# 3 Who Makes Policy?

> In political thought and analysis, we still have not cut off the head of the king.
>
> (Foucault 1986: 88–9)

> It is as though there were a political gateway through which all issues pass. Disputed from the moment they are in sight of it – and more hotly as they approach – they pass (if they pass) through, and drop out of controversy for a time. Managing the procession are certain 'gate-keepers' – not just the Cabinet of the day, but bureaucrats, journalists, association heads and independent specialists camped permanently around each source of problems.
>
> (Davies 1964: 3)

One of the most seductive terms in the study of policy is 'the policy-makers'. It has a clear ring to it, and conveys an impression of a known group of evident and purposeful decision-makers determining the course of action. But this is not necessarily the way that the people who are identified as policy-makers see it. They often report that they do not seem to be out on their own, making something; rather, they find themselves presiding over an extended array of people with varying levels of interest in the question and quite distinct perspectives on it. They may find that their own ability to determine the outcome is quite limited, and they might wonder if the 'policy-makers' are somewhere else.

If we dig deeper, we find that the visible bits of rule-making that we recognize as 'policy' often rest on foundations of understandings and practices that tend to be taken for granted. For instance, a policy that all school students should learn a certain amount of information technology (IT) rests on understandings and rules and



expectations about school attendance, curriculum design and the future needs for workplace skills. These foundations make the IT education policy possible, but they are not constructed for that reason. So if we want to understand policy in this area, we are driven to look at the way in which this foundation is shaped – for instance, about the way that people come to recognize 'IT skills' as a matter of concern, and make demands about its place in the school curriculum. Digging deeper still, we find the ways in which people construct rationales of action which make school attendance and IT instruction sensible and acceptable, and in this way make the IT policy possible; this has been the concern of the research into 'governmentality' (see Chapter 7).

## 'Vertical' and 'horizontal' dimensions of policy

We have to recognize that there are two dimensions to policy, the 'vertical' and the 'horizontal', and this has a big impact on the way we make sense of policy.

The vertical dimension sees policy as *rule*: it is concerned with the transmission downwards of authorized decisions. The authorized decision-makers select courses of action which will maximize the values they hold, and transmit these to subordinate officials to implement. It may be that the subordinate officials sent the courses of action up for endorsement, but the decision-makers still had to give their authority. This is a dimension which stresses instrumental action, rational choice and the force of legitimate authority. It is concerned about the ability or capacity of subordinate officials to give effect to these decisions (the 'implementation problem') and with ways of structuring the process of government so as to achieve this compliance.

The horizontal dimension sees policy in terms of *the structuring of action*. It is concerned with relationships among policy participants in different organizations – that is, outside of the line of hierarchical authority. It recognizes that policy work takes place across organizational boundaries as well as within them, and consists in the structure of understandings and commitments among participants in different organizations as well as the hierarchical transmission of authorized decisions within any one organization. It is concerned with the nature of these linkages across organizations, with how they are formed and sustained, with the interpretive frameworks with which the participants understand policy

questions, and the institutional formations within which these are mobilized.

The two dimensions are not alternatives: rather, each tends to assume the other. The implementation of the authorized decision calls for the cooperation of relevant others outside the line of hierarchical authority. And shared understandings reached on the horizontal plane must be given effect via the instruments of the vertical dimension: the ministerial decision, the policy directive, the regulation.

In the vertical dimension, it is taken for granted that there are 'policy-makers': the focus is on rule, so there must be rulers. In the horizontal dimension, however, it is evident that hierarchical

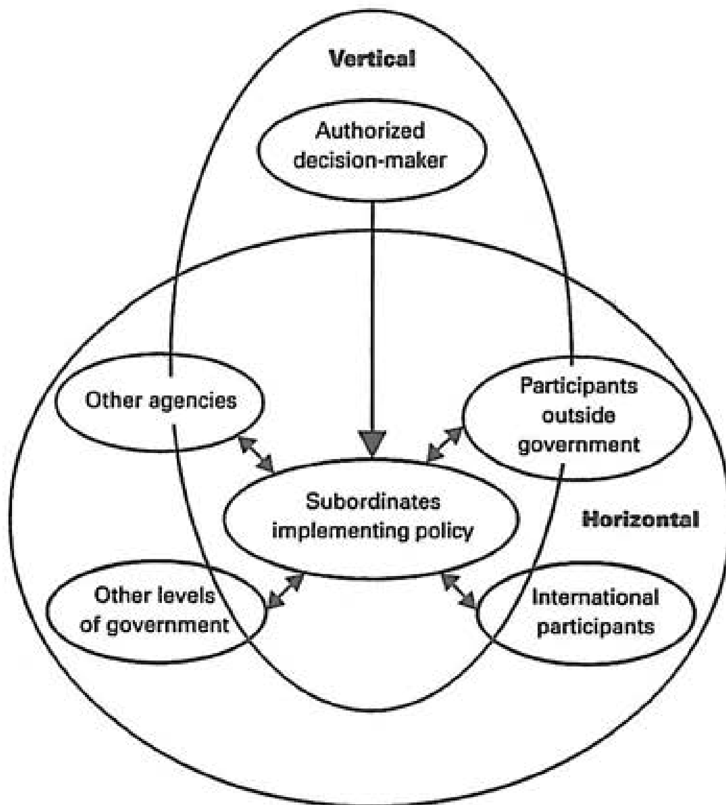


*Figure 3.1* The vertical and horizontal dimensions of policy



authority is not enough, and that there are many participants in the policy process, that negotiation and consensus are important and that little is gained from trying to distinguish between 'policy-makers' and 'policy-takers'. For this reason, it is more fruitful to suspend judgement about who (if anyone) is 'making policy', and concentrate on identifying the people who are participating in the policy process, how they got there and what they do, and then determine whether we would want to identify any of them as 'policy-makers', and if so, on what basis.

To identify the participants, it is useful to go back to *authority*, *expertise* and *order*, which we identified as the elements of policy. They act, in a sense, as gatekeepers, each giving different people a basis for participation in the policy process.

### Authority as a basis for participation

Authority is the best place to start, because the most obvious basis for a claim to a place in the policy process is the possession of legitimate authority. Policy is described as the work of 'the authorities'.

Just who is seen as the authority figure in policy-making depends on the detail of the particular case. Sometimes, it is a single individual: 'the Minister has decided . . .' or 'the Secretary-General had determined . . .'. But often, it is a collective body which is seen as having authority: the cabinet, the board of directors or the national council.

In some cases, it may be the members of the legislature who are seen as holding the authority to make policy. Some writers, particularly in the USA, are inclined to see a policy as being expressed in a piece of legislation; it follows that the legislators who voted for this legislation are 'the policy-makers'. In Westminster systems (such as Australia or the UK) where the executive can usually count on party discipline to keep the legislators in line, this use of the term is less common (but see Jackson 1995 on the decline of executive control of parliaments). But there is still widespread concern that the courts may make decisions on policy matters which should be for the legislature to determine. It is the legislature which has the authority to decide. The courts (it is argued) should not pre-empt the authority of the legislature, resting as it does on the expressed will of the voters.

In any case, when policy authority is seen as resting in some collective body at the top of the system, the question is how policy

business gets to them. It may be that members of a Westminster-style cabinet make policy about education (for instance), but to paraphrase Marx, they do not make it as free agents, in times and circumstances of their own choosing. It would be extremely rare for a Westminster-style cabinet to make a policy decision on education other than on the recommendation of the minister for education, and normally, the cabinet's role in the making of policy would be to accept the minister's recommendation (or – less commonly – not to accept it, in which case the minister has to go away and try again). And the minister's recommendation almost always originated with specialist officials further down the line.

But to say that a cabinet's role in policy-making is to accept or reject the recommendations of specialists does not mean that it is not 'really' making policy (with the implication that the 'real' policy-makers are the people who draft the recommendations). The policy process involves mobilizing the authority of the cabinet in support of the programmes of officials. While it is possible to divide the participants into 'real' policy-makers and subordinates (or into 'real' policy-makers and well publicized rubber stamps), this may not sharpen the accuracy of our analysis.

The point here (and this keeps cropping up in the study of policy) is that terms like 'policy-making' are not neutral, technical terms: they are also part of the resources of the participants. The officials want to get the cabinet's endorsement of their plans in order to strengthen their hand in dealings with other interests. For this reason, they want to emphasize the cabinet's role. It may be that the proposal was approved by cabinet on the basis of a one-minute presentation by the minister which no one was interested in discussing, but the outcome will be presented as 'the cabinet has decided . . .'.

Rather than dividing the policy world into 'policy-makers' (who have authority and make decisions) and others (who haven't and don't), we should see 'authority' as a construct which frames the world in particular ways, and gives particular sorts of standing to people to participate in the policy process. It means that ministers are there as of right, whereas the others have to establish their right to be there, and to do this in ways which defer to the standing of ministers. The specialists are there to advise their minister, and experts from outside the bureaucracy have to find a minister to whom they can direct their advice. The specialists' plans are couched as submissions for the approval of the ministers, who are seen as having a moral pre-eminence on the strength of their authority. 'In the end', it is said, 'the minister must have the last word.'



But who has the first word? Putting it like this raises questions about what happened before the issue got to the attention of authority figures like the minister. We would probably find that the issue had been around for some time, and a number of people and organizations had been involved. The notion of authority gives these participants a particular standing in the game: the minister has the last word (which may mean that the minister doesn't come into the story until people are ready for the last word), the education department, as the main adviser to the minister, has a central role in managing the process, the faculty of education at the local university may be called in but has no right to be there, various sorts of organized interests may seek to have their say and unorganized individuals (such as the parents at the local school) will probably have no place at all. This does not tell us how likely it is that particular people will participate, or how significant they will be (this will be discussed again under 'expertise' and 'order'), but it does help us to understand the relationship between the formal presentation of policy as authorized decision-making, and the experience of the participants.

We should also note that the flow may run both ways: top-down and bottom-up. Authority figures like ministers may be trying to pass directions down the line, but lower-level participants may be trying to pass business up the line, seeking authoritative endorsement for their plans. But to do this, they have to relate to the structure of authority: schools wanting action on some policy issue would probably press their case through the education department, where they are 'insiders'. Parents wanting action would be more likely to seek out the central parent organization as a body which has the authority to speak for parents. But an immigrant family with no social networks and limited English would probably find it very difficult to use either of these channels to make their voice heard on a policy matter.

Authority, then, frames the action, in ways that make it easier for some people, and more difficult for others, to take part in the process. A critical question for both analysts and practitioners is how people with little standing in the world of authority can challenge the existing order and participate in the policy process.

**Expertise as a basis for participation**

Policy is not only about authorized decision-making, it is also about problem-solving, and this constitutes another basis for participation: having expertise that is relevant to the problem.

The first question here is what sort of expertise – and what sort of experts – might be relevant. Expertise is not generic and free-floating, but has a specific focus: expertise about health, for instance, or welfare, or transport. This focus is sharpened by the nature of the institutional homes (as it were) for expertise: there is likely to be a government agency responsible for health, another for welfare and another for transport. Responsibility for policy in any given area will be claimed by some functionally defined group of experts (though this will be qualified by the claims of experts in finance and law who claim overriding expertise across the board).

But there are likely to be a number of institutional homes, inside government and outside it, for any particular form of expertise, and the experts in government will probably have good links with those outside. The institutional specialization we have noticed in government is matched in the universities (which locate their expertise about these fields in different departments, often in different faculties) and in professional organizations. So the health experts in government are likely to have established links with health experts in universities and professional organizations, and also with voluntary bodies, companies and international organizations, and their links with their fellow health experts are likely to be stronger than their links with (say) the transport experts in government.

And the links run both ways. A company may respond to the emergence of environment protection policy by establishing its own environment protection branch, and would expect that its own experts would establish a good relationship with the environmental regulators, in order to get a better idea of the nature of environmental controls and the expectations of government, and in the hope that the company's own concerns will be taken into account in the policy process. When community groups demand a policy response on environmental problems, they look to the environment experts in government for a sympathetic hearing, and one of the first demands of such groups is that there should be (if there is not already) an environment protection agency – an institutional location in government for their policy concern.

So expertise becomes an important way of organizing policy



activity. People who are concerned with a particular policy area develop a special knowledge about it, and come to know who shares that knowledge: who are the people that they can talk to about it. There may well be newspapers or journals which they all read, or associations to which they tend to belong. They may have different ideas about what to do about the problem, but they recognize that they are all addressing the same problem. So analysts of the policy process see them as a significant grouping in the policy process: an 'issue network' or 'policy community'.

But we cannot assume that, for any and every policy question, there is a clear field of policy-relevant expertise. Different fields of expertise may have different ways of addressing the same question. Take drunkenness, for instance. Some experts would see this as a health problem, and would discuss what might be done to combat addiction and to help people to take better care of their health. Experts in welfare might be more concerned about the impact of the drinking on the life of the drinker and the welfare of those around him or her. They may be more concerned with measures to address the drain on the household budget, the threat of the drinker losing his or her job and the likelihood of domestic violence. Other experts might see drunkenness as a problem of public order: people's drinking becomes a matter of policy concern only when it has an impact on other people's enjoyment of the public sphere, and the concern is with how to regulate public behaviour. And there would be some experts who would not see any policy problem: why should there be any policy response to the fact that people indulge (perhaps to excess) in drinking? Why not eating? Or gambling?

This shows not only that there can be different expert answers to the same policy problem, but also that it cannot be assumed that it is the same problem. These different bodies of expertise are not only generating responses to the problem: they are framing the problem in the first place. A body of expertise is a way of recognizing problems as well as a way of addressing them. And this is not a neutral process: it has implications for the allocation of resources. If drunkenness is seen as a problem of personal health and addiction, it would be appropriate to put resources into health care and education. If it is seen as a matter of public order, it might be appropriate to give additional powers to the police. So the way that the problem is framed is closely linked to who might have policy responsibility for it, and what resource claims might be made as a consequence.

In any case, the particular policy problem may overflow the categories of expertise which are being brought to bear. The care of old people, for instance, could involve a wide range of functional experts: in health, welfare, housing, transport – even taxation. Old people are more prone to illness, and often end up being kept in hospital because they could not cope by themelves at home. But with some help in the home, perhaps some renovations (e.g. replacing stairs with a ramp, installing handrails), they would be able to do so. The policy task may be how to mobilize the different sorts of expertise that are scattered around the place, and not simply those which are 'indigenous', as it were, to the agency given responsibility for the area.

Moreover, it may not simply be that the policy problem involves a number of the existing pools of expertise: there are times when we can see new expertise being developed to challenge the existing pattern of policy knowledge. Environmental policy offers a good example. Some people were concerned about the impact of social and economic change on what might be called the amenity of ordinary life, and this came to be referred to as 'the quality of the environment'. This was a new term for something which had previously been without a label, but it took root, and became part of 'ordinary knowledge'. (In some languages, there is no word for 'the environment', which makes it more difficult to advance the argument for an environmental policy.) There also emerged specialized knowledge: academic research and professional expertise about 'the environment'. This found an institutional home in the universities and in environmental protection agencies. As it became established, it was used to challenge both the expertise and the practices of the existing players. For instance, it became common to require an Environmental Impact Statement for all new developments. This meant that engineers wanting to build a new road had to address themselves to a different question, and justify their plans in terms of a different body of expertise.

**Order as a basis for participation**

Policy is concerned with making organized activity stable and predictable. There may be a policy that children are not allowed to start school until they are five years old; this helps to avoid tension-filled encounters between school principals and anxious parents, and all the affected parties – children, parents, teachers, educational planners – know the situation. Within organizations, creating this sort of order is generally seen as a problem of control: how to ensure that the policy which has been created at the top is carried out through the organization, and how to avoid, on the one hand, bureaucratic rigidity and, on the other, excessive slack.



This perspective has been challenged by some writers who point out that for people lower down in the organization, the policy-making of the people at the top may not be sufficient to make their jobs stable and predictable, and they may have to construct some order themselves. 'Street-level bureaucrats' in direct contact with the clientele of the organization – like magistrates in lower courts, schoolteachers and police – will work out with the clientele and other relevant participants (e.g. lawyers) how the service will operate. For this reason, some would argue that at their own level, these people are also making policy.

This need to create order is even more apparent when we look at the policy process across organizations. As we saw in the discussion of expertise, most policy questions extend across organizational boundaries. The care of the aged will necessarily involve a range of functionally defined organizations, e.g. those concerned with health, welfare, housing, transport. If a policy on aged care is to generate predictability, it must involve these organizations.

Creating predictability becomes even more difficult when we take into account constitutional divisions. The national government may take responsibility for transport, but leave health with regional governments subject to national guidelines. Housing may be the reponsibility of a public corporation not under direct governmental control, and welfare activity may be carried out by regional and local governments and by non-governmental bodies. In this context, the question is not simply 'who needs to be included?', but also 'who must not be left out?', i.e. whose exclusion would frustrate the policy or simply make it pointless?

The most important source of caring is the family, and a critical question is always: 'when an old person is in need of care, to what extent will it be provided by members of the family?' But this depends on the family, which usually does not see itself as an organization: there is no National Association of Families to speak for the family as such in policy circles (although people who care for family members may organize themselves as 'carers' in order to deal with public bodies). This is the sort of question to which the literature on governmentality addresses itself: how are appropriate

forms of conduct for family members (including the question of who are to be considered family members) articulated, communicated and enforced? (See Chapter 7.)

So the process of creating order may involve a number of hands. For instance, it might be agreed at the governmental level that 'each school is responsible for creating and implementing its own discipline policy', but making school discipline predictable would call for the involvement of a number of parties. Within the school, the list would include teachers, students, the school principal and the parents, but it would also stretch outside the school to take in the expectations of the police, welfare authorities, the courts and the practices of other schools. So constructing a school discipline policy would be very much concerned with the creation of order.

It is not simply that policy areas happen to cut across organizational boundaries: they may have been created with this intention. As we saw in the discussion on expertise, the whole idea of environment policy was a challenge to existing policy fields and the expertise on which they drew, and compelled the various players to think about their activities in terms of an overarching set of values. Heritage policy, equal employment opportunity policy or family policy would be other examples. They often originate outside the central policy framework – among community groups, professional associations, consultative bodies etc. – and get support in part because they offer the prospect of a way of managing demands for an official response. If ministers find that they are always vulnerable to demands that they protect some historical building from development, they are likely to find considerable value in a heritage policy which to some extent defines and limits what can be expected of the government.

So new policy demands represent challenges to the existing order, and will probably be resisted at first: demands for the preservation of buildings because of their heritage value carry no weight in a policy order based on ownership rights and the principles of good planning. But if demonstrators take to the streets (perhaps sparked by the demolition of a familiar old building), consent authorities are swamped by objections, development projects are slowed down and company meetings are disrupted by protesters, then people in authority will seek to draw the dissidents into the policy order – setting up consultative machinery, amending the criteria for approval and, in this way, restoring order by adding 'heritage' to the policy agenda.



A great deal of policy activity is concerned with creating and maintaining order among the diversity of participants in the policy process. It seems to be not so much about deciding, but more about negotiating. And the negotiations focus less on alternatives between which we must choose, and more on common ground on which we can converge. The process is likely to be fine-grained and long-running. The participants work out a resolution of one set of problems, but new problems replace them, and they mobilize their collective problem-solving skills to address the new problems.

### Making policy through collectivities

One consequence of this is the emergence of what might be called 'policy collectivities' – that is relatively stable aggregations of people from a range of organizations who find themselves thrown together on a continuing basis to address policy questions 'camped permanently around each source of problems' (Davies 1964: 3). These may or may not be formally recognized, but they can play a very significant part in the policy process.

Often, the linkages among the participants are formally recognized. The interdependence of functionally organized officials – e.g. between health, welfare and housing – is fairly obvious and can result in several different sorts of official response. One is the creation of formal links between these agencies, such as interdepartmental committees. These bodies, either *ad hoc* or permanent, offer a way for these agencies to cooperate with one another. They also offer scope for them to resist one another: if the agencies see themselves as being in a competitive struggle with one another, the dynamics of inter-agency bodies is likely to be (as one study put it) 'politics between departments'.

The other common official response is to establish a consultative body which will include not only the functional officials, but also participants from other governmental bodies and from outside government, e.g. from business, community organizations and the universities. These bodies give an opportunity for participants from a diversity of organizations to discover the extent to which they can support one another. They also help to constitute the thing for which they are called into being: the Barley Industry Advisory Council is a major force in getting farmers, traders, processors, association officials and bureaucrats to see themselves as part of something called 'the barley industry', and to think in terms of

policy for the industry. These bodies are less likely than the interdepartmental committee (which finds it difficult to escape from the continuing internal struggle for resources) to produce a negative, defensive reaction.

Policy collectivities do not have to be formally recognized to be significant, and even where they are, not all of the relevant participants may have been included on the formal body. But there may be a shared awareness among the participants of who the relevant people are in their line of business, even if there is no formal body to which they all belong. And outside observers may see the stability and pattern in the process even if the participants are not conscious of it. In fact, it has been observers of the policy process who have shown the most interest in identifying and labelling the policy collectivity, but unfortunately they tend to have used a variety of terms – e.g. sub-governments, policy communities, issue networks – and it has not always been clear whether the different terms denote different things, or are simply different labels for what are essentially the same phenomena. The terms that have been used tend to highlight different aspects of the process.

Some convey images of *power.* One of the earliest labels applied to a policy collectivity was 'the iron triangle', which was a term from the Vietnam War applied as a metaphor for the way policy was made in regulated industries in the USA. There (it was argued), policy was not made by the President or the regulatory body which he had appointed, but emerged in the interaction between the regulatory agency, the industry association and the relevant congressional committee. The term conveyed both the strength of the policy collectivity and the relative weakness of the regulatory body when acting on its own. This metaphor was extended by the term 'sub-government', which admitted a wider range of participants into the policy collectivity, but again presented it in power terms: it is the group that governs.

Others focus on *linkage* – and specifically on the way that making links forms networks. Some writers object to talking about the policy collectivity as a whole (e.g. to using the term 'community') because, they say, it doesn't operate as a whole; when something comes up, people make links with relevant others. The network that is formed in this way, they argue, can't be thought of as an organization: participants know the people near them in the network, but don't act in terms of the network as a whole. And networks are very specific: the network which emerges over school buses might be quite different from the one that forms over school discipline, so rather than talking about a 'policy network' in relation to schools, we might identify a number of 'issue networks'.



The most common image of the policy collectivity has been that of *community.* This suggests intimacy and trust: policy is made among people who know and trust one another. This does not mean that there cannot (as in any other community) be ignorance, misunderstanding and conflict. But it is an image which stresses the extent to which stable collective action is linked to mutual understanding: there needs to be some mutual understanding to have any collective action, and the practice of working together reinforces this understanding.

This image also draws our attention to the knowledge that policy collectivities share. They are drawn together by their shared awareness of a particular policy area. In some cases, this may be a new way of understanding the world, as happened with the emergence of environmental policy. For this reason, researchers studying the way policy was made in relation to global warming have talked about the emergence of an 'epistemic community', i.e. a group of people who understood what was meant by global warming and why it was a problem. This does not mean that they would all agree on what should be done about it, but they did not have to persuade one another that something needed to be done.

It is useful for analytic purposes to distinguish between power, linkage and community as elements of the policy collectivity, but these are not mutually exclusive, and there is no reason why more than one element should not be present in any particular case. Coleman and Skogstad (1990) argue that a policy community has two elements: a 'sub-government' (a power-focused centre) and an 'attentive public' (an epistemic community on the periphery). Sabatier and others argue on the basis of a number of cases that a policy community contains two 'advocacy coalitions' in competition with one another – that is, in the contest for power, participants will seek the support of other participants who are close to them, and in so doing, will provoke the formation of a countervailing coalition, e.g. a 'water users' coalition against a 'water conservers' coalition.

It is important to remember that these terms are essentially metaphors, introduced to help us to make sense of the complexity of the policy process. They focus our attention in particular ways. In particular, they direct our attention to the social and interactive

dimensions of the policy process, as distinct from the linear and hierarchical perspective which underlies much discussion about policy-making. But they are not definitive and mutually exclusive categories.

Expanding our focus from 'who makes policy' to 'who participates in the policy process' gives us a more complete picture, but it is important not to assume that it is a game in which anyone can and does play. In the first place, not all those with an interest in a policy question will necessarily have a place at the table, and even if they do, not all seats are the same. Those concerned may have to establish their right to participate, and some writers distinguish between 'insiders' (who will be involved) and 'outsiders' (who would like to be), or between (as we have noted) a 'sub-government' of insiders and an 'attentive public' outside.

In the second place, participation is not a neutral question; who participates in a policy issue helps to shape what the issue is. As we saw, different participants are likely to have different perspectives on the question. Doctors are likely to see drunkenness as a question of personal health care, whereas the police are likely to see it as a question of public order. To the extent that doctors have a dominant voice in the discussion, the policy problem will be defined in health terms; to the extent that drunkenness is seen as a health issue, doctors and other health professionals will be seen as the appropriate people to discuss it. In this sense, the problem and the participants are 'mutually constitutive': the one reinforces the other. Neither who the 'decision-makers' are nor what problem they are addressing are self-evident phenomena: they are constituted in the policy process.

## Further reading

A detailed account of the experience of a 'decision-maker' is Richard Crossman's *Diaries of a Cabinet Minister* (1975); Peter Walsh's *Confessions of a Failed Finance Minister* (1995) is both informative and entertaining. The assumption that authority is the basis for participation in policy underlies much of the writing but is often unstated; Parker (1960) gives a clear summary of the argument. Much of the discussion of expertise as the basis for participation has related to the position of professionals in bureaucracies (e.g. Laffin 1986; see also Benveniste 1973). Throgmorton (1991) gives a good account of a conflict between different sorts of



expertise and 'ordinary knowledge'; see also Serge Taylor's *Making Bureaucracies Think* (1984). The discussion of order among policy participants has come to focus on the concept of the 'policy community' and the variants on it. The term 'iron triangle' comes from Ripley and Franklin (1984), and 'sub-government' from David Truman (1971); the distinction between a sub-government and an 'attentive public' was made by Coleman and Skogstad (1990). The idea of the policy collectivity as a network was introduced by Heclo (1978) and developed in America by Laumann and Knoke (1987) and others, and in the UK by Marsh and Rhodes (1992); there is a valuable critical review in Dowding (1995). The literature on the 'policy community' is extensive; Atkinson and Coleman (1992) give a useful review. Richardson and Jordan (1979) clearly set out and illustrate the argument; what this form of power sharing means for our mapping of the public sector is illustrated at the micro level by Lipsky's (1976, 1979) discussion of 'street level bureaucrats', and at the macro level by the work of Kickert *et al.* (1997) on complex networks. Analysts of international environmental policy-making saw the policy collectivity as an 'epistemic community', and this is discussed extensively in a special issue of *International Organization* (Vol. 46, No. 1, 1992). The propensity of different sorts of experts to constitute policy problems in distinct ways is discussed in J. R. Gusfield's study of drink-driving, *The Culture of Public Problems* (1981).

# 4
# Where Is It Made?

## The map and the experience

Trying to find where policy is made can be very frustrating: everyone knows it's going on, but no one actually sees it happening. The difficulty is that what 'common sense' tells us to look for is not what we find in our encounters with the policy process.

'Common sense' tell us that policy is made at the top, and passed down the line. There may be specialization of tasks among the policy-makers, so that one is responsible for education policy and one for health policy, and there may also be delegation downwards, so that subordinate officials can deal with less significant policy issues. But there is a single chain of authority, and a clear decision from which the action flows.

The experience of the policy process is more complex. It is often hard to find the top – or, at least, the bit of the top that is relevant. If, for instance, the policy question is about the provision of bus services for school children, we could expect at least three elements of the government to show a close interest: the education department (whose students stand to benefit), the transport department (which might be expected to provide the buses) and the finance department (which will be concerned about the cost). But it would not necessarily be clear which of them (if any) was responsible for this matter. In addition, there would be a number of participants outside government wanting to take part in the discussions: the parents' association, the private bus companies, the non-government schools, the bus drivers' union and perhaps others.

Consequently, we might find that although in the end there was a 'government decision', it was preceded by intense negotiation



among the interested parties to try to agree on an outcome which all of them would find acceptable. The question is then: 'where did the decision get made?' In the minister's office, when she signed the recommendation to cabinet? In the meeting of interested parties, governmental and non-governmental, at which everyone agreed what would go into that recommendation? In the cabinet room, where the recommendation was agreed to without discussion, along with twenty-seven similar ministerial recommendations?

We could say 'all of the above': policy is being shaped all along the way, and both the complex lead-up and the formal pronouncement are part of the policy-making. It comes back to the distinction we made in Chapter 3 between the vertical and the horizontal perspectives on policy: each focuses on the action in a different way.

## Taking a vertical perspective

In the vertical perspective, in which policy is seen in terms of *authorized decision-making,* the focus is on authority figures – ministers, chief executives, boards of directors, national executives etc. – and the people and processes that surround them. This appears more straightforward in government organizations, where 'policy' tends to appear in the organization chart: policy branch, policy officer etc. In business and non-government organizations, the term 'policy' is less common. Non-government bodies tend to use different terms to refer to processes which in government would be called 'policy'. They might speak instead of 'mission statements', 'corporate goals', 'strategic planning' and 'positioning'.

This explains why much of the mainstream literature identifies the source of policy as 'the government'. Policy is 'whatever governments choose to do or not to do' (Dye 1985: 1). This has a crisp ring to it, though as we shall see, it raises questions about how policy questions arise in government. It sees policy as the work of government, but there are times when the government seems to be quite remote from the process. For instance, in many countries, the dairy industry is subject to extensive control, but these controls are determined and enforced by bodies set up by governments but not controlled by them, composed largely of representatives of farmers and others in the industry (see Farago 1985; Grant 1985; van Waarden 1985). This happens in many other fields of activity: bodies are constituted so that the industry (or the profession, or the

charitable group) can run its affairs without involving the government, which wishes to keep itself at arm's length from the body concerned (Streeck and Schmitter 1985). It seems misleading to describe what emerges from such bodies as 'government decisions'.

Certainly, policy seems to be the major concern of the highest levels of government, and the work of the executive – i.e. such figures as the prime minister, the president and the members of the cabinet – seems to be dominated by the taking of policy decision. In Westminster systems, there is an elaborate procedure which involves framing policy proposals which filter up the bureaucratic hierarchy, receive the approval of the minister, are discussed with other departments and finally go before the cabinet. Once they are approved there, all the ministers are committed to support them and they become 'government policy'. Other forms of government, or intergovernmental bodies like the European Union, have their own procedures, but they share the assumption that policy is enunciated or at least approved by the people at the top.

On the other hand, it may be misleading to see these public and prestigious figures as the people driving the policy process. They tend to serve in a range of positions, for relatively short periods – perhaps two to three years – in fields of which they may have little prior knowledge. They preside over a large body of officials who are likely to have more knowledge and experience of the policy area than the person at the top, and there has been an enormous amount of discussion in the literature about the relationship between political leaders and officials. The political leaders will probably have ideas of their own about the direction in which they want policy to go, but the officials will have more ideas, more specific ideas and more sense of which ideas will work. More often than not, the driving force for policy will be the officials behind the political leader. So, in the vertical perspective, the site of policy-making would have to include both the political leaders and the officials in the agencies which operate under the leaders' authority. And this would be extended to companies and non-governmental organisations, trying to identify in these bodies the equivalent authority figures and their officials.

But some see 'policy' as signifying more than the decisions of political leaders and officials, arguing that policy is expressed in laws – even that a law *is* a policy – and that therefore the place where it is made is in the legislature. This view is most common in the USA, where the sharp constitutional distinction between the



executive and the legislature encourages the view that the legislators are making the broad policy choices, which the executive then put into practice, and that it is therefore the legislators who are the policy-makers.

In parliamentary systems, where party discipline normally ensures the legislation which is passed is that of which the executive approves, it is less plausible to present the legislators as 'the policy-makers', though as Jackson (1995) points out, governments in Australia often do not have a majority in the upper house, and have had to get used to negotiating policy outcomes with minor parties, as often happens in European governments. In any case, there is a good deal of 'policy activity' in and around the legislature. Debates in the legislative chamber offer an opportunity for the critique and justification of policy. The public hearings held by committees of the legislature provide an opportunity for exploring policy alternatives with stakeholders. If we see policy in the broader sense, as process, then clearly the legislature is one of the places where policy activity can be found.

It is important to remember that significant policy activity often takes place in the courts. In many countries, particularly (but not only) in federal systems, contested policy issues are likely to find their way into the courts. The decision of the US Supreme Court in the cases of *Brown* v. *Board of Education* (on the equal rights of black Americans) and *Roe* v. *Wade* (on abortion), and the Australian High Court's Mabo decision (on indigenous land rights) were fundamental policy shifts which took place because participants took the issue into the courts and received a positive response, so we cannot exclude the courts from our definition of the location of policy-making. But the courts do not have as much legitimacy in the process as the legislators or the elected leaders, and generally claim that they are not seeking to make policy, only to interpret the law that is there.

In addition to the regular courts, there are now a number of other opportunities for pursuing policy questions through judicial channels as new specialist tribunals are established, particularly in such fields as immigration, consumer rights and trade practices. It can be said that they are simply concerned with implementing policy, but to a large extent, the policy is what they implement. To have a policy that places restraints on free trade should not be allowed unless a tribunal finds them to be in the public interest means that the tribunal's interpretation of what is in the public interest

becomes the substance of the policy. So the search for where policy is made must take in judicial forums – courts and tribunals – as well as more conspicuous 'decision-makers'.

**Taking a horizontal perspective**

In the horizontal perspective, policy is seen as a process of *structured interaction*. It recognizes the pronouncements of authorized decision-makers, but argues that these can be understood only in the light of the continuing interaction which makes them possible.

In this perspective, even if we took the simplest 'vertical' presentation that policy is the choices made by government, we would immediately see that 'government' is not a single entity, but is divided into functionally specialized agencies: a department of immigration, a department of education, a taxation department etc. Addressing a policy question like alcohol and driving, for instance, may call for joint activity involving different agencies – the police, the roads department, the health department etc. The vertical perspective would suggest that the officials concerned would go to the source of the authority – the cabinet – and secure endorsement for their activity, which would then impose an agreed outcome on all ministers and their officials. But research suggests that officials are relatively reluctant to go to cabinet to settle a dispute between departments until they have exhausted the possibility of negotiating their own agreement with other officials (Painter 1981). They may not want to make an uncompromising assertion of authority. So 'making policy' may include negotiation with officials in other functional areas.

Negotiation is also needed with other levels of government. Authority in government is not neatly concentrated at one point, but is diffused through the system. There is usually some dispersal of authority to local and regional levels of government, though the extent of dispersal varies: in federal systems, it is most pronounced and best protected, but even in unitary systems there is rarely a complete concentration of authority at the centre. And increasingly, policy activity is being carried out in international arenas, such as the European Union, UN agencies and the World Trade Organization. So it has become common, in both national and international contexts, to speak of 'governance without government' (Rosenau and Czempiel 1992; Peters and Pierre 1998).

Although we may speak of the 'machinery of government', not



all government organizations can be seen as simply the tools of the authorized leaders. The police, for instance, often have considerable autonomy from governmental direction. Some bodies need a degree of autonomy from central authority simply to operate. The courts, for instance, need to be independent of the government if they are to be seen as neutral arenas for dispute settlement. While universities may be publicly funded, they are loath to see themselves as the instruments of the governments which provide the funds. And though governments have often run trading enterprises such as railways or telecommunications services, these bodies are given considerable operational autonomy, to insulate their commercial activity from political pressures.

Policy work also often involves mobilizing authority from outside government. Generating policy on marijuana use and driving, for instance, may well involve representatives of the medical profession, the churches and civil liberties advocacy groups, each of which can claim to speak with authority on the medical or moral implications of policy proposals. In the same way, it may involve authority from outside the country concerned. International agreements, for instance, may be mobilized to lend authority to proposed domestic policy moves; for instance, there may be an international agreement about drugs which has something to say about marijuana use which can be adopted in putting together a policy on marijuana use and driving.

As this example shows, 'policy' is only part of 'governing': the governing of marijuana use involves much more than the authorized choices of ministers. This can be clearly seen in a less controversial example: policy on smoking. The requirement for cigarette packets to contain health warnings would be seen as a key element of this policy, as might prohibitions on smoking on public transport (even though these might be imposed by a different authority). Restrictions of smoking in government offices might also be seen as part of the policy, though similar restrictions in private offices, imposed by companies because of fears of being sued over 'passive smoking', would presumably not be regarded as part of policy on smoking, and decisions by restaurants on whether or not to permit smoking would not be generally regarded as part of policy. But the things that governments do about smoking become possible because of changing public attitudes and practices, and in turn government action can foster changes in public attitudes. This raises the question of what is to be regarded as 'policy about

smoking'. If a public hospital prohibits smoking in the building, this is certainly significant, but is it part of policy, and if so, whose policy? If, for reasons of their own, airlines seek government action to prohibit smoking on their flights, that may well be seen as an extension of the general anti-smoking policy. The horizontal perspective pushes us to look at the social action and interaction which shapes practice about smoking, and to relate evident governmental action to the broader flow of social practice.

So while the vertical perspective concentrates our attention on a point of decision, the horizontal perspective spreads it to take in a wide arena for interaction. It asks who can participate in this arena and how they get there (which was discussed in Chapter 3), and how a diverse array of participants is drawn together. We saw in Chapter 3 that we could identify 'policy communities', made up of those who make a claim to be involved in policy in particular areas, and who have learned how to work together. These originate as informal relationships and may stay that way, but there is a tendency for the participants to try to institutionalize them – that is, to give them some organizational form.

A first step is often to identify a single voice to speak for the clients or beneficiaries of the policy – for instance, the formation of a single farmers' association to speak for farmers. This is likely to be encouraged by government because it is easier for government to deal with organized interests than unorganized ones, and it is worth providing a subsidy to (for instance) a national consumer organization so that there can be a single voice to speak for this very diffuse interest.

Beyond this, there is a variety of institutional envelopes for policy communities: advisory councils, industry conferences, policy forums etc. These are ways of formally recognizing the policy significance of the wide range of people who become involved, and integrating them into the official structure. These bodies vary in the extent to which they have their own autonomous organizational existence. They may simply be called together from time to time by the minister, but they may be more securely institutionalized: they may have their own offices and staff, and may even be recognized in the legislation. The organizational arrangements for the recognition of policy communities vary widely, and there is no particular logic to them; what is constant is the tendency for participants in the policy process to develop stable relationships across organizational boundaries, and to try to provide some recognition and



stability of these relationships in the official structure, so that they can continue to be used in the crafting of policy.

Drawing the interested parties into the policy process in this way tends to make them 'insiders'; does it make others 'outsiders', and what determines whether outsiders as well as insiders can participate in the process? Coleman and Skogstad (1990) identified two tiers within the policy community: a 'sub-government', mainly of officials, who dominated the process; and an 'attentive public', the participants who had an interest in the policy question, but did not have the same standing, might give the question less of their attention and would not carry the same weight as the members of the policy community.

The extent to which 'outsiders' can become involved is a matter of degree rather than a categoric distinction: most policy issues would call for some degree of 'outside' input, whether of other officials or of non-officials. But there are degrees of 'permeability'. In some areas, policy is an 'inside job': policy matters are the concern of the agency with responsibility for the area, and there are no other significant participants with an interest in taking part in the policy process or the capacity to do so. Where 'policy' is taken to mean 'standard operating procedure' (e.g. 'our policy is not to act on complaints unless they are submitted in writing'), we can see that this might not be of much interest outside the agency. To the extent that few outside the agency are interested in the policy question, then the place to look for policy is the agency – not only what it says, but what it does, how it is organized and the matters to which it pays attention – and, to some extent, the political leaders who preside over it.

More commonly, the policy area is of concern outside the agency, but mostly to specialists, and it does not attract a great deal of public attention. This facilitates the development of links among these specialists; these may be more or less stable, and to the extent that they are, we can identify a specialist community, identified in the literature by such terms as 'policy community', 'issue network', 'sub-government'.

Some policy areas (at least some of the time) are likely to be of interest to more than the specialists, and to be the subject of public debate, with the present state of play, the various alternatives and the positions and dispositions of the participants being discussed in the media, perhaps in the legislature. In these circumstances, the policy process is more likely to lead to formal institutional action –

e.g. a ministerial statement, or the introduction of new legislation – which is relatively open to view, though the negotiation which preceded it is less visible.

But these distinctions are about tendencies rather than categories, and issues can become more or less open. If someone complained to the ombudsman about the agency requiring complaints to be in writing, even the internal procedures of the agency might become matters of outside, perhaps public, concern. Participants in the specialist community can always 'go public' if the proceedings in the specialist arena are not satisfactory. Conversely, participants in the public arena may try to 'hose down' a controversial policy question by consigning it to 'the experts' and asking them to work out a solution, e.g. by commissioning an inquiry, which gives the specialists a location in which they can argue it out.

What is not yet clear is the impact of information technology on participation in the policy process. Certainly, it has made it much easier for organizations to make information available (e.g. putting reports or discussion papers on the organization's home page, or inviting comment through the world wide web); we do not know whether this has enabled more participation, or simply made it easier for those who would have participated anyway to do so.

The discussion so far has focused on areas where it is clear what the policy issue is and who the participants are. Many radical activists would argue that their policy ideas are not taken seriously and they are excluded from serious policy discussion. This has been taken further by researchers who have argued that by preventing issues being raised in this way, the powerful are able to maintain their dominance, through 'agenda control' and 'non-decisions'. At a deeper level, Lukes (1974) identifies a 'third dimension' of power, arguing that through the dominance of 'mainstream' ideas and symbols, the interests of the powerful are protected, and the powerless are marginalized, without any need for the powerful to take any specific action.

This critique echoes several 'interpretive' approaches to policy, which stress that 'policy issues' are not naturally occurring, but are 'socially constructed' by the participants. These writers see policy as a discourse (Fischer and Forester 1993), and focus on the ways that questions are 'framed' (Rein and Schön 1994) and argued (Majone 1989). They recognize that there is more than one framing, that dominant framings can be contested and that policy action often involves contest between frames (Throgmorton 1991).



We can see, then, that 'policy-making' takes place at many levels. Some of the action is aimed at generating explicit statements of policy, but some may be equally significant but less obvious: the organizing of affected groups, the structuring of the discourse about the subject and the players' quest for recognition as serious participants. Benson (1975) identifies three levels: an administrative 'surface level' of official agencies; an 'interest structure' of networks and organized interests; and the 'rules of structure formation' which govern the policy agenda. In the vertical dimension, policy is made when the authorized decision-maker gives assent, so attention is focused on the ministerial office, the cabinet room, the parliament. In the horizontal dimension, policy emerges from a complex set of relationships among participants, marked as much by continuity and ambiguity as by clear choices, so it is hard to identify a point at which policy is 'made': instead, we see a continuous process of framing and reframing.

> The public policy process is then a multi-person drama going on in several arenas, some of them likely to be complex large-scale organisational situations. Decisions are the outcome of the drama, not a voluntary willed, individual, interstitial action. Drama is continuous. Decisions are convenient labels given post hoc to the mythical precedents of the apparent outcomes of uncertain conflicts.
>
> (Schaffer 1977: 148)

The vertical perspective is significant because of the way in which it structures the action and facilitates the acceptance of outcomes, not because it is a good description of the process. We need to go beyond this simple model, and examine the broader process of governing, and identify the way in which state authority is mobilized in this process.

## Further reading

What to read next depends on which way you look. Many policy texts have a section on the 'institutions of government', framed in the vertical perspective: Considine (1994) and Howlett and Ramesh (1995) are good examples. These fairly traditional accounts of the policy world are now being shouldered aside by the large body of writing on horizontal linkages among policy participants – on 'networks' (e.g. Laumann and Knoke 1987) and 'communities' (e.g. Coleman and Skogstad 1990; Atkinson and Coleman

1992). Sabatier and Jenkins-Smith (1993) critique and extend the 'policy community' approach. There is a tendency for this writing to focus narrowly on the characteristics of particular patterns of linkage rather than to analyse the horizontal dimension as such (e.g. van Waarden 1992), and the student of policy might learn more by reading some of the organizational literature on the horizontal dimension of organization (e.g. Perrow 1986; Scott and Meyer 1991) and applying it to the policy field. The focus on horizontal linkage led to a broader conceptualization of how we are governed, and the increasing popularity of the term 'governance' to describe it; this is discussed in Chapter 7.

# 5 What Is It For?

## The dominant paradigm: policy as the systematic pursuit of goals

The question 'what is policy for?' is not often asked, perhaps because the answer seems obvious. The dominant paradigm in discussion of policy, by both participants and observers, sees it as the exercise of authority to achieve collective purposes. Policy is the pursuit of goals. The assumption that policy is a purposive course of action (Anderson *et al.* 1984: 4) underlies the mainstream definitions of policy. Lasswell and Kaplan (1970: 71) define policy as 'a projected program of goals, values and practices', Bridgman and Davis (2000: 6) define policy as 'a course of action by government designed to achieve certain results' and Friedrich (1963: 70) puts it bluntly: 'It is essential for the policy concept that there be a goal, objective or purpose.'

The policy process is then represented as a sequence of stages in the development and pursuit of this goal, beginning with thought, moving through action and ending with the solution. These stages are often presented not as a line, but as a circle, suggesting that there is a natural progression from one stage to the next. Figure 5.1 shows the 'stage' or 'cycle' model of the policy process.

In this perspective, the policy process is seen as a number of successive stages:

1 *Determining goals.* Authorized leaders determine the objectives they wish to achieve.
2 *Choosing courses of action.* They then select the courses of action which will realize these goals, preferably from a range of options, and in the light of the relative costs and benefits of each.