

tended to search for a philosopher's stone that could link particular types of instruments with particular types of problems. That quest has proved to be impossible, in part because it ignored the complexity of problems and the political choices inherent in policy design.

Although the technocratic approaches to instrument selection have not been as fruitful as once hoped, there can be some guidance available for selecting instruments. This guidance comes in part through understanding the fundamental mechanisms that make instruments work. Some guidance also comes from understanding what makes a good instrument, and what makes a good instrument dependent upon the context in which it will be employed. The selection of the appropriate policy instruments is far from easy, but it is not impossible.

## NOTES

1. The importance of this detector role for instruments is often forgotten. Governments need to know what is occurring in their environments – the term “statistics” comes from the cataloging of information about the condition of the state that was deemed necessary for making policy in the State. And these detectors are also crucial in the process of evaluating public policies after they are implemented.
2. As well as being useful in policy analysis this scheme can also be used for comparative politics. Different countries have different levels of those four resources at their disposal, and hence may make instrument choices based on political and resource reasons as much as the possible efficiency of policies.
3. Bressers and O'Toole (1998) also discuss the linkage between social constructions of target populations by the State and the use of instruments.
4. What was once “maternity leave” provided by government is now “family leave”, with fathers also being able to have time off work with an infant. And these benefits also become extended to same-sex partners for adoptions and surrogacy.
5. The Internal Revenue Service (IRS) estimated that Americans spent 6 billion hours in 2017 maintaining records and filing their tax forms. But that self-filing also generated 94 million phone calls to the IRS asking for assistance.
6. Perhaps the best example of a program like this is fire protection. Firefighters spend most of their working time in their fire houses, but a full force is needed once there is a fire. However, because of the inherently public nature of fire protection in the eyes of most citizens this service is rarely contracted out now. Historically, fire protection was private, and individuals paid to have their houses protected.
7. For example, many social programs have been designed as insurance programs even when a more universalistic program would produce greater take-up, and hence a more effective program.
8. Of course, unemployment figures are not entirely uncontested, especially when there are large numbers of discouraged workers who drop out of the labor market.
9. For example, the Value Added Tax (VAT) in Europe is included in the price of a product when seen by the consumer, while in the United States and Canada (among others) sales taxes are added on top of the price, making the tax more visible to the consumer.
10. Calabresi and Bobbitt discuss alternative forms of allocation for Exotic Lifesaving Technologies, including queuing and lotteries.

## 5. The “new” policy design

If I had asked my customers what they wanted they would have said a faster horse. (Henry Ford)

All policymaking involves design. The reason this book has concentrated on issues of design is that the process of policy design needs to be a more conscious action by decision-makers, and considered more carefully. Much of the conventional design thinking, both in academia and in the “real world” of government has – to the extent that it has been explicit about its assumptions – been making an analogy between engineering or architecture and policy design.<sup>1</sup> But engineers have a number of important advantages over policy designers – notably that the objects of their designs tend to behave in very predictable ways, and do not have political rights and political opinions. Likewise, the materials being used in building obey physical laws without complaint or court cases. Thus, any mechanistic conception of design may underestimate the difficulties posed to their designing by the unpredictable nature of humans and the complexity and indeterminacy of the social system within which they are designing.

There have been several approaches to moving away from the engineering, technocratic style of policy design. One approach has been to focus not on the usual instruments that we employ in public policy (see Chapter 4) but to focus more on the underlying mechanisms that make those instruments work, or perhaps not work, in various settings (see Howlett et al., forthcoming). The concern with fundamental social mechanisms has become widespread in the social sciences (Hedström and Swedberg, 1998) and they also can help construct more powerful social theories.

The above having been said, however, for the purposes of design it is not clear that this approach moves us much beyond the engineering approach. In this approach there is still the attempt to match a particular mechanism (or instrument) to a particular problem, and to do so in a relatively mechanistic manner. Indeed, one could argue that Christopher Hood's (1983) original NATO scheme for understanding policy instruments – nodality, authority, treasure, organization – was very much talking about basic mechanisms through which the public sector can influence society (see Chapter 4). These mechanisms in Hood's scheme were perhaps more



specific to public policy than the social mechanisms approach has been in the social sciences more generally, but the underlying logic is very similar.

Policy design, or at least policy formulation, also has been addressed through examination of the tools available to the formulators in the process of design. Most of the discussion of tools has been about the policy tools that would emerge from the formulation process to influence society. Andrew Jordan and John Turnpenny (2015) have provided an excellent analysis of the tools that are available for formulation. These tools, such as cost-benefit analysis (CBA) and forecasting, are for the most part familiar to students of public policy, but the emphasis on formulation then moves these tools more to the center of the analysis of the policy process.

Policy design has also been addressed through systems theory and operations research. These approaches depend upon the capacity to model problems and the dynamics that produce the policy problems (Rosenhead and Mingers, 2001). Understanding those dynamics, then, provides the means of understanding possible ways of intervening in the problem area, assuming that the assumptions of the model and the information utilized within the model are correct and sufficient. These methods have been used primarily for private sector organizations and problems, in part because of great agreement on the “bottom line” of the process in question; but they also have been applied in the public sector (Bianchi, 2016).

For many of the difficult problems that confront contemporary governments the assumptions required for operations research may be difficult to match and the data may be difficult to obtain. Those same problems may arise for many private sector problems as well, so various mechanisms of “soft” systems analysis have been developed to attempt to cope with difficult problems (Checkland and Poulter, 2010; see Box 5.1). These ideas from modified forms of operations research will be similar to the ideas we will develop below concerning “new” policy design. In particular, the movement toward less definitive assumptions and greater use of multiple perspectives in the analysis are very similar to the ideas about design to be developed below. And, perhaps most importantly, the soft systems approach is about learning how things work rather than imposing solutions on the problems.<sup>2</sup>

In this chapter I will present another approach to design, one based more on the methods that may be used in product design, or even in the design of fashion. As I will be pointing out in some detail, while the processes for policy design are very different, the basic purposes of design are not that different. The idea is still to create effective means through which the public sector, along with allies in the private sector, may be able to improve the economy and society. The difference, as will become clearer soon, is the

### BOX 5.1 HARD AND SOFT SYSTEMS ANALYSIS

#### Hard Systems Analysis

1. Designing independent of worldviews
2. Systems are objects of engineering
3. Action tends to be determined by system
4. Goal oriented

#### Soft Systems Analysis

1. Accepts multiple worldviews
2. Systems are objects for producing understanding
3. Systems are oriented toward action by individuals
4. Improvement oriented

attempt to open up designing to a wider range of ideas and a wider range of possibilities.<sup>3</sup> The more technocratic forms of design usually discussed as policy design tend to have a constrained set of assumptions and consider a limited number of options, while the “new design” is an attempt to make the process more open, and indeed more creative.

This approach to policy design moves away from the “decision attitude” that characterizes a good deal of policy design toward a “design attitude” (Boland and Collopy, 2004). In this view, rather than the policymaker making a (presumably) optimal choice from a range of alternatives, that policymaker’s primary challenge becomes generating the set of alternatives. Those alternatives may not be obvious when the process of designing is initiated, and may require several iterations of formulation and then testing out the ideas before a presumed solution can be found (see below). And even then the solution should not be considered final or definitive, but only as a first step toward some remedy for the perceived problem.

This emphasis on the design attitude or “design thinking” when addressing policy problems points clearly to an emphasis on innovation in the new design. Rather than a conservative ideology that governments will always fail, the implicit ideology here is that with sufficient thought and innovation governments can succeed, and they may even be able to succeed in coping with wicked problems (see also Compton and ‘t Hart, forthcoming). The sprouting of innovation labs and design labs for public policy in many places around the globe is recognition of the emergence of newer and more innovative conceptions of policy design.

Henry Ford’s epigram to this chapter helps to make the basic point that we are pursuing through the “new” design of policy. The purpose of this



more innovative approach to design is to attempt to move beyond the status quo and to develop innovative approaches to policy problems. The engineering style of design might function well if all we want to do is to breed a faster horse, but for many contemporary problems that incremental improvement may not be sufficient. The idea is to consider altering the fundamental approaches to the policy area. This alteration of approaches may not always be possible, and in some cases not desirable, but it perhaps should always be considered.

## SOME CONCEPTS FOR THE NEW POLICY DESIGN

From Chapter 1 we have some ideas of what may be wrong with conventional policy design, and the challenge now is to replace and/or complement those potentially misguided, or at least incomplete, ideas about policy design (Table 5.1). The hope is to develop an approach that will be capable of producing innovative and resilient policy designs. When thinking about implementing this hopefully more innovative and dynamic approach to policy design we need always to be guarding against premature closure and short-circuiting what may appear to be rather ponderous and complicated means of coming up with policy ideas. The seemingly technocratic approach to policy design discussed above does have the virtues of being relatively parsimonious and manageable, but those virtues may be purchased at the cost of insufficient attention to the complexity of policy designing.

This style of designing may indeed be difficult to implement in practice, but that does not mean that the principles discussed here have little to add to the practice of policy design. Rather, it means that designers need to consider ways in which at least some of these principles can be included in any process of formulating new public policies. That inclusion may only meet some of the ideals of designing mentioned below, but still may

Table 5.1 "Old" and "new" policy design

	Old	New
Assumptions	Stability	Instability
Style	Fixed	Agile, adaptable
Time frame	Short term	Longer term
Strategy	Limited	Strategic agility
Participation	Permissible in some circumstances	Strongly suggested if not mandatory
Context	Assumed	Explicit consideration

advance the process and in the end produce better policies. Making good policy is at least as difficult as designing a new chair or a new cappuccino machine, and the process therefore may have to be rather difficult as well.

For all of the points about design below one fundamental starting point is the comment from Helen Kerr that "design is best when knowledge is scarce". The logic of that apparently nonsensical, or at least counterintuitive, statement is that design in general, and policy design in particular, may be best when it is not constrained by too much assumed wisdom and too many rules. The logic of design, when seen from the perspective of design professionals, is that the more open the process the better the design will be in the end. This openness and "blue sky" thinking may be difficult in the public sector when existing laws, organizations, and policies create significant barriers to innovation.<sup>4</sup> But if that openness in designing can be replicated in the public sector then more creative solutions to policy problems may be possible.

### Broadening the Vision

The first and perhaps most basic point to be made about the new policy design is that it should be considered something more than just policy design in a narrow sense. Much of the newer approaches to policy design are linked with designing social systems more broadly rather than with narrower, more technical policy interventions. Thus, somewhat paradoxically, new policy design is in fact rather old. This version of designing goes back to major system theorists such as Ackoff (1974) and Özbekhan (1970). These scholars, and especially Özbekhan, were interested directly in public policy, but saw it as embedded in much broader social process and interactive systems of causation. Those causal systems had to be recognized, if not totally understood, before any reasonable design could be undertaken. This concern with causation went much deeper into social and policy systems than does most of the conventional thinking about policy design in the literature today.

This orientation toward design is the antithesis of the familiar approach that has been central to much of the literature. The logic of much of that more conventional literature has been to narrow the focus as much as possible and focus on seemingly manipulable elements in the immediate environment of the problems. That strategy may be viable when designing relatively familiar issues for which there are clear methodologies, but even then a variety of other factors may intervene to reduce the predictability of the policy area. Building a new highway used to be relatively easy, but changes in environmental attitudes, ideas about neighborhood preservation, and a host of other factors have required transportation planners



to broaden their scope of thinking. This broadening has lengthened the process for approving the new construction, but has also perhaps produced better transportation planning.

This concern with systems explanations and understanding of public policy leads on to the use of mechanisms such as agent-based modeling (ABM) for policy design, or at least as the precursor to policy design (Lempert, 2002). This type of designing involves identifying the actors involved in the policy area and specifying their linkages. Making those specifications about who does what in a policy area is far from a simple task for the designer. As noted above, one needs to be able to identify the relevant actors and exercise some judgment about which actors to involve and which to exclude. Given that at some level everything is related to everything else within a policy domain and across domains, that selection of relevant influences may not be a simple task.

The obvious question then is how relevant can a focus on systemic design be for policymakers who must think about how to intervene in an ongoing and troubling policy problem. Politicians especially, but also civil servants, will want to know how they can “fix” this problem now, and may not be interested in grand conceptual schemes about systems and the complex interactions of variables. While that may appear to be a very valid concern, the answer from the advocates of the new design would be, first, unless you understand the problem – no matter how pressing – in a more systemic manner you cannot resolve it. For example, if we find that many patients are returning to hospital soon after being discharged, the answer may not be found just in the discharge procedures (Benbassat and Taragin, 2000). The answer must involve other public sector organizations, such as social services. It will also include some elements of the market system, as well as changes in family structure. Any simple model of discharge management will almost certainly fail.

### The Virtues of Ambiguity

The discussions of problem structuring in the policy analysis literature assume that to be successful in policy design the policymaker requires a well-structured problem (see Chapter 2). Again, as already demonstrated, this is a sensible argument in most circumstances, and structuring a problem seems essential before any effective design can take place. However, as with many other assumptions contained in more conventional approaches to policy design, there is a counter argument that should be considered before initiating any process of designing.<sup>5</sup>

This argument is also the antithesis of the usual arguments about designing, especially those that focus on framing. The framing arguments

assert that it is essential to frame an issue in a certain manner, and perhaps particularly to attach some form of label to it, such as health or defense, to be able to design a policy effectively (see pp. 36–8). In this conception of designing, the first thing that has to be done is decide what type of problem this is. I have already noted that attaching functional labels to problems may not be the most effective means of understanding the problems or designing solutions for them, but framing tends to place the problems in these familiar and convenient boxes.

The logic of accepting ambiguity in the definition of policy problems is primarily that most problems, even those that appear simple, may have connections with a range of other policy domains, and focusing too quickly on one dimension of the problem may lead to faulty designs. In addition, even if relatively autonomous from other policy domains, many policy problems may be almost inherently ambiguous.<sup>6</sup> If we think about these policy problems in more ambiguous terms then we will be able to identify more robust means of addressing the problems. The following characteristic of the emerging approaches to design will point to a similar question about premature closure in the description of a policy and the selection of instruments to attempt to solve it.

An ambiguous conception of a policy problem may produce indecision among decision-makers; but that indecision may also promote useful competition among ideas and among the organizations associated with those ideas. Policymaking is always competitive to some extent – especially when it comes to the allocation of funds through the budget. But making the process of problem definition and framing more overtly competitive and permitting explicit consideration of alternative definitions of the problem at hand may enable us to generate more creative solutions.

An acceptance of ambiguity in policy design may also open the design process to opportunities for serendipity. Some of the most important developments in science have been the result of accidental discoveries rather than planned, linear thinking about making those findings. The same may be true for policy if the opportunity for such types of findings are made available, and if the unexpected and perhaps ambiguous can be accepted. As with most of this discussion of new design this will require some major revisions to the way in which we think about policy design, and again there may be payoffs from changing the cast of mind.

### Designing Systems, Not Objects

The new approach to policy design also is oriented toward designing broader systems rather specific objects. The conventional idea of policy design was to formulate a very specific response to a particular policy



problem – attach an instrument and an organization and the task is done. Indeed, much of the traditional forms of designing attempted to constrain the impact of policies to the intended target as much as possible. From the perspective of conventional policy thinking this is reasonable – not wanting to have spill-overs and unintended consequences in policy domains other than those intended.

The new policy design tends to shift this more conventional perception of designing and to make it broader and more encompassing. Rather than thinking about specific policy interventions, as important as they may be, the new design tends to think more of designing systems. For example, if we think about defense policy, rather than thinking about one specific weapon the designer should consider the range of available and needed weapons for pursuing broader strategic goals.<sup>7</sup> The discussion on defense procurement is often in terms of weapons systems, but the concept of systems should be extended more broadly in the new design.

To confront contemporary policy design questions adequately we may need to move beyond the ideas of “wicked” or “ill-structured” problems to consider more systemic forms of design (see, for example, Banathy, 1996). Jones (1980) makes a distinction between *systematic* and *systemic* thinking in design, meaning that some attempts at policy design address policy problems in a systematic manner, using much of the technocratic approach to design that we have discussed above. This type of design may function adequately for problems that are well structured, but may be insufficient for larger and more complex problems.

Systemic thinking in policy design, on the other hand, considers that any particular policy is embedded in social, economic, and political systems – not to mention the role of natural systems for policy problems such as climate change. Therefore, rather than attempting to develop “fixes” for policy that may only be temporary patches for major problems, the designer should consider the problem in a broader context and think about changing the environment of the problem, along with specific remedies for the problem per se.<sup>8</sup> Requiring policy designers to move beyond their conventional comfort zones can produce failures as well as successes. But the opportunity for major policy successes may justify the (hopefully) small failures.<sup>9</sup>

### Cross-Cutting Designing

Following from the above, new designing needs to be more cross-cutting. Most policy designing continues to be done within a single policy domain, regardless of how the issue may be framed. This designing practice reflects the segmented nature of government into a number of “silos”

that are dominated by a set of ideas and by particular professional and interest groups. While the specialization inherent in this structuring of the public sector can be valuable, it also presents designers, and citizens, with numerous problems (see Bouckaert et al., 2010). The most relevant for our discussion here is that formulating policies within the conventional silos is likely to create excessively narrow responses to policy problems that span many of those policy domains. This perspective on designing is obviously related to the discussion above of designing systems rather than objects, and those systems will tend to cut across the conventional policy domains.

Designing to reflect the interaction among various policy areas and policies must go beyond the usual thinking about policy coordination. The need is to move the public sector more in the direction of “holistic” governance in which policymakers make attempts to consider the full range of activities of the public sector and identify the means through which promoting interactions among various policy domains can produce better performance for the policymaking system as a whole (see 6 et al., 2002). From a design perspective this recognition of the interconnectedness of programs and policy areas implies moving toward more comprehensive policy integration.

Like all of the elements of new policy design there are some important questions about the applicability of this idea in practice. Coordination and policy integration have always been challenges for government, and this represents a demand to create even broader coordination that transcends what might ordinarily be considered policy areas that should be able to cooperate. Thus, while designers may be able to design the means for coordinating and integrating policy, these ideas will still have to be implemented – and implementing coordination is often difficult, even for policies that are closely aligned. The virtue here, however, is that policies that are seemingly closely aligned may face more coordination issues because their leaders perceive themselves to be in competition. Bringing in more disparate organizations and policy domains may actually be easier (Peters, 2015).

### Foresight

All policymaking involves some assessment of the future and a prediction, implicit or explicit, of what the future will be like.<sup>10</sup> In practice, the usual implicit assumption is that the future will be very much the same as the present. To the extent that there is explicit forecasting of the future, that generally will involve linear assumptions about developments from the status quo (see Jordan and Turnpenney, 2015). There are, of course, notable exceptions to this generalization, with simulations of future events and more elaborate forecasting to use in making policies.<sup>11</sup> Some countries have



invested a great deal in forecasting and the development of ideas about the future (Mammermaa et al., 2006) and include some elements of dynamic forecasts in many policy proposals.

Biforesight would go further in developing ideas about the future and their place in designing policies. In the first place foresight, and especially strategic foresight, involves both a longer time perspective and a wider range of considerations of issues and options than is true for most forecasting exercises. Further, foresight may also involve thinking more about alternative futures and then working back from those possible future conditions to understand the process that may be necessary to achieve them.

As already noted, this type of investment in long-term thinking about policy designs may not be appealing to political and administrative officials who want a solution for problems now. For crises or problems that are extremely stable, that may be a fair position. But for more significant policy problems a more prospective designing process may produce a better long-term solution. This, in turn, raises another political problem because of the reluctance of most governments to think in the long term. Governments tend to prefer short-term and generally less expensive "solutions" to problems, thus negating any potential benefits from enhanced foresight in policy.

### Interactivity

A good deal of the conventional policy design literature has tended to move in only one direction. In that style of design, a problem is identified and then the designer moves "upstream" to narrow the working definition of the problem and begin attaching solutions to it. A decision is then made about the presumed best solution and the problem is, for the time being at least, solved. This style of designing fits the textbook model of the policy process in which policy formulation follows closely onto policy definition and agenda-setting and proceeds smoothly onward to implementation. This is also a highly rationalistic conception of policy designing, while most contemporary conceptions of policymaking emphasize bounded rationality and the difficulties in making fully rational policy choices, or designs.

As conventional as this process model may be, it might underestimate the value of efforts to understand the problem better and to consider a wide range of options, both of problem definition and of means for addressing the problem. Thus, the interactivity element of "new" policy design recognizes the value of moving away from quick solutions toward model deliberation and brainstorming about a policy, and then back toward the design of specific mixes of instruments for interventions. This move-

ment, upstream and downstream, may be done several times before a final design is developed (but see below).

The interactive element of design may also involve interactions with actors outside the silos within which a particular policy may be situated. This element relates both to cross-cutting designing and to the participatory dimension of policy design (see below). The interactions that are made across the usual silos in the public sector bring into the design a wider range of ideas and also a wider range of political interests. Interactions across these silos may not be as easy as the designer might hope, given that the denizens of the silos generally belong to different epistemic communities, or at least different communities of practice, and may approach their common policy problems in different ways.<sup>12</sup> But even with modest success the interactive designing may be able to move the process away from *ex post* policy coordination toward *ex ante* policy integration (Briassoulis, 2005).

The interactivity element of policy design also may contain a second and perhaps more crucial element of design, which is interaction over time. That is, once a problem has been "solved" by deciding on an instrument and beginning to implement the program, the job of designing may only have begun. Coping with wicked problems was argued to perhaps require an experimental conception of policy design in which any one intervention is only one attempt to resolve the problem (see pp. 91–2). The same may also be true for policies addressing seemingly less difficult problems, which may still require rethinking and remaking. In this case the interactions are with the outcomes of a policy, and involve learning how to improve the policy over time.

While we generally think of designing as occurring in discrete terms – the design is made *ex ante* and the correct solution adopted and then implemented – the process may be more effective when conceived of in more continuous terms. This is what happens in reality, with policies being remade and reformed time after time (Carter, 2012; Hogwood and Peters, 1983). Therefore, it seems to make sense to be more explicit about the iterative nature of designing policies and assume that policies will be changing in the future. The political and administrative challenges of a more interactive style of policy design are significant, but so too may be the benefits of more conscious forms of designing.

If the policy designing is not redesign, with some existing program being remade, then one way to think about the iterations is prototyping (Brown and Watt, 2015). In product design the development of prototypes, followed by alpha and beta testing and iterative thinking about designing, is institutionalized and effective. The same is not true for policy designing. Relatively few design processes in the public sector have consciously



considered building prototypes. Some programs are implemented with an implicit understanding that they are not exactly fully tested, or even understood; but that can be a very difficult political stance, and one that can cost the public sector a good deal of wasted money.

Thinking about the need for iterative and interactive designs may also have some substantive implications. Some policies, once enacted, may be more difficult to change than others. An example is policies that depend on stocks, such as pension programs (see above, pp. 96–7).<sup>13</sup> While having a program based on stocks may be a good way of ensuring the survival of the program, it may make changing the program – except in directions that are clearly beneficial to the participants – extremely difficult. That said, any program that confers benefits on citizens, once created, will be difficult to change.<sup>14</sup>

But again the practical political questions become important here. How long can we interact, and how many iterations are sufficient? These questions to some extent bring us back to the argument of Herbert Simon (1947) about synoptic rationality. If we are going to wait for the perfect answer, and continue to gather information and conduct analysis until we have that perfect answer, then we are unlikely ever to make a decision. In their discussion of wicked problems Rittel and Webber (1973) argued that one of the characteristics of such problems is that there is no stopping rule to know when a sufficiently good answer has been discovered. An excessive concern with iterations and interactions means that there also would not be any stopping rule in this approach to design.

Herbert Simon's answer, and the answer of incrementalists such as Charles Lindblom, would be to accept a decision that was “good enough” and not attempt to optimize. But how can we know what decision is good enough? What policy is good enough as a first iteration and as a starting point for the continuing development of approaches for the policy being considered? The interactive dimension of policy design has the virtue of permitting continuing refinements of the policy, but it also may lack clear criteria for finishing the search for the best, or at least an acceptable, solution.

### Participation

In the discussions surrounding the new policy design there is a significant difference between “upstream” and “downstream” analysis of policy problems. Most of the conventional discussion of policy design has been focused on *upstream* analysis that narrows the options to be considered when making a policy. These upstream designing processes also narrow the range of participants involved in making the policy. As noted earlier, this version of design is well structured for producing decisions but is not well

structured for producing more innovative designs for problems that are not well known and well structured.

In addition to the other ideas about the new design under discussion here we need to consider participation *downstream* as a means of opening up the discussion and expanding the range of options considered in a designing process. The assumption of this component of designing is that the information and ideas needed for making good policy are not confined to the political and administrative elites, and that a broader array of options produced by a more diverse group of participants will in the end produce better designs.

Although it may appear obvious, it is crucial to involve, and even to privilege, the “customers” of public programs in the design process. Unless we understand the difficulties encountered by the recipients of public programs, or the would-be participants who are somehow excluded from the programs, then designing and redesigning will probably be less than fully successful. Again, that point appears blindingly obvious, but participants – and especially potential participants – may be difficult to identify and involve. Any participatory process may be skewed if the full range of desired participants is not included, and a designing process is no different.

In addition to the possible benefits from producing a wider range of policy ideas than might be available otherwise, opening up designing to more participation may also be able to overcome some of the issues arising from a lack of context for policy designs. The participants in the designing process can represent a range of ideas about what is needed and what is possible within a given context, and prevent more technocratic designers from ignoring the full range of contextual issues that can influence the validity of designs. The potential for bringing context into the design depends, of course, on the extent to which the individuals participating in the exercise are representative of the society.

But, as always, these ideas about new policy design present challenges along with potential benefits. On the one hand, developing a wide range of potential solutions to policy problems should in the long run produce better policies. And it makes the process much more democratic. On the other hand, producing this rich array of possibilities for the policy design may make developing concrete and actionable policy designs more difficult. And, although this perspective does open the upstream part of the designing, it provides less guidance for moving back downstream and producing the needed design. And it may undervalue expertise in process of formulating public policy.

Given the potential difficulties encountered in more open versions of policy design, Mark Considine (2012) makes an argument on behalf of expertise and a more closed style of designing. His argument is that experience and



judgment possessed by experts who have been in the policy business are more likely to produce good designs than will looser design processes. In fairness he was not making any direct comparisons to the participatory methods being discussed here as a component of the “new design”, but the argument clearly was on behalf of the virtues of hierarchy and expertise.

As is true for most areas of public policy, participation is a double-edged sword for policy design. On the one hand, participation can bring in new ideas and in the long run can produce better designs. On the other hand, however, participation may slow the process significantly and, perhaps more importantly, may tend to produce decisions that are sub-optimal in order to achieve consensus among the participants. The latter assumes that the participation is authentic and participants will bargain to a decision that is acceptable to all, or virtually all, participants. There may be stories of innovative decisions coming from participatory processes, but the numerous failures tend to be reported less frequently.

But the same could be said for expertise – it also provides strengths but has great weaknesses. The strengths are those which Considine discusses – experience, education, and judgment honed over years of working with policy. But those traits may also lead to premature closure and persisting on well-worn paths long after the policy paradigm has lost its utility.<sup>15</sup> In military history we can see numerous examples of generals fighting the last war, and the same behavior pattern can be found in other policy areas.

#### “Thrownness”

The philosopher Martin Heidegger discussed the human condition in terms of people being thrown into the world, and having to cope with the complexities of the world in which we find ourselves. We can think about public policies also as being thrown into a complex environment that is shaped by the past and numerous commitments to other policy and economic areas. This perspective on policy is not dissimilar to the logic of historical institutionalism (Fioretos et al., 2015) in which the past of a policy will largely shape the present, and perhaps the future. Likewise, incrementalism in policy analysis assumes that policies tend to persist and change only gradually; hence the present is shaped by past decisions.

In design terms, the concept of thrownness implies that any attempt to design involves interjecting the new policy into an already crowded policy space populated by many previous actions by government. That space is also shaped by the surrounding social and economic system. This need for understanding context might appear rather fundamental for any policymaker; but the more technocratic style of policy design often has assumed that policies are to some extent context free and that instruments

will perform very much as expected regardless of the environment in which they are placed.

The iterative nature of emerging forms policy design mentioned above can also be related to the thrownness of existing policies and the need to consider a variety of factors when engaging in design thinking. Given that policies are being put into effect in an environment that is not fully known, and which may have complex interactions with any policy being formulated, being prepared for several iterations of any policy is almost certainly advisable for the designer. And if the environment into which the policy is being thrown is itself unstable, as would be true of many developing countries, then the number of necessary iterations may be increased markedly. But more developed societies have their own uncertainties, arising from political changes (Brexit, populism) as well as changes in the relevant environment.

Donald Schön (1992) has discussed this iterative nature of designing as “reflective conversation” with the design space. That is, the designer perceives the design space, or in our case the policy problem, and attempts to understand it. But he or she is also altering that design space through these interactions. Designing thus is going back and forth between the given, thrown elements with which the designer must work and their own perceptions and their own preliminary ideas about the possible forms of intervention. The elements of design are givens, but they also are givens that can be modified through thought and action.

#### Agility

Following from the above, new policy design emphasizes agility. Much of our policymaking has been based on relative certainty (even if it did not exist) and expectations of stability (which were overstated). To make policy design more useful for a rapidly changing environment designers will need to think about policies that are more adaptable and more flexible. Many of the points made above can feed into this search for greater agility in governing, but it can also be considered as a goal of designing in its own right.

In the business world there has been a strand of thinking labeled “strategic agility” that has attempted to make businesses more nimble as they face changing markets and changing means of production (Doz and Kosenen, 2010). The same logic can be applied to the public sector by emphasizing the need for adaptation and flexibility in policy designs. Some areas of public policy already stress this flexibility and contingent planning, for example emergency services and the military. But these ideas may be diffused fruitfully to other segments of the public sector that may also be facing more uncertain futures.



Like most of the other prescriptions coming from the “new” policy design there may be political and even legal problems associated with designing flexibility into public programs. Citizens tend to prefer some certainty about the nature of the programs being implemented that affect them, and the unpredictability of highly adaptable programs may not be readily acceptable. Likewise, administrative law may require greater clarity from programs than would be possible with adaptable and agile programs. Therefore, what appears successful in the world of business may not move readily into the public sector, despite the assumptions of advocates of “generic management”.

### Links to Institutions

Finally, the new policy design should involve some explicit linkages with institutions, and perhaps especially with the public bureaucracy (Hermus and Van Bueren, 2017). In Chapter 1 when discussing the traditional model of design I argued that intervention is one element of design that is often ignored. That is, although there is concern with the choice of instruments for implementation, there is less concern about the institutions and procedures that can be developed to make the program perform.

That same argument is relevant for newer visions of designing, and all these other elements of designing must feed into institutional structures that can make the designs work. To work, the institutional structures and the programs for which they are responsible must be compatible. Given the nature of design thinking described above, many of the conventional structures of government may not be fully compatible. In particular, this evolving approach to designing appears incompatible with conventional bureaucratic structures and procedures. There have been significant changes in public bureaucracies as a result of New Public Management (Pollitt and Bouckaert, 2017) and New Public Governance (Osborne, 2009). However, the basic legalistic style of most bureaucracies makes the iterative and adaptive style of policymaking here difficult to manage. And, more than just legalism, bureaucracies are designed for working downstream – identify a problem and then develop a solution as quickly as possible, often using familiar instruments.

Designing policy therefore may also mean designing the institutions that will be charged with delivering that policy, and the continuing reinvention of the policy as it adapts to changing conditions. We should not expect to be able to alter fundamentally the nature of the public sector. Even in the public sector following the reforms of the New Public Management (Christensen and Lægreid, 2007) there are still formal rules that constrain the actions of bureaucracies. There are also significant limits on the latitude for experimentation and innovation in designing policies. These

constraints will be difficult to overcome – no matter how creative the designs, and the designers, may be.

### NOW BACK TO CONVENTIONAL DESIGN

This chapter has represented a significant departure from the usual thinking about policy design, or indeed about policy analysis in general. The ideas about designing developed here are about opening up problems rather than closing them down, and the virtues of ambiguity, may appear to be a very long way from the work of politicians or bureaucrats. The actors in the policy process are faced with a policy problem and are trying very hard to fix it. But these seemingly impractical ideas about design do need to be considered, especially as societies face an increasing number of vexing problems, wicked or otherwise.

These ideas do challenge conventional forms of design for public policy, but they also need to be related to those more conventional approaches. The conventional approach to formulating policy is neat and linear, if perhaps frequently wrong. Neatness and linearity, however, are very valuable commodities in the “real world” of politics and governing, even if they may produce premature closure. Politicians need to make policies that are presumed to solve a problem, and to do so in a relatively timely fashion.<sup>16</sup> Although policy advisers, think tanks, and other sources of policy ideas will always be working in the background, and the actual process of arriving at a proposed solution for a policy problem may take years, the formal process needs to appear decisive and certain.

The extent to which designs and design thinking are embedded in particular social and economic contexts also needs to be considered in attempting to apply this style of thinking about design to the real world. Much of the design thinking literature tends to be context free (see Martin, 2009), while Rowe (1987) argues that designing, and presumably therefore policy designing, must always be put into context. The same issues arise for any effort at policymaking (see Chapter 1), but may be especially relevant for designing because it may well be divorced from institutions in the public sector. Without those linkages to the conventional policy processes the ideas contained in the new design will remain isolated and will be considered almost fanciful.

Whether fanciful or not these ideas about designing can be linked to the more conventional notions of design with which I began this book. No matter what the process may be, the design that is developed must have a conception of the problem that is being addressed. The conception may be more ambiguous than under more traditional models of design, but there



must be some conception. Likewise, there needs to be an instrument or set of instruments that will address the perceived problem, and with good fortune solve it. And, even more than in the other versions of design, there needs to be a set of institutions that will make the design work and that can deliver the policy. All these components of design need to be developed: the question is how they will be developed.

## SUMMARY AND CONCLUSIONS

Policy design is essential to the success of public policies, but it is an extremely challenging task. Perhaps for that reason the technocratic approach to design has tended to privilege simplicity in the designing process. The political realities of designing also tend to argue for simplicity. That relatively simplistic approach to design can work for some issues, and conscious design of any sort is preferable to policy formulation through less conscious devices. Although I have tended to use the term “technocratic” in a somewhat pejorative sense, that style of designing has its virtues and has had successes.

The less technocratic form of design developed in this chapter is an attempt to provide a more open, and less deterministic, form of design. That style of design may be able to produce more creative policies, and also to produce policies that are more oriented toward the future. And they should be more democratic, involving a range of constituencies as the programs are being designed. But these virtues of a less technocratic perspective on designing may be purchased at a significant cost. These ideas about designing run counter to the folkways of most public organizations, and may be difficult to implement in the typical political environment.

We therefore need to think about how to meld the emphasis on precision and closure contained in the older versions of policy design with the more open and potentially ambiguous processes of the new design. For many people the new design may appear to be impractical and merely impossible. But if those ideas that appear excessively optimistic can be married with the perhaps excessively practical ideas of the old design then governments may be able to move the design process forward.<sup>17</sup>

## NOTES

1. This chapter is to some extent an auto-critique. My earlier work on design with Stephen Linder (1984, 1991) did have much of the technocratic and engineering approach I am criticizing here. But, as will become apparent in the course of the chapter, the “new”

design is not without its own problems and the older versions were not without their virtues. And, despite the attempt to separate them in this discussion, they have many attributes in common.

2. In the various versions of multiple streams policy models there is an assumption that solutions face problems, rather than vice versa. While that may be true in practice, it might not be the best way of solving problems. If the solution is a given then the policy design is also a given, and not really open for discussion and learning.
3. This process of opening the design space has to some extent already been covered when discussing designs for addressing wicked problems.
4. Dorst (2011) discusses this openness necessary to designing as “Abduction-2”, with both the content and the process being unknown, or at least indefinite. While this is intellectually appealing in terms of its openness to new ideas, it does appear difficult to make any decisions with such high levels of uncertainty.
5. On ambiguity see Zahariadis (2014) and Christensen and Røvik (1999).
6. For example, social inequality, energy independence, health (as opposed to medicine), and a host of other policy issues.
7. The Quadrennial Defense Review (QDR) in the United States, and the Strategic Defense and Security Review in the United Kingdom (Cm. 9161) are examples of more extensive strategic reviews of this type.
8. This style is analogous to Theodore Lowi’s (1972) ideas contrasting policies that attempted to affect behavior as opposed to those that affected the environment of behavior.
9. This may be somewhat similar to Dror’s (1983) concept of “fuzzy gambling”. This stresses that a good deal of policymaking is indeed gambling rather than technocratic design, and that the casino itself is extremely unstable. Therefore, thinking about broader sets of results rather than attempting to predict any particular outcome may be more fruitful.
10. Richard Buchanan (1995) discussed the concept of “forethought”, derived from Aristotle, as central to any consideration of designing.
11. The military has for decades used war games to develop alternative scenarios and forecast the likely behaviors of adversaries. The outcomes of these games then go into the planning of force structures.
12. These differences may lead us back to the discussion of framing and reframing in Chapter 2. To be able to interact, the policy problem in question may have to be reframed in ways that all parties involved can accept. That reframing is the product of interactions but also the foundation for further interactions.
13. Even if the pension program does not actually save money in an individual account for the participant – almost no public programs do – that participant is still building up a stock of entitlements; and those entitlements are difficult for a government to deny, both politically and legally.
14. A majority of people in the United States were negative about Obamacare before someone tried to take it away from them. They then decided that the program was not only acceptable, but perhaps even essential. See Moniz and Gorin (2017).
15. For examples of this behavior in groups of physicians, a well-respected group of experts, see National Academy of Sciences (2011).
16. This timeliness, of course, was not evidence in the eight years that it took the Republicans not to repeal and replace Obamacare.
17. After all, with a few notable exceptions (Compton and ‘t Hart, forthcoming) the old design has relatively little to be proud of, and perhaps some innovative processes may produce more innovative policies.