of these last two levels of policy may be already established, leaving the designer only the task of establishing specific policy tool calibrations which must cohere with these already existing or well-established policy elements. How the macro, meso and micro elements of a policy process fit together, then, is a critical determinant of how key actors view and articulate the range of policy alternatives available to them, and thus a critical component, and outcome, of policy formulation <sup>and</sup> ~~which affects~~ <sup>s</sup> policy design.




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## Conclusion



Given the complexity of policy making it is not surprising that many noble efforts by governments and citizens to create a better and safer world have foundered on poor policy design. However, while

not an optional outcome, this has led to a greater appreciation of the difficulties encountered in designing public policies, and to the attempt to correct the gaps in our understanding, <sup>of it</sup> a process which, albeit slowly, has improved our knowledge of the principles and elements of the nature of policy instruments, ~~and their~~ governance contexts <sup>and</sup> of policy design.

As the basis for the design and implementation of carefully calibrated policy measures, the templates developed by Doern and Phidd (1983), Hood (1986), Linder and Peters, Schneider and Ingram, and Salamon in the mid-1980s are still very useful in helping to organize the literature and focus design discussions on <sup>early scholars such as</sup> the key design parameters identified within this level of policy making (Hood, 2007). But, in spite of its centrality and importance to public policy-making, policy design still remains in many respects a “missing link” in policy studies (Hargrove, 1975; Alexander, 1982). The design process is complex, often internally orchestrated between bureaucrats and target groups, and usually much less accessible to public scrutiny than many other kinds of policy deliberations, but <sup>should</sup> ~~this has~~ not been allowed to stand in the way of its further elaboration and refinement (Kiviniemi, 1986; Donovan, 2001).

The analysis presented here suggests that many traditional ways of thinking about policy instruments and policy design are badly out of date. Dichotomous sets of policy alternatives – such as “market versus state” – and metaphors – e.g. “carrots versus sticks” – lend themselves to blunt thinking about instruments and their modalities. And theorists and practitioners need to move beyond simple notions of the pervasive impact of large-scale developments such as globalization and “networkization” on design choices in order to adequately grasp the nature of design contexts and their dynamics (Howlett, 2011). More nuanced empirical analysis of policy contexts <sup>and design options</sup> are required if better advice is to be provided to governments about the process of tool selection and about how to better match available tools to the job at hand.

Studies in fields such as political science, economics, law, and public administration have all underlined that translating policy aims and objectives into practice is not as simple as might first appear and

it is now well recognized that understanding the nature of a policy space and its history are prerequisites <sup>for</sup> of successful design. In such spaces, policies are made by a variety of different actors interacting with each other over a relatively long period of time within the confines of a set of political and economic institutions and governing norms, each with different interests and resources, and all operating within a climate of uncertainty caused both by context and time-specific knowledge and information limitations (Bressers and O'Toole, 1998, 2005). Understanding who these actors are and how they act is ~~thus~~ a critical aspect of all public policy-making activity, including policy instrument selection and ~~in policy~~ design (Skodvin, Gulberg, and Aakre, 2010). Administrators and politicians involved in policy design need to expand the menu of government choice to include both substantive and procedural instruments and a wider range of options of each, and <sup>better</sup> to understand the important context-based nature of instrument choices. Innovative policy design, especially, requires that the parameters of instrument choice be well understood, both in order to reduce the risk of policy failure and enhance the probability of policy success (Linder and Peters, 1990; Schneider and Ingram, 1997).

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