# The Choice-Architecture behind Policy Designs

## From Policy Design to Policy Practice in the European Integration Context

Edited by:
Michiel S. de Vries
Juraj Nemec
Veronica Junjan

NISPAcee
THE NETWORK OF INSTITUTES AND
SCHOOLS OF PUBLIC ADMINISTRATION
IN CENTRAL AND EASTERN EUROPE

Co-funded by the
Erasmus+ Programme
of the European Union

# The Choice-Architecture behind Policy Designs

## From Policy Design to Policy Practice in the European Integration Context

**Edited by:**

Michiel S. de Vries
Radboud University Nijmegen,
The Netherlands

Juraj Nemec
Masaryk University Brno, Czech Republic

Veronica Junjan
University of Twente, The Netherlands

Bratislava: NISPAcee, 2020

**The Choice-Architecture behind Policy Designs**

**From Policy Design to Policy Practice in the European Integration Context**

**Main Editors:**
Michiel S. de Vries, Radboud University Nijmegen, The Netherlands
Juraj Nemec, Masaryk University Brno, Czech Republic
Veronica Junjan, University of Twente, The Netherlands

**Editors of Chapter 1. and Chapter 2.:**
Michiel S. de Vries, Radboud University Nijmegen, The Netherlands
Juraj Nemec, Masaryk University Brno, Czech Republic
Veronica Junjan, University of Twente, The Netherlands

**Editors of Chapter 3.:**
Juraj Nemec, Masaryk University Brno, Czech Republic
Martin Klus, National Council of the Slovak Republic, Bratislava, Slovak Republic

**Editors of Chapter 4.:**
Lesya Ilchenko-Syuyva, National University of "Kyiv-Mohyla Academy", Ukraine
Jaroslav Dvorak, Klaipeda University, Lithuania
Mihaela Victorita Carausan, National University of Political Studies and Public Administration, Romania

**Language Editor:** Jane Finlay

**Managing Editor:** Elena Žáková, NISPAcee, Slovak Republic

# Table of Contents

## 4. Policy papers

## 4.1. Use of Evidence in Public Policy Design and Implementation

## 4.2. Citizens' Participation

## 4.3. Reforms and Change

# Policy Design: Just a Fad or a Fundamental Concept? (Or How to Deal with Policy Design in Interesting Times)

*Veronica Junjan[1]*

A simple search on Web of Science (WoS) as of November 2019 on the search terms "policy" and "design" provides more than 100,000 records, distributed around 80,000 articles, almost 20,000 proceedings papers, 5,000 reviews, and subsequently decreasing numbers of editorial materials, book reviews, early access articles, book reviews and book chapters, etc. One can safely say that there is interest, both in policy as well as in design, and certainly in the combination of the two concepts in order to develop solutions for societal problems. In terms of the fields of publications as defined by Web of Science, the five most popular fields vary between economics (9.505); public environmental occupational health (8.656); engineering, electrical, electronic (7,433); environmental sciences (7.133), and environmental studies (6.385). Public administration comes in at number 23 with 2.146 hits, arguably with a much lower number of journals included in the WoS monitoring in comparison to other academic fields. Next to articles, similar searches conducted in other databases also indicate an increasing number of books dedicated to policy design.

The concept of design has been present in the field of public administration for a long time. Usually, it is considered as an approach directed towards developing solutions to societal problems. Peters (2018:1) defines it as a "concept that is used increasingly to describe the process of creating a policy response to a policy problem". Further, Peters (2018) outlines the evolution of the concept of design in public administration thinking, beginning from early work in the 1950s in political science from Lasswell (1951) work on public policy cycle, to Dahl and Lindblom's (1953) development on the concepts of formulation and planning, to Bauer and Gergen's (1968) work on planning. Herbert Simon stated in his seminal work *Sciences of the Artificial* (1996:111) that "everyone who designs, devises courses of action aimed at changing existing situations into preferred ones", and proposed the concept of design further as "Design, so construed, is the core of all professional

1    University of Twente, The Netherlands.

training; it is the principal mark that distinguishes the professions from the sciences" (Simon, 1996:111). Through this articulation of the design and placement of design in relationship sciences in general, policy design responds to the dual nature of public administration as a discipline with both an academic and an applied dimension which are inextricably linked to each other.

Policy design is usually applied with the underlying expectation that a solution (organisational or behavioral) is developed towards achieving a desired goal (Bobrow, 2006). Policy making is a combination between insights derived from scientific knowledge, policy makers' intuition and experience (tacit knowledge), and normative standards (Bobrow, 2006). Howlett et al. (2015:292) define policy design as a "deliberate and conscious attempt to define policy goals and to connect them to instruments or tools expected to realise those objectives". Peters (2018) underlines the element of consciousness in this definition through pointing out that the term "deliberate" emphasises the purposefulness in the analysis and the choice processes and a conscious effort to achieve a specifically defined goal and to limit the influence of haphazard and unpredictable factors. Whereas the (academic) desire towards rational approach supports the purposefulness of the policy design, practice shows that the (rational part of the) process is influenced by various other factors. These factors include perceptions of feasibility, specific interests of the actors involved, unpredictable interaction processes amongst actors (societal stakeholders and decision-makers), very different incentives for the actors involved to cooperate (or not), power and resource disparities amongst the actors involved in the process, different time dimensions relevant for the same actors, different institutional constraints which influence the decision space for the actors, as well as policy or organisational history (Howlett & Rayner, 2013; Howlett & Mukherjee, 2018; Hoppe, 2010; Hoppe, 2018). The choice of a policy paradigm – e.g. rational choice or interpretative approach – and awareness of the consequences of the chosen policy paradigm for the analysis is important for the application of the design approach in policy.

The relationship between rationality and complexity in policy design has been outlined from the top-down approach of the beginnings, to the more nuanced attention towards drawing attention to the interaction effects which make the understanding of the mechanism behind policy design difficult. Ackoff (1974:21) in Peters (2018:37) defines the interconnected (system of) policy problems, as a (policy problem) *mess*. Attempts to solve complex societal problems, following a simple serial approach, leads (unfortunately often) to policy failure in the short-term and sometimes to the worsening of the very problems that needed to be addressed long-term. The attempts to apply design (following the engineering approach) in public administration (which follows a social science empirical study approach) can be particularly frustrating. Attempts to combine the two approaches without understanding their basic assumptions arguably lead to failure to achieve the desired goal – the improvement of the current situation – if the (policy) designer deliberately ignores (or is unaware of) the environment characteristics specific to working with

and for the public sphere. Herbert Simon underlines the need to understand the environment where the problem is being identified by pointing out that "The apparent complexity of our behaviour over time is largely a reflection of the complexity of the environment in which we find ourselves" (Simon, 1996:80). This statement underlines the importance of using the *interaction* mechanisms between the individual behaviour and environment in order to design solutions to the societal problems instead of looking at the two separately. Understanding the interaction mechanisms between the individual and organisational behaviour within the public sector environment is crucial for developing a sustainable way of designing and implementing policy oriented towards solving societal problems. More recently, Capano et al. (eds) (2019) revive the interest in understanding the mechanistic chain in order to improve policy design.

When transitioning from an engineering approach to design towards reflecting on how to apply design in public administration, one needs to remember to take the human factor into account in all stages of the design process and consider carefully the instruments needed to incentivise the compliance of the human factor to the proposed policy. The human-centred design approach has already made steps towards systematic inclusion of users in product and service design (Cooley, 1989; Giacomin, 2014). For public administration, the very strong increase in the recent research regarding co-production and co-creation (Verschueren, Brandsen and Pestoff, 2012; Brandsen and Honingh, 2016, together with many other researchers) and reflection on the opportunities offered by technology in the co-creation processes (Lember, Brandsen, and Tõnurist, 2019) provides the theoretical steps to work further on systematising citizens' input in policy design.

Peters (2018: 6) explicitly points out that policy design is inherently political because it is ultimately an exercise oriented towards developing a solution for a societal (thus collective) problem, thus involving multiple actors. An excessive focus on technocratic solutions (even when they are technically elegant), without attention to the human factor, will impede upon the feasibility of their implementation. Policy designers also need to consider the political consequences, not only the economic ones (Peters, 2018:7) during the design process, as that would support the credibility of the developed solution. This involves explicitly acknowledging that policy design is (also) a political exercise where humans are the objects of the designed policy and therefore is based on (public) values, derived from the legitimacy of the collective choice: fairness, autonomy, democracy, to name but a few. Acknowledging the base of public value also implies that the designer is aware that making design choices has consequences for the broader societal context, such as increasing (or decreasing) inequality.

Dealing with humans (both as objects of policy and as decision-makers) and acknowledging the importance of public values in a collective choice process also implies that the design process involves conflict. This conflict can materialise at

different stages in the policy design. Such points can refer to decisions regarding the values to be pursued (and the trade-offs between the values), problem framing (which depends on the actors involved), which evidence to be used (and the weighing of the different types of evidence available), or in the choice of the policy instrument. Moreover, the designer has to deal with the already existing policies: given the complexity of current institutional arrangements, there are very few situations where the policy designer works with a blank slate (Peters, 2018). On the one hand, previous policy can be of help when identifying instruments and approaches that work (or not), helping the designer (hopefully) avoid past mistakes. On the other hand, the policy designer has to account for the already existing policies in order to deal with path dependencies and (again, hopefully) prevent (or at least limit) unwanted consequences of the proposed policy. Research on policy implementation shows that ignoring the already existing institutional and policy arrangements does contribute to policy failure (McConnell, 2010). Ideally, the policy design is targeted to a specific group, but, when dealing with increasingly complex problems, it is often difficult to pinpoint the intervention in such a way that no collateral effects take place. Even more important, in a democratic setting, successful implementation depends on citizen willingness to comply and on citizen's understanding of the idea of public interest, thus limiting the range of coercive instruments. The increased questioning of traditional sources of authority amplified by technological instruments at different levels of the polity also impacts upon the political decision-making, by ignoring the time required before a certain policy has palpable effects, leading, at times, to hastened reactions and over-reactions by the policy makers. These developments also need to be taken into account when considering the adaptability of the proposed design to the future.

Peters (2018: 13–20) proposes a classification for the types of design processes: a) policy and programme design, where the latter is considered to be a more restrained form of the former; b) ideological designs based on beliefs grounded in a particular set of values (which, for instance, can be political or associated with a certain profession), designs which are usually contrasted with rational design processes (based on scientific evidence); c) political designs, which combine sets of values of ideological designs in order to increase the political feasibility of the solution (arguably a variant of the ideological design); d) design by transfer, derived from policy diffusion where the importance of the context of the problem for which the design has been developed becomes even more visible; e) by innovation, which involves collaborative approaches and aims to improve delivery (even though design goes arguably on content and further than implementation), and f) accidental and experimental designs, which take place in crisis situations or simply through serendipity. The classification provides a useful starting point in understanding the diversity of aspects concerning policy design. However, the relationship between the criteria built into the classification discussed above, such as a differentiation

between macro-and meso institutional level, or a functionalist versus structuralist approach can be further discussed.

The above discussion raises the question on design components or rather, "what are the requirements to construct a policy design?" Hoppe (2018) proposes to focus first on the problem to be solved, also known as the problem-structuring approach. This approach has different stages aimed to help identify what the problem is, identify the path that makes a situation problematic, and structure the thoughts regarding developing a solution. The four stages proposed are problem sensing, problem categorisation, problem choice, and problem decomposition. In problem sensing, the core task is to make sure that the designer understands what the problem is and she/he is aware of the different shapes, positions and channels where societal discussions regarding the situation take place. Hoppe (2018) considers problem categorisation as identifying the gap between the current situation (perceived as problematic), and the desired stage. In the problem choice stage, the different facets of the action to be taken to reduce the problematic situation are summarised. Finally, in the stage of problem decomposition, Hoppe (2018) suggests investigating what the gaps are and how they can be addressed. One can therefore say that the components of a design presume understanding on several levels: understanding of the causal relationship within the problem components; understanding of the instruments available; understanding of the values by which the outcomes should be evaluated and a plan for intervention (Peters, 2018:21) In the process of integrating scientific results in the policy process, Wellstead et al. (2018) add additional arguments to support the idea of explicitly specifying the causal mechanism as a tool in strengthening the credibility of the scientific contribution to the process.

Bobrow (2006) and Howlett & Mukherjee (2018) discuss policy packaging as an alternative method of policy design. Policy packaging refers to the coordinated collective use of multiple policy instruments which are implemented together. Policy packages aim to replace other policy measures that were in place at the time of the new policy proposal (Howlett & Mukherjee, 2018). Patching refers to making additions or alterations to existing policies to adapt them to new situations or insights (Howlett & Mukherjee, 2018). To what extent one is preferable to the other is another issue. Some studies support the idea of a comprehensive coordination of packaging in order to achieve the desired goals (Hoppe, 2010; Howlett & Mukherjee, 2018). Other studies stress the practical aspects of patching (Howlett & Rayner, 2013). The policy packaging approach acknowledges explicitly that in order to achieve the desired goals, the policy instruments should be consistent, coherent, and congruent (Howlett & Rayner, 2013). Consistency is defined as goals, measures, and assessments kept constant over multiple policy measures. Coherence is defined as the different measures and policies being able to function together towards achieving the same goal. Finally, congruence means harmony existing between multiple goals, measures, actions and assessments. Arguably, they represent a way of addressing the existing institutional arrangements and path dependencies

existent in the current policies (or the lack of a blank slate) on which policy designers need to work. Albeit the need for another set of concepts supporting the need to coordinate and increase policy coherence can be further debated, it does not take away the fact that the policy packaging and policy patching approach acknowledges further the complexity of the existent policy arrangements and pleads for increased coordination and coherence in policy.

The discussion on the value of design approach for Public Administration (PA) has taken new forms recently. Following Shangraw and Crow (1998), public administration as a science studies both the internal environment of the public sector and the complex external environment in which public sector organisations function to provide services to citizens. The internal environment deals with the substance of public sector organisations such as structure, function and capacity, whereas the external environment deals with the relationship between the organisation and its institutional environment (Shangraw & Crow, 1998). When designing a tool or system, it is vital to acquire certainty regarding the goal of the intervention, the setting and level for which it shall be designed and what kind of insights or knowledge requirements the design of the intervention demands (Shangraw & Crow, 1998). A good design is one that meets the public demand for policy output in an effective and efficient manner (Shangraw & Crow, 1998).

Knowledge of both the internal and external environment is therefore necessary in order to develop a functional policy design. Meijer (2018) proposes that design-oriented public administration research (DOPAR) draws upon four different types of knowledge, namely: a) knowledge as a base of theories and models in public administration knowledge as a base of methods; b) instruments and operationalization from design science); c) insights, examples and design examples from other contexts, and d) specific knowledge about the context and user needs from the environment in which the design intervention is to take place.

The human/user centred approach developed in design sciences is analysed as a complementary approach for the classic problem-centred approach. Van Buuren et al. (2019:3) plead for a "better understanding of the different applications of design in the fields of public policy and public administration and their implications, in order to say something substantiated about the potential contribution of the present-day design orientation to public administration". They conduct an extended analysis of the PA literature and propose three approaches for design in PA: design as optimisation, design as exploration and design as co-creation. The proposal entails the specification of the purpose of using the design approach, as complementary to the classic social science approach in PA.

**Table 1**
Three design approaches in public administration

| | **Design as (bounded) optimisation** | **Design as exploration** | **Design as co-creation** |
|---|---|---|---|
| Logic | Design as translating knowledge into the best possible solution | Design as creative art: finding novel solutions to problems | Design as participatory endeavour: all affected actors engage in defining problems and solutions |
| Methods used | Tools to translate formal knowledge into artefacts | Tools that foster out-of-the-box thinking and innovation | Tools for dialogue and interaction |
| Motive | Putting the best available knowledge into a solutions helps practice to solve its problems | Design thinking can enlarge the solution space, foster creativity and enhance imaginative power | Design processes can bring actors together, foster learning and build consensus |
| Related concepts | Evidence-based design, scientific design, knowledge-based design, design as problem-solving | Design-thinking, open innovation, design as imagination | Co-design, collaborative design, participatory design |

Source: Van Buuren et al. (2019:9)

Hermus et al. (2019: 13) conducted an extended literature review on the way design in PA has evolved since the article of Shangraw and Crow(1989) and distil subsequently six design approaches present in academic literature in public administration. The link they identify between design approach and targeted level of government is strong: inspirational approaches are used extensively at lower levels of government. The purpose of design is also important in their results. Hermus et al. (2019:15) also indicate "Design is more often seen as a way of 'translating' knowledge than as a way of 'producing' knowledge." This suggests that the purpose of using the design approach remains important in PA studies, although sometimes the purpose stays implicit. Subsequently, they plead for a more in-depth analysis of the design types used in PA and an assessment of the conditions under which they function in practice.

**Table 2**
Different approaches to design in public administration

| | **Informational approach** | **Inspirational approach** |
|---|---|---|
| Knowledge-focused | Theory-driven design | Synthesis-oriented design |
| Situation-focused | Evidence-driven design | User-oriented design |
| Implementation–focused | Consensus-driven design | Change-oriented design |

Source: Hermus et al. (2019:13)

## Conclusion

Knowledge-driven approaches remain popular in PA, suggesting that the community remains preoccupied by addressing the challenge on "how things ought to be" as put forward by Herbert Simon (1969). Policy design literature attempts to examine the challenges that may have been faced in developing and in implementing policies. A clear understanding of the formulation and implementation challenges facilitates a better grasp and a better understanding of shortcomings that may finally be found during evaluation (and thus improve the re-design of the policy in the next step).

All the studies discussed above have mentioned the importance of understanding the context (political, administrative, societal, cultural, etc), where the policy design process takes place. The large majority of the studies discussed in the above chapter are located or discuss policy design in the context of countries with a stable political system and a functional public administration; a functional public administration where usually organisational and institutional capacity is present and is a given (albeit arguably the access to resources can be improved). The advantages brought by the design approach in order to develop solutions for societal problems in a complex and turbulent environment are already documented in the available literature. The complementarity between the theoretical approaches of social science and the methodological instruments is more relevant than ever for public administration.

However, the conditions necessary and required to develop institutional, administrative, and policy capacity needed to conduct policy design (with all its caveats) are painfully absent from the mainstream literature. To a certain extent, it is logical because in the political-administrative contexts investigated by mainstream literature, they do exist and are arguably taken for granted. The transition and developing countries remain under-represented in mainstream literature. The sectorial literature on water management, natural disaster mitigation, or emergency response planning provides some answers to that need, and points out the blind spot that exists in the mainstream literature in public administration: how to build institutional capacity for policy design in the public sector. What are the institutional conditions specific for applying design in the public sector (in its diversity)? Glimpses at the (few) studies that exist suggest a high level of inequality and dependence on local context, a strong top-down approach, and – in the best case scenario – an opportune happy conjunction of resources, usually united under a visionary leader with strategic capacity.

The lack of attention for the development of sustainable and systematic institutional, administrative, and policy – and policy design – capacity is regrettable for both practical and academic reasons. From a practical point of view, it is unfortunate because it does not equip academia to properly help policy makers with the

knowledge and insights needed to solve societal problems. The academic reasons are, arguably, even more stringent. First, it impedes on the testing of theories in different contexts, and thus limits the advancement of knowledge. Second, developing and transition countries have been systematically faced – for at least thirty years – with structurally unstable political systems and with competing and conflicting requests from very different societal groups: this means that they are accustomed to dealing with political instability. In spite of this political instability, administrative systems have (indeed, slowly) been reformed and continued to execute their tasks, and learned on-the-go to cope with an increasing set of societal challenges. When studied and analysed systematically, the experiences of transition and developing countries have a strong potential to contribute to the further development of public administration literature by showing how to cope with a continuous transformation in an unstable environment. This is of particular importance given the increasing turbulence at global level, where economic and financial crises propagate quickly, and developing sustainable answers requires swift and coordinated responses.

## References

Ackoff, R. L. (1974) *Redesigning the Future*, New York: Wiley.

Bauer R. A., and Gergen, K. J., (1968), *The Study of Policy Formation*, New York, Free Press.

Bobrow, D. B. (2006). Policy design: ubiquitous, necessary and difficult. In Peters, G., & Pierre, J. (eds.), *Handbook of Public Policy*. London, UK: SAGE publishing.

Brandsen, T., & Honingh, M. (2016). Distinguishing Different Types of Coproduction: A Conceptual Analysis based on the Classical Definitions. *Public Administration Review, 76*(3), 427–435.

Capano, G., Howlett, M, and Ramesh, M (eds.) (2019), *Making Policies Work. First and Second order Mechanisms in Policy Design*, ElgarOnline.

Cooley M. (1989) Human-centred Systems. In: Rosenbrock H. (eds) *Designing Human-centred Technology*. The Springer Series on Artificial Intelligence and Society. Springer, London.

Dahl R. A., and Lindblom C. E., (1953), *Politica, Economics, and Welfare,* New York: Harper &Row.

Giacomin J. (2014) What Is Human Centred Design?, *The Design Journal*, 17:4, 606–623.

Hermus, M., van Buuren, A. and Bekkers, V. (2019) Applying design in public administration: a literature review to explore the state of the art, *Policy & Politics*, xx(xx): 1–27, DOI: 10.1332/030557319X15579230420126.

Hoppe, R. (2010). *The Governance of Problems: Puzzling, Powering, Participation*. Bristol, UK: The Policy Press.

Hoppe, R. (2018). Rules-of-thumb for problem-structuring policy design. *Policy Design and Practice, 1(1),* 12–29.

Howlett, M., & Mukherjee, I. (2018). The contribution of comparative policy analysis to policy design: articulating principles of effectiveness and clarifying design spaces. *Journal of Comparative Policy Analysis: Research and Practice, 20(1),* 72–87.

Howlett, M., & Rayner, J. (2013). Patching vs packaging in policy formulation: assessing policy portfolio design. *Politics and Governance, 1(2),* 170–182.

Howlett, M., and Lejano, R. P. (2012) Tales From the Crypt: The Rise and Fall (and Rebirth?) of Policy Design, *Administration & Society* XX(X) 1–25 doi:10.1177/0095399712459725.

Lasswell, H. D and Lerner, D. (eds) (1951) *Recent Developments in Theory and Method*, Stanford, CA: Stanford University Press.

Lember, V. Taco Brandsen and Piret Tõnurist (2019) The potential impacts of digital technologies on co-production and co-creation, *Public Management Review*, 21:11, 1665–1686.

McConnell A (2010) Policy success, policy failure and grey areas in-between. *Journal of Public Policy* 30(3): 345–362.

Meijer, A. (2018). *How can Specific Design Interventions Generate Generic Knowledge? – Design-Oriented Public Administration Research for Useful Interventions and Academic Knowledge*. Paper presented at the IRSPM 2018, Edinburgh.

Peters, B. G. (2018), *Policy Problems and Policy Design*, Cheltenham, Edward Elgar.

Roberts, A. (2017). The Aims of Public Administration: Reviving the Classical View. *Perspectives on Public Management and Governance,* 73–85. Retrieved April 20, 2018, from https://academic.oup.com/ppmg/article-abstract/1/1/73/4259411.

Shangraw Jr., R. F., & Crow, M. M. (1998). Public Administration as a Design Science. *International Journal of Public Administration*, 21(6–8), 1059–1077.

Van Buuren, A., Lewis, J., Guy Peters, B., and Voorberg, W. (2019) Improving public policy and administration: exploring the potential of design, *Policy & Politics*, xx(xx): 1–17, DOI: 10.1332/030557319X15579230420063.

Verschuere, B., Brandsen, T., & Pestoff, V. (2012). Co-production: The State of the Art in Research and the Future Agenda. *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations*, 23(4), 1083–1101.

Wellstead, A., Cairney P, and Oliver K (2018) Reducing ambiguity to close the science-policy gap, *Policy Design and Practice*, 1:2, 115–125,