Designing Global Public Policies in the Twenty-First Century

Chou, Meng-Hsuan; Ravinet, Pauline

2019

Chou, M.-H., & Ravinet, P. (2019). Designing Global Public Policies in the Twenty-First Century. In D. Stone, & K. Moloney (Eds.), *The Oxford Handbook of Global Policy and Transnational Administration* (pp. 437-452). doi:10.1093/oxfordhb/9780198758648.013.32

<https://hdl.handle.net/10356/144559>

<https://doi.org/10.1093/oxfordhb/9780198758648.013.32>

© 2019 Oxford University Press. All rights reserved. This book is made available with permission of Oxford University Press.

Downloaded on 26 Apr 2023 21:42:48 SGT

Designing Global Public Policies in the 21st Century¹

Meng-Hsuan Chou and Pauline Ravinet

Abstract

The rise of global initiatives in many policy sectors is an emerging phenomenon that deserves the attention of scholars interested in international relations, regional integration, and policy sciences, as well as practitioners seeking comparative examples beyond their national and regional borders. This chapter demonstrates the value-added of the design orientation to studying this phenomenon and the implications for contemporary delivery of public services and goods. It begins by describing three waves of policy design studies and their insights for unpacking the relationship between instrument design and intended outcomes. The overview reveals a notable feature of the extant policy design approach: its empirical preoccupation with domestic-level developments, which inform and confine theory development. This chapter introduces the analytical steps required to operationalise policy design insights to examining global public policy and transnational administration. In so doing, it calls for a new metaphor for policy design that would incorporate the beyond-the-state dimension.

Keywords

governance; instruments; inter-state cooperation; policy design; policy tools; regionalism;

¹ This is a draft of a chapter that has been accepted for publication by Oxford University Press in the forthcoming book *Oxford Handbook on Global Public Policy and Transnational Administration* edited by Kim Moloney and Diane Stone due for publication in 2018.

1. Introduction

This chapter introduces readers to the value-added of the policy design approach for studying the emergence, selection, and evolution of global initiatives. To do so, it describes the state of the *acquis académique* on policy design and outlines the analytical steps required to apply policy design insights to studies of global public and transnational administration. Its starting point, like other chapters in this handbook, is that the relevance of the global is assumed for a contemporary understanding and study of politics and policymaking. By demonstrating how the policy design approach can be used to account for developments of global initiatives and transnational cooperation, the chapter invites political and policy scientists interested in design to reflect on the technical, learning, and sequential aspects of policymaking across different policy arenas, especially the interaction between actors and settings inside and beyond the nation state, in the globalised context of today.

In this chapter, policy design is ultimately defined as a dynamic and deliberative process between policy actors, during which they exchange policy ideas (problems are coupled with solutions), provide and articulate justifications for their positions, and agree on and experiment with the steps forward based on existing knowledge. Here, knowledge is taken to refer to insights on both the procedural and substantive aspects of policymaking and implementation. Policy actors are expected to have different and overlapping beliefs of the potential policy opportunities for addressing these challenges rooted in their respective experiences from national and other transnational cooperation (perceived failures and successes). By engaging in policy design, policy actors craft the instruments and mixes that are supposed to generate their desired policy outcomes. In this chapter, policy design is thus conceived as a continual and repeating process occurring throughout the policy cycle that motivates actors to ‘venue-shop’ for the best institutional framework to facilitate their objectives. A variety of examples from around the world are used throughout this chapter to illustrate these points. Attention is to highlight the shifting trends of contemporary governance and areas where scholars are invited to examine. The chapter begins with a review of the policy design literature, where a new design orientation is emerging, before elaborating its value-added to studying transnational developments. In the section that follows, it continues with a working definition of policy design and discussions of three adjustments that should be made to the policy design approach before applying it to studying transnational policy developments and administration. This chapter concludes by proposing a new metaphor of *sketching* for the policy design approach to studying global public policy and transnational administration.

2. Policy design: The state of the art

The literature on policy design is a rich and mature field of research. Several reviews (cf. Howlett and Lejano 2012; Howlett, Mukherjee and Woo 2015) describe the theoretical and substantive contributions the design orientation has made to enrich our understanding of contemporary public policymaking and implementation effects. In these surveys of the field, the narrative concerning the emergence and development of the policy design literature is gener-

ally divided into either three acts (when authors want to highlight the premises of the design approach) or two acts (when authors seek to emphasise the similarities and differences between the old and new design orientations). The review below combines these two objectives and synthesises the core principles of the policy design approach and describe how they have evolved from the 1950s to the current day. For the purpose of this handbook and its goal in assessing the relevance of policy and administrative sciences for understanding transnational and global policies, this review will focus on two aspects throughout this period: the positioning of policy design within the overall policy sciences and the attention it dedicates to beyond-the-state issues.

2.1 Early years (before the 1980s)

When tracing its genealogy, policy design scholars date the premises of the design orientation to the 1950s and 1960s when policy sciences first began to take shape as a unique academic discipline (see DeLeon 2008 for a historical overview). Behind the emergence of policy sciences were growing scholarly interests in the role of self-conscious choices in policymaking to mitigate implementation effects. While this focus can be seen in what would become the key readings of policy sciences (for example, ‘planning’ in Dahl and Lindblom 1953), the pioneering works of Harold Lasswell (Lerner and Lasswell 1951; Lasswell 1954) in particular have been singled out as inspirational for the design orientation. The Lasswellian concern for ‘concerted efforts of governments to act instrumentally [...] and to achieve a particular policy goal [...] through the use of a relatively well-known set of policy means developed over many years of state building and experience’ continues to resonate with today’s design orientation (Howlett, Mukherjee and Woo 2015: 293). During this very early period, however, the label of ‘design’ was only occasionally used (see Tinbergen 1958; 1967) and there was no identifiable strand of the policy design literature with a set of common shared questions and shared definitions. The analytical origin of the policy design approach is thus embedded in the broader movement of the emerging policy sciences at the time and, as it will become clearer below, its evolution is twinned with the general shifts towards other aspects of policymaking.

Beyond these pioneering works, research within policy sciences during this early phase revolved around understanding the contextual aspects of policymaking and in making sense of implementation (Howlett and Mukherjee 2014: 60). This is in strong contrast to the emphasis on policy formulation and instruments, which are the hallmarks of current studies with a design orientation. Policy design scholars point out how scholarly interests in contexts and implementation in the 1970s gave contingency and uncertainty in policy developments an overwhelming role in the emerging policy sciences. The classic studies of John S. Dryzek (1983) and John W. Kingdon (1984) are two excellent examples of this combination between a general emphasis on contingency and uncertainty, on the one hand, and explicit attention dedicated to opportunistic behaviour of policy actors, on the other. In this academic milieu where policy uncertainty was given research primacy, approaches centred on the ‘opportunistic behaviour of policymakers’ were far more valued; and approaches interested in the ‘careful

deliberation and “design” thinking’ of specific policy arrangements were simply outside of the mainstream (Howlett and Mukherjee 2014: 60)—but this would soon change.

During this early period, the beyond-the-state dimension was absent in academic policy analyses. It would be anachronistic to conclude that policy scientists merely neglected international developments and failed to account for their relevance entirely or in domestic political and policy developments. It would be far more accurate to say that international issues were simply outside of the mental maps of many early policy scientists delineating a design research agenda. They reflect this bias when placing the locus of political power and policy-making at the national level or, subsequently, the infra-national level, even though many scholars working on, for example, the developing world have already emphasised the significance of the global (for example, institutional actors such as the World Bank) in shaping domestic political and policy developments. Indeed, international relations scholars have incorporated the linkages between the transnational and the domestic in theories such as, among others, system theory and dependency theory. This analytical and empirical delineation would have profound effects in the division of academic labour within the social sciences: studying the design of public policy means unpacking state domestic interventions, and examining international and inter-state issues is for those in another sub-field of political science—international relations. This divide continues and would become consolidated in the next phase of the policy design approach when the latter acquired a clear conceptual pathway.

2.2 Path-breaking years (1980s-1990s)

The 1980s marked the start of the path-breaking period for the policy design approach (see the seminal pieces of this period from Linder and Peters 1984; 1988; 1991), which successfully extended the debate within policy sciences at the time concerning the roles of the stages in the policy cycle, on the one hand, and instruments, on the other, in public policy. The work of Lester Salamon (1981) characterises this contention: he argues for a science of policy instruments as the way forward in policy sciences, previously occupied with contexts and uncertainty. Extant literature reviews of the policy design approach consistently cite Salamon’s (1981: 256) statement that policy studies had gone ‘wrong’ from the start ‘by defining policy in terms of problems, issues or fields rather than instruments’. From then on, it became increasingly acknowledged among policy scientists that instruments and instrumentation deserve more scholarly attention than thus far received. This led to a growth of literature in the 1980s that focussed on, *inter alia*, categorising instrument types and identifying the rationale underlying their selection and usage (Salamon 1981; Hood 1983; Bressers and Klok 1988). For design scholars, Salamon’s (1981: 256) call to concentrate on the ‘generic tools of government action, on the “technique” of social intervention’ was a clear battle cry for pushing forward and broadening their research agenda on policy design.

Within this intellectual universe in which the systematic study of instruments is advocated and the significance of contingency and uncertainty in studies of public policy questioned, design scholars advanced their analytical distinction of policy ‘design-as-verb’ and policy

‘design-as-noun’ as the core of the (‘old’) design orientation (Howlett, Mukherjee and Woo 2015: 292). Inspired by Donald Schön’s (1988; 1992) work on the design processes of professional practices in urban planning and architecture, ‘design-as-verb’ refers to a set of policy formulation *activities* necessary in the undertaking. Here, the focus is on the *process* of finding the best output and instrument as well as their implementation. By contrast, ‘design-as-noun’ means the *policy tools and instruments* themselves. This implies looking at the *substance* of policy instruments, and how they are able to address a policy problem and intend to affect the policy choices and content. This very extension that design is more than the act (but includes *both* meanings as verb and noun) gave way to a set of key features associated with the policy design approach: focus on the rationality of designers who want to improve policymaking rather than on contingency and uncertainty; emphasis on the role of knowledge, which guides designers’ rational choices, rather than political strategic bargaining as the main mechanism of policymaking; and a clear concern for instruments, both substantive and procedural (see Howlett 2000). Another distinctive feature of the policy design approach is its ontology: a design orientation is infused with a concern for ‘good’ design. This preoccupation creates a rather subtle overlap between ‘policy design’ as an analytical framework for explaining public policymaking and effects, and ‘(good) policy design’ as a desirable outcome of policymaking to which policy sciences could ultimately contribute.

During this period, the policy design approach continued to be strongly anchored to the state, with the whole theoretical edifice of policy design structured by a frame of reference to the nation state. The global and transnational dimensions were thus still missing in scholarly works with the design orientation. Interestingly, it was this very focus on national developments that had contributed to a ‘precipitous decline’ of the policy design approach in the late 1990s (Howlett and Lejano 2012: 8). According to Michael Howlett and Raul Lejano (2012: 9), the weakened interest in policy design was a manifestation of the ‘decentering of policy studies away from the centrality of authority and state centeredness’. This decentring is related to the rise of new public management, network governance, and collaborative governance, as well as the strong preference of international organisations for a small state, reflecting the dominant concerns of neoclassical economics for austerity. Whereas in the works of Lasswell and others during this period the central actor in policy design was the state, the rise of governance and globalisation perspectives in policy studies, with their attendant policy actors who wear multiple institutional hats or do not represent the state, presented another worldview. Acknowledging this shift and clearly identifying the utility of the design orientation for developments in the 21st century constituted the first step towards the ‘new’ design orientation—as can be seen next.

2.3 The new design orientation (2010s-)

In response to decline of the policy design approach since the late 1990s, the new design orientation embodies policy scholars’ strong desire to demonstrate the relevance of the design orientation in studying contemporary public policymaking. In this period of ‘re-birth’ (Howlett and Lejano 2012) and ‘re-invigoration’ (Howlett, Mukherjee and Woo 2015: 296), three

new features have been introduced to the policy design approach (Howlett, Mukherjee and Woo 2015: 296-300). First, under the new design orientation, the design space is conceptualised as more open and complex (policy design can be done by a variety of actors in diverse governance sites and arenas); this is in contrast to the old design approach, which views this space as bounded (and policy design taking place in pre-existing specialised governance structures and following a pre-determined logic). Second, the new design orientation promotes the importance in examining policy mixes (instruments should be studied in combination of multiple objectives and multiple tools) and patching (the addition and layering of instruments to a mix that may or may not subsequently change the nature of this said policy) (Howlett and Rayner 2013). Third, the new design approach highlights the importance of history in accounting for design choices, outcomes, and effects. In this view, design is no longer an a-historical operation and contained; it is situated within the wider context of external and internal developments that may or may not affect the design choices of instrument mixes, and effects of instrumentation.

These three new features reflect the broader debates unfolding in political science concerning new policy actors, governance (for example Kooiman 2003), and the modes of gradual institutional change (see for instance Thelen 2004; Mahoney and Thelen 2010)—all indications of where public policy and political science could synergise and offer new insights into current political and policy developments across all governance levels. For instance, the features of openness and complexity signal the general lack of a single dominant sovereign authority and the many actors involved in designing, making, and implementing transnational initiatives. The existence of policy mixes points to the experimentation by multiple actors who seek to delineate the relationship between instrument design and effects at the transnational level. Finally, acknowledging path dependency reveals the effects of (failed) policy experimentation, and the associated challenges in correcting these effects over time. Put simply, these new insights pave the way not yet taken for connecting the design orientation to studying the transnational domain.

Unlike previous generations of policy design scholarship, proponents of the new design orientation are actually engaged with the beyond-the-state dimension through its positioning vis-à-vis the globalisation ‘turn’ in public policy. But this engagement is an indirect one. Indeed, rather than elaborate concepts within the policy design repertoire to address beyond-the-state issues and developments, new design scholars argue that most claims associated with the globalisation ‘turn’ in public policy are largely exaggerated. For them, this new generation of design scholarship is about ‘re-assert(ing) the role of government in policy formulation and implementation and the continuation and need for better policy designs and understandings of design process’ (Howlett, Mukherjee and Woo 2015: 293). Put simply, the new design orientation assumes that even in the context of globalisation the ‘government continues to do its job’ (Capano 2011) even though it has been doing ‘its’ job via international organisations, transnational networks, and private cooperation. In this conceptualisation, the unpacking of globalisation as a distinct environment for national policies or as another level where policy developments emerge and unfold is largely irrelevant; state level based policy design ap-

proach, it is implied, is adequate for considerations of design and impact. Another issue is the tendency of the policy design approach to refer to ‘the state’ and ‘the government’ in the singular. When trying to characterise the evolving role of ‘the government’ in the context of globalisation, this use of the singular might overlook the fact that not all states and governments are experiencing globalisation in the same way. Indeed, a cursory reading of studies on economic globalisation would already point out the variation of globalisation effects within and between countries around the world. This is why, while not denying the ‘continued vitality of the state in a globalized environment’ (Howlett and Lejano 2012: 13), it seems more significant to examine *the transformations of the states* in a globalised environment and to acknowledge the implications for governments seeking to design policies.

There is a need to shift the discussion beyond whether the governments are still the central author of policy design, as design scholars claim, and focus on how they have been penetrated and reconfigured by global policy issues and transnational administration in its efforts to design policies and anticipate implementation effects and outcomes. The ways in which the government officials responsible for instrument choices and mixes are socialised in beyond-the-state networks and arenas are now well documented (see for example, Legrand this volume). At the same time, there is a general absence in the policy design scholarship of international organisations as key designers of policy initiatives, especially for developing and failed states. While this gap is not unique to the design scholarship (cf. Moloney forthcoming on the same gap in the public administration literature), it does challenge the design orientation’s core assumption concerning a sovereign authority designing and implementing policies. The frontier between domestic policy issues and transnational ones has been increasingly blurred and it is essential for the design orientation, if it is to be taken seriously as an approach for studying the transnational, to account for how this blurring affects the designers, their design choices, and the design space. We can take higher education policy as one example to illustrate this blurring: this is a typical sector in which policy design is still very much in the hands of (federal and state) governments and in which global developments have had transformative effects. In the last 15 years, for instance, the emergence of university rankings has changed the way (federal and state) policymakers design higher education policy: when making instruments choices, they do not ignore the global environment and competition, and, in effect, anticipate their national universities rising in the rankings as indications of the relative effectiveness of their policy design.

To summarise, given the promising orientations of the ‘new policy design’, it is quite surprising that the approach did not experience its own ‘global turn’ when its contemporaries in public administration and public policy did. Scholars of policy design rather adopted a sceptical perspective on the importance of globalisation, and developed arguments ‘in defence of the state’. Yet, it would be incorrect to conclude that the new design orientation has not ventured beyond the national level. It is far more accurate to view the latest generation of the policy design approach as engaging the international dimension in another way: by developing a conceptual toolkit sufficiently generic and universal to study design and instruments in different national or local policy contexts all around the world. One avenue of research for

design scholars interested in the global is to examine the spread of certain instruments around the world, addressing questions concerning the overall similarity of the instruments and the possible mechanisms for transfer. Another avenue of research, which this chapter follows, is to elevate the design orientation for analysing global public policy and transnational administration. But this cannot be a simple copy-and-paste approach as it requires some adjustments and a revised definition of policy design suitable for this undertaking—both are developed below.

3. Beyond the state: How to apply the policy design approach to global initiatives

The policy design approach has been very successful in opening up the ‘black-box’ between the intentional crafting and selecting of policy instruments and their implementation effects on a range of political, policy, societal, and economic issues. These insights, however, were derived primarily from empirical observations and studies of domestic political and policy developments. As discussed above, one of the notable features of both the old and new design orientations is thus their overall lack of theoretical and empirical engagement with beyond-the-nation-state policymaking and transnational public administration. Their general disinterest has paved the way for other political and policy scientists to address this lacuna through their respective research agendas (Stone and Ladi 2015; Coen and Pegram 2015). Following the spirit of this handbook, this chapter assumes that the theoretical frameworks of policy studies—of which the policy design approach is one—have much to offer to examine global and transnational policy developments. This section lends support to this claim by proposing three adjustments to the policy design approach that are required to better steer the design orientation towards analysing global developments and transnational administration. In so doing, it offers a working definition for those interested in studying the beyond-the-state dimension.

3.1 Acknowledging and conceptualising multiple actors

Applying the policy design approach to studies of global public policy and transnational administration requires *a renewed understanding of the types of actors* who may be involved in policymaking. In the current policy design literature, and even with the theoretical efforts of the new design orientation to develop a more open perspective on the design space, ‘the state’ is often seen as the key policy actor and is operationalised as the government (central or regional) responsible for decision-making across all stages of the policy cycle. Taking this research design to the transnational level would imply that attention is focussed primarily on analysing the behaviour of governments. This is far too narrow. For instance, there are multiple design actors at the transnational level including, but are not limited to, (1) formal or official actors (they include governments and international governmental organisations), and (2) non-state actors and networks. International and regional organisations are involved in a variety of design activities, including, for instance, developing new programmes for internal and external coordination (example: standards and benchmarks such as quality assurance frame-

works and Millennium Development Goals), for (client) countries (examples: pension systems, reforms of higher education systems), and for global or regional public-private partnerships and networks (example: Programme on Global Partnerships to Strengthen Capacities of Supreme Audit Institutions). Adding to this grouping are the international consultancy firms (often contracted by governments and international/regional organisations to deliver design on procedural processes and evaluate implementation), think tanks, global commissions and taskforces, large international non-governmental organisations (designers of indexes or rankings), business associations, and accreditation bodies. Although this list is not exhaustive, it does point to the many design actors at the transnational level who work with governments or work on their behalf.

In order to satisfactorily capture actor interactions that may be significant to explaining the relationship between instrument selection and policy outcomes at the transnational level, the policy design approach principle can be followed to focus on intentionality and to view policy design as an act of purposive actors. But in the case of global and transnational policymaking, it is essential to have in mind that the purposive actors involved in policy design are not pre-determined, may wear multiple hats, and may follow a sectoral organisational logic that is extremely relevant and significant. Although it minimally involves a form of public authority and can take the shape of an international organisation, an epistemic network, an *ad hoc* platform or taskforce, as described above, transnational policy design may involve actors whose relationship with the state may be rather unclear (Stone 2013). Indeed, as Stone and Ladi (2015: 844) put it, ‘The constitutive actors of global processes and transnational administration may be different from the domestic level, or they may have demonstrated increased power beyond the state’. Specifying design actors at the transnational level, and their relationship with the state, can be elaborated through empirical research, which can only occur when the analytical perspective does not preclude this exploration. A first step for scholars promoting the design orientation is therefore to embrace the presence of multiple design actors at the transnational level who are not classically considered as ‘state’ actors. The next step could include in-depth analysis of their profile (gender, country, background, career etc.), experience and practices, membership within networks and communities, and their relationship with state actors. Concerning the latter, it would be important to consider whether this relationship is consultative, partnering, competitive, coordinative, delegated or another, and how this relationship affects design.

3.2 Problematising instrument selection: power and experimentation

A design orientation to studying transnational developments should also adjust the *potential range and types of policy instruments* that actors may have at their disposal and what actors do in the absence of available or acceptable policy instruments. The extant policy design literature depicts instrument selection as one of the core activities of the design process. Broadly, the idea is that smart design occurs when governments select the right implementation tools, consisting of substantive and procedural tools, for the identified policy problem. Within this formulation, largely based on a rational choice perspective of actor behaviour, any out-

comes suggesting failure would simply mean that the wrong implementation tools were chosen or the ‘pre-conditions’ for design were absent or unfavourable (Howlett and Mukherjee 2014). Once the right tools are picked when the favourable conditions are present, the assumption goes, the anticipated policy results should be observed. This is a particularly problematic formulation for transnational developments in at least two ways. Firstly, it assumes that instrument selection is a neutral act and reveals nothing about the relationship between the governing and the governed (Lascoumes and Le Galès 2007). It is for instance common knowledge in studies of inter-state relations that governments use transnational policy arenas for domestic purposes, including tying their hands to supranational reforms they wished to introduce domestically but which are opposed by veto players, or are conflicting with existing constitutional law, or simply unacceptable to majority of voters (Guiraudon 2000). These supranational processes are not purely bargaining as they also involve deliberation of policy problems and matching potential solutions with outcomes—i.e. design. Any perception of instrument failure following these processes is thus less straightforward and lessons to be learned more challenging to extract. Design scholars acknowledge this possibility, but they often relegate such developments with references to ‘complexity’, without adequately engaging in the unpacking of what complexity means for the design orientation. It is therefore essential to integrate into studies of transnational developments from a design orientation that instrument selection is far from being neutral. The ways in which instrument selection is made at the transnational level may configure or reconfigure domestic options. By explicitly examining whether these instrument choices were part of the deliberate design for ushering in domestic reforms, and the ways in which these instruments were accepted, rejected, and translated at the domestic and local levels, it is then possible to begin unravelling what complexity means for design. For example, complexity may be very much tied to shifts and changes in power dynamics at multiple governance levels—all themes of great interests to social scientists.

Secondly, the existence of an instrument toolbox from which to ‘pick and choose’ may simply be unavailable at the transnational level further challenges the basic assumption of the design orientation that once the ‘right’ tools are selected the ‘right’ outcomes should be observed when ‘right’ conditions are present. This assertion can be elaborated by examining the nature of transnational cooperation between states, including various configurations (for example, public-public and public-private and so on). Scholars of public administration have pointed out that the assumptions about accountability, legitimacy, and representation common to sovereign states may not always be directly applicable to transnational cooperation (Moloney forthcoming). While the reasons for this are many, what is important for us to acknowledge is that this may lead to policy actors tasked to design transnational measures lacking the authority to carry out their work because they are unable to access instruments available at the national level; these instruments may be considered inappropriate for use at the transnational level. The lack of one central sovereign authority at the transnational level to uphold accountability of all participants is significant, as this polyarchic nature of transnational cooperation does not guaranteed that violators of agreements and adopted measures are revealed or held responsible. Recognising this feature, Charles Sabel and Jonathan Zeitlin

(2012: 170) explained that many jurisdictions, such as the European Union, have embraced ‘experimentalist governance’ whereby transnational cooperation is structured as a ‘recursive process of provisional goal-setting and revision based on learning from the comparison of alternative approaches to advancing them in different contexts’. Put differently, transnational policy instrumentation is a process more about invention and innovation than selecting among available tools. While more empirical observations are certainly needed to refine the analytical construct of the design orientation, existing findings already point to the general inaccuracy of categorising these instances as pre-conditions for or against design. Design, in these instances, is more about negotiation, deliberation, learning, as well as experimentation, than merely identifying the ‘right’ tools in a single iteration. Indeed, ‘failure’ as a result of deliberate and intentional design may very much be part of the learning cycle.

3.3 Addressing effectiveness at the global level

The third adjustment to the policy design approach concerns *elaborating what effectiveness means* for global public policy and transnational administration. As one of several analytical frameworks within policy science, the design orientation shares its foundational assumption that governments wish to have their goals effectively achieved in an efficient way. This spirit of good governance remains strong and can also be seen in the way that design scholars refer to their sharing the same perspective with practitioners of the design orientation. As Michael Howlett and Ishani Mukherjee (2014: 62) put it, ‘The fervent wish of proponents of design orientation is generally to reduce instances of poor and non-design to as few as possible [...] This, is expected to result in policies more likely to resolve pressing problems, correct social ills and better serve the public good [...]’. Yet defining notions such as effectiveness, efficiency, and public goods is extremely challenging in a transnational context (cf. Moloney forthcoming). Unlike the domestic arena, one cannot assume that there is an overall collective sense of what constitutes an effective and efficient global public policy. ‘Effective design’ generally means one is successful at producing some intended results. Yet, an important feature of international and supranational cooperation, as mentioned earlier, is that they offer opportunities for exchange of ideas and information, as well as collective puzzling and mutual persuasion. How ‘success’ from such processes can be appreciated in terms of effectiveness remains quite subjective to the individual participants. Another point is the distinct organisational structure for most transnational cooperation: the line of authority tends to be horizontal (states as equal decisional actors) rather than vertical and hierarchical; and the boundary between state and non- (or semi-) state actors involved in the policymaking process tends to be more porous than that at the national level. This means that the designers of beyond-the-state public policies often have similar leverage *vis-à-vis* one another. In the policy design literature, debates about effectiveness often revolve around the selection of appropriate procedural tools rather than substantive tools. Michael Howlett (2000: 422) defines procedural instruments as tools that construct or assist in regaining legitimacy for the state through manipulation of network configurations. For design scholars, effectiveness can be achieved when specific procedural tools are introduced to offset the levels of systemic and

sectoral de-legitimation. In the transnational and global contexts, patterns commonly associated with domestic policy environments have yet to be fully delineated to allow the straightforward application of such a template. Indeed, this incomplete empirical mapping extends an invitation to policy design scholars to consider applying a more inductive or abductive reasoning to studies of the transnational and global.

A working definition of policy design suitable for examining the beyond-the-state dimension must incorporate core insights of old and new design orientations, as well as address the three adjustments discussed above. To this end, this chapter proposes the following working definition of policy design: *policy design is a dynamic and deliberative process between policy actors (who may be state, 'semi-state', or non-state actors). A design process involves the exchange of policy ideas (problems are coupled with solutions), the articulation of justifications for policy positions (deliberation), and visible agreement on instrument selection or experimentation based on existing knowledge.* To provide a broader context for using this working definition of policy design, the next section offers a new metaphor of policy design for approaching and studying the transnational dimension.

4. A transnational policy design research agenda: time for a new metaphor?

'Policy design merits attention', Davis Bobrow (2006: 75) writes, 'because it is ubiquitous, necessary, and difficult'. This claim still resonates after the ebb and flow of scholarly interest in the design orientation throughout the last few decades. Indeed, public policymaking in the 21st century takes place amidst heightened and wider-spread awareness of the challenges the world collectively faces. At the same time, the resurgence of scholarly attention in the policy design approach as embodied in the new design orientation has not engaged the transnational dimension in a meaningful way; neither analytically nor empirically. This remains the case even though the turn towards the global has been well underway in the social and political sciences. Taking this missed opportunity as the starting point, this chapter has outlined several analytical steps the policy design approach is required to address before it can be further applied to studying developments beyond the nation state. These steps are essential because what may be taken-for-granted assumptions about public policymaking at the national level may not be valid or even relevant at the transnational level. This chapter constitutes the first step towards a *transnational* policy design research agenda by showing what the debates on global public policy and transnational administration, on the one hand, and the new generation of policy design studies, on the other hand, have to offer to one another. In this final section, the chapter proposes a new metaphor for policy design in the 21st century to point out how the shift towards a transnational design research agenda may be accomplished.

'Policy designs are', Bobrow (2006: 76) continues, 'representations of what might be turned into realities'. In one of the earlier works on policy design that explicitly sought to connect the notion of design with public policy, Ernest Alexander (1982: 280) describes design as 'commonly associated with giving form to some concrete response to a need or problem: a

building (architectural design), a tool or product (product design), a machine or structure (engineering design), or a built environment of avenues of plazas (urban design)'. This reference to design as an exercise of giving form through specific blueprints has shaped how the design orientation views public policy. The preferred metaphor has generally vacillated between design as 'engineering' and design as 'architecture', with the latter being the mainstream metaphor for the new design orientation. This move towards design as architecture hinges on design scholars' overall rejection of social engineering as feasible or even desirable in contemporary public policymaking, but their attraction to the neatness and elegance of design is undiminished. Policy design as architecture, however, is a poor metaphor to retain for investigating global public policy developments and transnational administration. Practitioners who are active in beyond-the-nation-state policy cooperation or administration, and researchers who interview them, often use terms such as 'messy' or 'complex' to describe these developments. These adjectives point to the bounded rationality the policy actors possess and exhibit concerning policy substance (what to do) and procedure (how to do it). This is hardly the image conjured when considering design as architecture. A new metaphor for the design orientation is thus needed if the policy design approach intends to break out of this mismatch trap and apply its insights to examining beyond-the-nation-state developments.

The new metaphor for policy design in the 21st century should be *design as visual arts*. While acknowledging the beauty of purposive actions, visual arts approach reality differently than the art form of architecture. Indeed, rather than being representations of what might be turned into reality, visual arts seek to capture and translate reality through the eyes of artists (policy designers). Here, like both the old and new design orientation, the knowledge that the artists possess is crucial to determine whether the executed artwork is ground breaking (solves the problem) or replicating (contributes little to the policy problem). In the visual arts universe, there is a ready set of vocabulary to articulate representations of reality in conceptual terms (e.g. expressionism, folk art, abstraction, and so on) and empirically (through different media: oil, acrylic, water colour, or pastel; and through different surfaces: wood, canvas, metal or paper). Design as visual arts offers a richer vocabulary to describe the complexity (and variety) of global public policy and transnational administration. It is a more appropriate metaphor for policy design in the 21st century: designing is as much about calculated rational planning as it is about *sketching*, which bears an exploratory representation (interpretation) of reality and integrates the subjectivity of the designer. In the design as visual arts perspective, the good design (good sketch) may be one that the artist ultimately commits to final execution because it makes sense, but design does not stop at execution: the artist continues to exercise judgement concerning selection of medium and surface. These subsequent decisions, which are design choices, are equally as important as the initial good sketch. The proposed new metaphor of design as visual arts has roots in the policy design literature that are seemingly overlooked by the new design orientation. When attempting to link the notion of design with decision-making, Alexander (1982: 281) pointed out the difficulties:

There are two basic reasons why the design of alternatives has hardly been addressed in connection with decision-making, and they relate to different views, sometimes implicit

rather than explicit, of the design process. If we regard decision-making as a process of choosing between alternative problem solutions which are already there, the question of their origin becomes secondary. [...] On the other hand, if alternative solutions have to be generated *ex nihilo*, many would rather ignore this inconvenient problem. This is true of those who would like to believe that the decision process can be expressed in an algorithm, however complex. Naturally, they prefer to disregard a stage involving creativity, with its associations of unpredictability and its basically irrational nature.

Design scholars have made tremendous analytical and empirical advances through creativity since the emergence of the design orientation. For instance, there is an improved understanding of the relationship between instrument mixes and (intended and observed) outcomes, as well as the mechanisms that may have generated this relationship. As the social sciences turn 'global', the response to the question 'Design: Search or Creativity?' (Alexander 1982: 281) should be the latter. The perceived or imagined *ex nihilo* quality of global public policymaking and transnational administration demands that design scholars take seriously the challenges and collective puzzling associated with developments at this governance level: time is ripe to shift the policy design approach to studying the global with the metaphor of *design as visual arts*.

References

- Alexander, Ernest R. (1982) 'Design in the Decision-Making Process', *Policy Sciences* 14: 279-292.
- Bobrow, Davis B. (2006) 'Policy Design: Ubiquitous, Necessary and Difficult' in B. Guy Peters and Jon Pierre (Eds.) *Handbook of Public Policy*, Thousand Oaks: Sage Publications.
- Boswell, Christina (2012) *The Political Uses of Expert Knowledge. Immigration Policy and Social Research*, Cambridge: Cambridge University Press.
- Bressers, Hans and Pieter-Jan Klok (1988) 'Fundamentals for a theory of policy instruments', *International Journal of Social Economics* 15(3/4): 22-41.
- Capano, Giliberto (2011) 'Government continues to do its job. A comparative study of governance shifts in the higher education sector', *Public Administration* 89(4): 1622-1642.
- Coen, David and Tom Pegram (2015) 'Commentary: Wanted: A Third Generation of Global Governance and Research', *Governance: An International Journal of Policy, Administration and Institutions* 28(4): 417-420.
- Dahl, Robert. A., and Charles E. Lindblom (1953) *Politics, Economics and Welfare: Planning and Politico-economic Systems Resolved into Basic Social Processes*, New York: Harper and Row.

DeLeon, Peter (2008) 'The Historical Roots of the Field' in Robert E. Goodin, Michael Moran, and Martin Rein (Eds.) *The Oxford Handbook of Public Policy*, Oxford: Oxford University Press, pp. 40-53.

Dryzek, John (1983) 'Don't Toss Coins in the Garbage Cans: A Prologue to Policy Design', *Journal of Public Policy* 3(4): 345-367.

Guiraudon, Virginie (2000) 'European Integration and Migration Policy: Vertical Policy-making as Venue Shopping', *JCMS: Journal of Common Market Studies* 38(2): 251-271.

Howlett, Michael (2000) 'Managing the "hollow state": procedural policy instruments and modern governance', *Canadian Public Administration* 43(4): 412-431.

Howlett, Michael and Raul P. Lejano (2012) 'Tales From the Crypt: The Rise and Fall (and Rebirth?) of Policy Design', *Administration & Society* 45(3): 357-381.

Howlett, Michael and Ishani Mukherjee (2014) 'Policy Design and Non-Design: Towards a Spectrum of Policy Formulation Types', *Politics and Governance* 2(2): 57-71.

Howlett, Michael, Mukherjee, Ishani and Jun Jie Woo (2015) 'From tools to toolkits in policy design studies: the new design orientation towards policy formulation research', *Policy & Politics* 43(2): 291-311.

Howlett, Michael and Jeremy Rayner (2013) 'Patching vs. Packaging in Policy Formulation: Assessing Policy Portfolio Design', *Politics and Governance* 1(2): 170-182.

Kingdon, John W. (1984) *Agendas, Alternatives and Public Policies*, Boston: Little, Brown and Company.

Kooiman, Jan (1993) *Governing as Governance*, London: Sage.

Lascoumes, Pierre and Patrick Le Galès (2007) 'Introduction: Understanding Public Policy through Its Instruments—From the Nature of Instruments to the Sociology of Public Policy Instrumentation', *Governance: An International Journal of Policy, Administration, and Institutions* 20(1): 1-21.

Lasswell, Harold D. (1954) 'Key Symbols, Signs and Icons' in Lyman Bryson, Louis Finkelstein, R. M. MacIver and Richard McKean (Eds.) *Symbols and Values: An Initial Study*, New York: Harper and Bros, pp. 77-94.

Lerner, Daniel and Harold D. Lasswell (1951) (Eds.) *The Policy Sciences: Recent Developments in Scope and Method*, Stanford: Stanford University Press.

Linder, Stephen H. and B. Guy Peters (1984) 'From Social Theory to Policy Design', *Journal of Public Policy* 4(3): 237-259.

Linder, Stephen H. and B. Guy Peters (1988) 'The Analysis of Design or the Design of Analysis?', *Policy Studies Review* 7: 738-750.

Linder, Stephen H. and B. Guy Peters (1991) 'The Logic of Public Policy Design: Linking Policy Actors and Plausible Instruments', *Knowledge and Policy: The International Journal of Knowledge Transfer* 4(1 and 2): 125-151.

Mahoney, James and Kathleen Thelen (2010) *Explaining Institutional Change*, Cambridge: Cambridge University Press.

Moloney, Kim (forthcoming) 'An International Civil Servant Agenda for Public Administration', *Public Administration Review*.

Sabel, Charles F. and Jonathan Zeitlin (2012) 'Experimentalist Governance' in David Levi-Faur (Ed.) *The Oxford Handbook of Governance*, Oxford: Oxford University Press, pp. 170-181.

Salamon, Lester M. (1981) 'Rethinking Public Management: Third party Government and the Changing Forms of Government Action', *Public Policy* 29: 255-275.

Schön, Donald A. (1988) 'Designing: Rules, types and worlds', *Design Studies* 9(3): 181-190.

Schön, Donald A. (1992) 'Designing as reflective conversation with the materials of a design situation', *Knowledge-Based Systems* 5(1): 3-14.

Stone, Diane (2013) *Knowledge Actors and Transnational Governance: The Private-Public Policy Nexus in the Global Agora*, Houndsmill: Palgrave Macmillan.

Stone, Diane and Stella Ladi (2015) 'Global Public Policy and Transnational Administration', *Public Administration* 93(4): 839-855.

Tinbergen, Jan (1958) *The Design of Development*, Baltimore: Johns Hopkins University Press.

Tinbergen, Jan (1967) *Economic Policy: Principles and Design*, Chicago: Rand McNally.

Thelen, Kathleen (2004) *How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States, and Japan*, Cambridge: Cambridge University Press.