

Key definitions and concepts in the study of policy design

Providing a better, more nuanced understanding of policy design and the factors which influence it is the goal of this book. Before moving to a discussion of the evolution of current thinking in the field, however, it is helpful to go back a step and provide several definitions and key concepts commonly used in the study of policy design.

What is public policy?

The first term which requires definition is ‘public policy’. The most concise formal definition of a public policy is probably that set out by Thomas Dye in his early and best-selling text on the subject where he defined policy simply as ‘what government chooses to do or not to do’ (Dye 1972). This is a useful definition in so far as it underscores the notions that policies are conscious choices and not accidents or accidental occurrences; that they result from government decisions and not those of other actors in society such as private companies or other non-governmental organizations; and that so-called ‘negative decisions’ – that is, decisions to consciously avoid changing the status quo – are just as much public policies as the more commonly understood ‘positive decisions’ which do in fact alter some aspect of current circumstances.

This definition, however, is not all that helpful from a design perspective because it does not reveal anything about the *processes* through which policies are made, nor the *substantive content* of government decisions and the different elements which go into making them up. In addressing these two issues, a second definition put forward almost two decades before Dye’s by one of the earliest proponents of the modern policy sciences, the University of Chicago political scientist Harold Lasswell, is quite helpful. Lasswell, like Dye, also defined public policies as government decisions but noted that they were

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composed of two interrelated elements: *policy goals* and *policy means* operating at different levels of abstraction (Lasswell 1958). Policy goals in this sense are the basic aims and expectations governments have in deciding to pursue (or not) some course of action, while policy means are the techniques they use to attain those goals (Walsh 1994). Both these elements can be focused on a range of activities, from abstract principles associated with governance arrangements, to much more concrete administrative programme specifications.

In terms of *content*, this suggests that policies are composed of a number of analytically distinct elements, with some policies focused on attaining concrete outputs while others focus on less tangible normative and cognitive aspects of policy-making. However, the situation is much more complex than it might first appear. A typical substantive policy, for example, involves some very abstract general ‘aims’ or goals, such as, in the cases of criminal justice or education policy, attaining a just society or a prosperous one; along with a set of less abstract ‘objectives’ actually expected to achieve those aims such as, in the examples provided above, reducing crime or providing better educational opportunities to members of the public. Further, those objectives themselves must be concretized in a set of specific targets or measures which allow policy resources to be directed towards goal attainment, such as reducing specific types of crimes to specific levels within specified periods of time or increasing post-secondary educational attendance within some set temporal period (Cashore and Howlett 2007; Kooiman 2008; Stavins 2008; Howlett and Cashore 2009).

Similarly, the means or techniques for achieving these goals also exist on several levels. These run from highly abstract preferences for specific forms of policy implementation, such as a preference for the use of market, government or non-profit forms of organization to implement policy goals in areas such as health care, or crime prevention; to the more concrete level of the use of specific governing tools or mechanisms such as regulation, information campaigns, public enterprises or government subsidies to alter actor behaviour in order to promote or increase wellness or prevent crime; to the most specific level of deciding or determining exactly how those tools should be ‘calibrated’ in order to achieve policy targets. This latter activity, to continue the examples, might include providing a specific number of additional police on the streets within a specified period of time, or a specific level of subsidy to non-profit groups to provide additional hospital beds or other types of health service within the same set period of time (Howlett 2005; 2009; Stavins 2008).

Policies are thus complex entities composed of policy goals and means arranged in several layers, ranging from the most general level of a relatively abstract governance mode, to the level of a policy regime and finally to the level of specific programme settings (Cashore and Howlett 2006; 2007; Howlett and Cashore 2009). The principle ‘components’ of public policies involved in any policy design, following this logic, are set out in Table 2.1 below.

In terms of policy-making *processes*, Lasswell (1956) also discussed this subject in a useful way. He did so by using one of the historically most popular

Table 2.1 Components of public policies involved in policy design

		<i>Policy level</i>		
		<i>Governance mode: high-level abstraction</i>	<i>Policy regime: programme- level operationalization</i>	<i>Programme settings specific on-the-ground measures</i>
<i>Policy component</i>	Policy goals	General abstract policy aims: The most general macro-level statement of government aims and ambitions in a specific policy area	Operationalizable policy objectives: The specific meso-level areas that policies are expected to address in order to achieve policy aims	Specific policy targets: The specific, on-the-ground, micro-requirements necessary to attain policy objectives
	Policy means	General policy implementation preferences: The long-term preferences of government in terms of the types of organizational devices to be used in addressing policy aims	Policy tool choices: The specific types of governing instruments to be used to address programme-level objectives	Specific policy tool calibrations: The specific 'settings' of policy tools required to attain policy targets

Source: Howlett, Michael and Benjamin Cashore. 2009. 'The Dependent Variable Problem in the Study of Policy Change: Understanding Policy Change as a Methodological Problem'. *Journal of Comparative Policy Analysis: Research and Practice* 11, no.1: 33–46.

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models for analyzing public policy-making, which has been to think of it as a process; that is, as a set of interrelated stages through which policy issues and deliberations flow in a more or less sequential fashion from 'inputs' (problems) to 'outputs' (policies). The resulting sequence of stages is often referred to as the 'policy cycle' (Jann and Wegrich 2007; Howlett, Ramesh and Perl 2009).

The idea of a policy cycle has received somewhat different treatment in the hands of different authors. In his own work, for example, Lasswell (1971) divided the policy process into seven stages, which, in his view, described not only how public policies were actually made but also how they should be made: (1) intelligence, (2) promotion, (3) prescription, (4) invocation, (5) application, (6) termination, (7) appraisal. In this construct, the policy process began with intelligence-gathering, that is, the collection, processing, and dissemination of information for those who participate in decision-making. It then moved to the promotion of particular options by those involved in making the decision. In the third stage the decision-makers prescribed a course of action. In the fourth stage the prescribed course of action was invoked alongside a set of sanctions to penalize those who fail to comply with these prescriptions. The policy was then applied by the courts and the bureaucracy and ran its course until it was terminated or cancelled. Finally, the results of the policy were appraised or evaluated against the original aims and goals.

In this view, policy-making is viewed not as primarily a random, ritualistic or symbolic form of state activity,¹ but as a conscious matter of attempting to match the means of policy implementation to formulated policy goals. That is, policy-making is viewed as an *instrumental* problem-solving activity, one in which various governing resources are marshalled into a set of techniques which could at least potentially or theoretically achieve the aims, objectives and goals of policy-makers.

Lasswell's original formulation provided the basis for many other later models of the policy process (Lyden et al. 1968; Simmons et al. 1974; Brewer 1974; Anderson 1983; Brewer and deLeon 1983; Jones 1984). Each contained slightly different interpretations of the names, number, and order of stages in the cycle but used the same logic to describe them; that of 'applied problem solving' (deLeon 1999; Hill and Hupe 2006). The stages in applied problem-solving and the corresponding stages in the policy process are depicted in Figure 2.1.

In this model, *agenda-setting* refers to the process by which problems come to the attention of governments; *policy formulation* refers to how policy options are formulated within government; *decision-making* is the process by which governments adopt a particular course of action or non-action; *policy implementation* relates to how governments put policies into effect; and *policy evaluation* refers to the processes by which the results of policies are monitored by both state and societal actors, the outcome of which may be reconceptualization of policy problems and solutions. As we have seen, policy design activity occurs at the policy formulation stage of the policy process but is not synonymous with that stage. Rather it represents the articulation of sets of ideas about policy-making and possible policy outcomes which may or may not be actually adopted, in whole or in part, in practice (Goggin 1987).

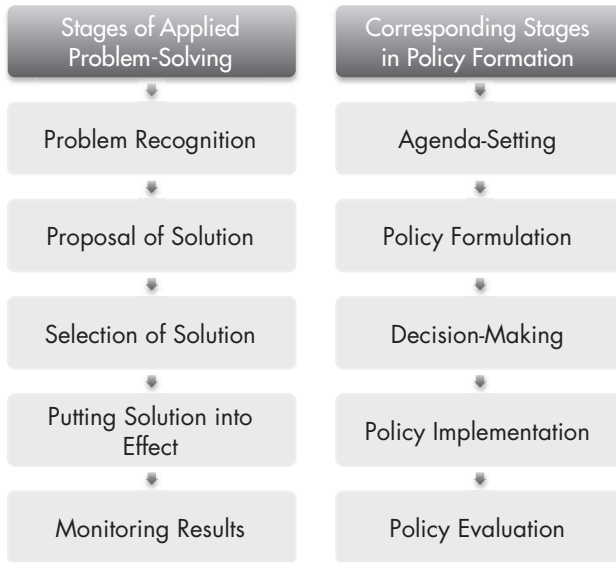


Figure 2.1 The five stages of the policy cycle and their relationship to applied problem-solving

The idea of a policy process or cycle has often been used to view policy-making in essentially pragmatic terms, as the embodiment of effort to improve the human condition through harnessing reason to guide human activities, in this case, in the process of governing (Hawkesworth 1992). In this view, policy means or instruments are often viewed mainly as *technical* mechanisms used to attain policy goals and as existing only in the stages of policy formulation – when policy means are proposed, and policy implementation – when they are put into effect. However, a process model can also be used to describe policy-making as a much more overtly social or political process in which actors compete with each other in order to attain their goals or collectively ‘puzzle’ through towards the solution to an issue (Howlett, Ramesh and Perl 2009; Wu et al. 2010). In this view, policy instruments are thought of as much less technical than political in nature and are typically viewed as extending to activities located in all stages of the policy process, including not just policy formulation and implementation, but also agenda-setting, decision-making and policy evaluation.

What is policy design?

This discussion raises several important issues related to the idea of ‘policy design’. That is, 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

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or purpose and, as discussed above, 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'? In most cases the answer is 'yes'.

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 considering the means at hand (Huitt 1968; Majone 1975; Ingraham 1987). 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.

As discussed in Chapter 1, policy-making and especially policy tool selection is a highly constrained process. The development of programme level-objectives and means choices, for example, takes place within a larger governance context in which sets of institutions, actors and practices are 'defined' which make up the 'environment' within which policy-making takes place. 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, as we have seen, a legal mode of governance contains a preference for the use of laws while a market mode involves a preference for regulation; a corporatist mode – a preferences for plans and organization; and a network mode – a preference for the use of information tools. Thus choices of programme-level tools and targets are constrained by the existing governance mode, while a policy regime logic (Skodkin, Gulbergand Aakre 2010), that is, the choices of meso-level programme objectives and policy instruments, similarly constrains micro-level targeting and programme goals. The multi-level, nested, nature of policy tool choices, therefore, must be taken into account in any effort to design or plan policy outcomes. 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 by situational logics and opportunism rather than careful deliberation and assessment, than others (Cohen et al. 1979; Dryzek 1983; Kingdon 1984; Eijlander 2005; Franchino and Hoyland 2009). 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). However, many other scholars disagree with this assessment.

In their many works on the subject in the late 1980s and early 1990s for example, 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 concept of 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)

However it is conducted, the idea of policy design is inextricably linked with the idea of improving government actions through the conscious consideration at the stage of 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 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 and cost (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).

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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 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 2008).

Again as Linder and Peters (1990) 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. (304)

What is a policy instrument?

The policy alternatives which policy designers create are composed of different sets or combinations of the policy elements described above. And, as Linder and Peters noted, policy instruments² are especially significant in this process as they are the techniques or means through which states attempt to attain their goals. 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). Instrument choice, from this perspective, in a sense, *is* public policy-making, and understanding and analyzing potential instrument choices involved in implementation activity *is* policy design. One role of a textbook in policy design is thus assisting ‘in constructing an inventory of potential public capabilities and resources that might be pertinent in any problem-solving situation’ (Anderson 1975: 122).

It is important to repeat, however, that 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, ones like legislative rules and norms linked to decision-making behaviour and outcomes, and others linked to policy evaluation, such as the use of ex-post, or after-the-fact, cost–benefit analyses (see Figure 2.2).

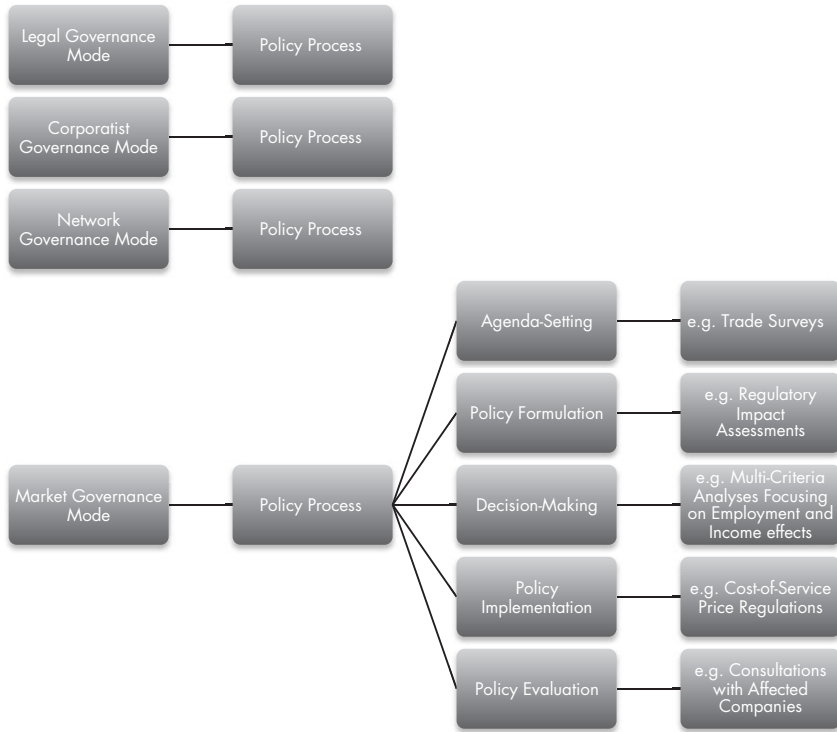


Figure 2.2 An example of the range of policy instruments by governance mode and stage of the policy cycle

Policy tools are thus in a sense ‘multi-purpose’, since, for example, regulation can appear in the implementation activities of several governance modes, while some tools, like impact assessments, can also appear within several stages of the cycle. However, a regulation appearing within the implementation phase of a network mode of governance which mandates information disclosure, for example, serves a different purpose than a regulation found in a market mode which limits a firm to ownership of only a specific percentage of an industry. Similarly, consultations which take place in the agenda-setting stage of the policy process have a different purpose and effect than those which take place after a decision has been made. While the general terminology may be similar, pains must be taken to distinguish these tools and activities in order to avoid confusion and errant efforts at instrument selection and policy design.

Although policy instruments appear in all stages of the policy process, however, 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), are less so with respect to policy design activities. This is because, as we’ve seen, policy design largely takes place at the formulation

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stage of the policy cycle and deals with plans for the implementation stage. Thus the key sets of policy instruments of concern to policy designers 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).

The role played by implementation instruments in policy design, however, is key to policy design and is the central focus of many of the chapters of this book. It is they which provide the substance or content of whatever design deliberations occur at the formulation stage. Thus, as Linder and Peters (1984) 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. (253)

What is an implementation tool?

Implementation tools are thus key to policy design. They are policy instruments which affect either the content or processes of policy implementation, that is, which alter the way goods and services are delivered to the public or the manner in which such implementation processes take place (Howlett 2000).

One common 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 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).³

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 like 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 like 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 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 instruments can affect many aspects of production, distribution and consumption of goods and services regardless of their institutional basis. Production effects, for example, include determining or influencing:

- 1 Who produces it – for example, via licencing, bureaucracy/procurement, or subsidies for new start-ups.
- 2 The types of goods and services produced – for example, through bans or limits or encouragement.
- 3 The quantity of goods or services provided – for example, via subsidies or quotas.
- 4 The quality of goods or services produced – for example, via product standards, warranties.
- 5 Methods of production – for example, via environmental standards or subsidies for modernization.
- 6 Conditions of production – for example, via health and safety standards, employment standards acts, minimum wage laws, inspections.
- 7 The organization of production – for example, via unionization rules, anti-trust or anti-combines legislation, securities legislation, or tax laws.

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

- 1 Prices of goods and services – such as regulated taxi fares or wartime rationing.
- 2 Actual distribution of produced goods and services – affecting the location and types of schools or hospitals, forest tenures or leases.
- 3 Level of consumer demand for specific goods – for example, through information release, nutritional and dangerous goods labelling (cigarettes), export and import taxes and bans and similar activities.
- 4 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

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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; 1991; 1993). 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)
- 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 procedural and substantive implementation tools (Howlett 2000; 2002). For reasons discussed in Chapter 4 below, procedural implementation tools and their effects are not as well studied or understood as are substantive instruments, 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 (Woodley 2008; Schneider and Sidney 2009). Nevertheless, just like their substantive counterparts, they are a key part of policy designs and policy design activity.

Conclusion: policy design and policy instrument choice

As Charles Anderson (1971) noted, policy design is virtually synonymous with ‘statecraft’ or the practice of government as ‘the art of the possible’. It

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. (121)

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.

The nature and type of the specific policy implementation instruments available to policy designers are dealt with in more detail in Chapters 4–8. Before moving on to this discussion, however, the next chapter examines the policy formulation process in more detail; setting out the basic characteristics of this stage of the policy process and reviewing the sets of actors who formulate policy options and the kinds of ideas which go into their preparation and appraisal of implementation alternatives.

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