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Such trajectories for policy lines becoming agenda items stress the competitiveness of the process. Chance plays a part, but the skill of entrepreneurs to seize the moment and persuade others, or maneuver their issue into prominence before the moment is lost, is also prominent in such accounts. However they might have to be modified somewhat in political systems where there is a stronger monopoly of political authority as found in systems of party government with a fused legislative and executive power. The United States is one of the few countries with a clear separation of legislative and executive power. Policy entrepreneurship in the USA might be accurately described as mobilizing the support of a diverse and internally differentiated legislature as well as executive. Moreover, it is possible to identify similar processes of interest groups struggling to place items on the agenda via contacts with the executive or even through private members' legislation in executive-dominated systems such as the UK (see Norton 1993; Richardson and Jordan 1979; Griffith 1974) or other European countries (see Richardson 1982). Yet entrepreneurship in such fused executive-legislative systems under party government generally means getting the support or acquiescence of leading figures within the governing party-an "executive mentality" permeates the system (Judge 1993, 212). As Mayntz and Scharpf (1975, 136-7) suggest, in Germany interest groups "rarely offer fullfledged program proposals or try to initiate policy. This may not hold for some ... but most interest organizations tend to react to the initiatives or proposals ... rather than tak[e] ... the initiative themselves." In the German "active policy making structure" the federal ministries "are the most important ... policy makers. ... [T]he federal bureaucracy also controls, collects and processes most of the information relevant to policy decisions" (Mayntz and Scharpf 1975, 131). This is not to suggest a monocratic "coordinated" central government. As Hayward and Wright (2002, 272) point out in the case of France, "governing from the centre(s) should not be confused with obsessively integrated government," even though the "core executive" (or as Hayward and Wright prefer, "core executives") is the prime arena for the "initiation, agenda-setting and formalization stages of decision making."

If we examine the development of one legislative initiative in the UK—the development of Anti-Social Behaviour Orders (ASBOs)—one can offer an example of a less competitive agenda process of the kind found commonly outside the United States. ASBOs allow courts to require individuals to submit to conditions (such as restricted movement) even though they may not be guilty of a criminal offence. As Burney (2002, 470) describes it, the idea arose from a series of publicized prosecutions which "created the paradigm of the neighbourhood blighted and terrorised by the outrageous behaviour of one or two families, groups or individuals, apparently beyond the reach of the law." The issue became Labour policy following a speech by Jack Straw (later to become Home Secretary) to the Labour Party Conference in 1996, and ASBOs were introduced in the Crime and Disorder Act 1998 soon after New Labour was elected in 1997.

In some senses it is possible to see the agenda-setting model in this development: a clear public concern, the activities of several groups (above all the Social Landlords' Crime and Nuisance Group). But this policy was maintained and driven by the party

in government to the extent that it is extremely difficult to envisage that any group would be able to mobilize effectively against it. It became anchored, in part, because it reflected a general principle that Labour wanted to project—that New Labour was "tough" on disorder and would no longer "be influenced by 'liberal pressure groups'," but also because the policy line itself had become such an object of commitment within the party that the process of deliberation became exceptionally heavily skewed in support of Labour's stated position:

The headline horrors still dominated the debate: the original cases cited in the Labour Party document of 1995 were recycled in Home Office guidance ... published four years later without any further attempt at assessment of the nature, extent and severity of the kind of behaviour being targeted. Such information as there was came almost entirely from a housing management perspective. (Burney 2002, 472)

Moreover, through the toughening and extension of the system, including through the the Anti Social Behaviour Act 2003, ASBOs and their development can be accurately viewed as primarily a New Labour phenomenon—a desire to use the tool as a means of cracking down on anti-social behaviour—rather than a response to group or any distinct public pressures.

Party government makes the agenda-setting process less competitive in the sense that once a party, or a leading group or individual within it, has become converted to a particular policy, it can retain its importance as the validity of the line as a means of addressing a problem becomes an issue of faith which can take over as the impetus for its development.

#### 3.4 Measures

The idea that policies can originate in measures might seem implausible. The form of measures that can initiate a policy discussed in the early part of this section might be interpreted as something of a sleight of hand—"policy as its own cause" refers to policy creating unanticipated problems or consequences that then have to be addressed by other policies. While the initial push that started the policy process rolling might have been the measures passed in pursuit of an earlier policy, the manner in which the issue gets handled may, in fact, be at the level of policy lines, principles, or even ideologies—the "bonfire of controls" or initiatives seeking to rid us of "red tape" on which governments occasionally embark may be stimulated by the accumulated mass of measures generated in the pursuit of diverse policies in the past, but the idea gains momentum primarily as a principle (of reducing regulatory burdens) that governments seek to apply across different policy areas. While measures may be an impetus to policy development elsewhere, in what sense can policies be seen to originate as distinct measures?

Despite recognition that "implementation" can shape policy, the notion that there is some funnel of causality in the development of public policy still obtains when it comes to understanding how the precise measures designed to give effect to the intentions behind policy lines are elaborated: first the broad principles of policy are settled and then the specifics are progressively narrowed down (Hofferbert 1974). Devising the measures to give effect to established policy lines, according to this view, becomes closer to a routine, mechanical even, working through the logical consequences of a policy commitment and translating it into specific laws or other measures and securing the necessary budgetary, manpower, or other resources to carry it through. It is, of course, difficult to find a clear statement that the development of measures-the design and application of tools of government (Hood 1983)—is generally regarded as unimportant. The main justification for stating this is the almost complete absence in the literature on public policy of empirical evidence about how the basic tools of government are used by those whom one might expect to be policy craftsmen and -women (see Page and Jenkins 2005). Between a firm commitment by a government to do something about an issue and the set of specific measures to do it with-laws, guidance, budgetary allocations, and the like-is a huge gap. Policy announcements and the commitments made by politicians are rarely enough on their own to guide the hand of legal drafters and those with similar policy enactment roles. Despite the assumption in some of the US literature, such as the study by Huber and Shipan (2002), that politicians shape legislation in detail, to the extent of deciding how much discretion should be left to the bureaucracy in implementing a law, the evidence suggests that politicians rarely get involved in determining the detail of legislation.

If working out the detail of legislation and the other measures needed to give effect to general commitments about policy lines were routine, we would be unable to say that policy starts life here. What have elsewhere been termed "policy bureaucracies" (Page and Jenkins 2005)—parts of the administrative system (whether attached to the legislative, executive, or judicial branch, or even to non-governmental bodies such as interest or professional organizations) given responsibility, among other things, for giving effect to policies—would at best be finishing shops for policy rather than the design studio. Yet they are not. Since relatively little is known about this aspect of the origins of policy, my examples are confined to the UK, although there is little reason to think that the phenomenon of policy starting life as measures developed by "policy bureaucrats," often relatively junior officials, is entirely a UK phenomenon.

Instructions to policy officials to write legislation and other measures to give effect to policy are almost always vague and require the development of lines of policy to enable them to produce the detailed measures required for a coherent law. Talking of the role of the legal drafters of bills to be presented to Parliament, one UK policy bureaucrat who was giving instructions to the lawyer on the policy to be included in the draft pointed out (Page 2003, 662):

It is common for them to come back with a number of questions on the instructions, to clarify just what it is that the policy aims to achieve. It is by no means uncommon for substantial issues of policy to arise at this stage often generated by a series of "but what if ...?" questions through which either the instructions or the early drafts are tested to destruction (an interesting process, though not always a comfortable one). It is largely for this reason that

discussions ... on the draft are frequently more than a straight check that he or she has done what we asked.

To develop policy measures, not only do policy lines have to be clarified, in some contexts they have to be developed for the first time. Fundamental policy line issues can develop from the attempt to develop policy measures. In legislation aimed at civil recovery of criminal assets ("civil forfeiture" in US terminology), the details of the whole legal framework for civil recovery (i.e. how to use the civil courts to take away assets believed to be the proceeds of crime even if there has been no criminal conviction) was left to officials to develop and this involved selectively borrowing from practices in Ireland and South Africa, among other places. Deciding the range of assets that could be recovered was one major policy question. As an official involved put it:

We had a broad scheme but we had to make sure that it exempted some things we wanted it to exempt. Crown Property could be by some quirk a part of crime property. We had to think about pensions and pension funds could they be ransacked for proceeds of crime? These were hugely complex questions. (quoted in Page 2003, 662)

The question of what types of property and assets could be seized required the development of distinct lines of policy as officials sought to devise ways of making the idea of civil forfeiture work.

Indeed the origins of this same piece of legislation, the Proceeds of Crime Act 2002, are to be found in policy officials seeking to develop measures for making earlier legislation on the seizure of criminal assets work (see Page 2003). Developing measures for earlier policy lines can lead to the initiation of other lines. The law started life in 1998 within the Home Office as the Third Report of the Working Group on Confiscation. Some of the officials working on this report recognized that new legislation was needed if the government's intentions of using civil procedures to seize assets were to be achievable. The initiative gained political momentum not least because it was subsequently taken up as a priority by the policy unit close to the Prime Minister (the Performance and Innovation Unit, the report of which was partly written by two of the Home Office officials who had served on the original Working Group and later on the team writing the legislation). The issue, though it started life as the work of policy bureaucrats seeking to develop measures to give effect to a particular policy line, also featured in Labour's 2001 election manifesto.

### 3.5 Activities: Policies without Agendas

The notion of an "agenda" implies that issues are to be subjected to some form of deliberation. However it is possible for policies to be in place without ever being consciously deliberated on. One traditional version of this form of policy is the "non-decision" in the formulation of Bachrach and Baratz (1962). It is quite possible that unconscious (or at least unremarked on) inaction is a form of policy making—the classic case here is Gary, Indiana's failure to introduce pollution legislation despite

the high levels of air pollution identified in Crenson's (1971) landmark study The Un-Politics of Air Pollution. The cause of this "un-policy" was, according to Crenson, the corporate power of US Steel, a dominant employer in the town, which managed to keep clean air laws off the political agenda. The central problem with this argument is empirical rather than theoretical. The range of items that could potentially be on the political agenda is to all intents and purposes infinite. Determining whether an item is not on the agenda because someone kept it off or because it was just one of the multitude that never makes it on to the agenda is difficult, if even possible. As Polsby (1980) shows, Bachrach and Baratz, having raised the issue, went on to demonstrate the issue was incapable of empirical study because once an issue is directly observable as a proposal, failing or refusing to discuss it may be a successful method of opposing something, but it is not a non-decision. Although Crenson's inventive study offers strong circumstantial evidence of a non-decision, by its very nature a non-decision is not directly susceptible to observation. Nevertheless, we must be sensitive to the possibility that items never reach political agendas because of the real or anticipated power of an individual or a group.

Yet "non-policies" are not the only form of policies without agendas. It is also possible to observe policy that has passed through very limited or virtually no deliberative processes because of the absence of any focused discussion as implied in the metaphor of the agenda. If being on the "agenda" of public policy means, at least in part, being subject to deliberation by the formal legislative, executive, and judicial authorities which give public policy programmes legitimacy, it seems hard to envisage public policy which does not pass through an agenda. Nevertheless, such policies exist, especially those shaped by "street level bureaucrats" (Lipsky 1980), including social workers and police officers, who have a degree of discretion in how they carry out their functions. Such policy-shaping activities have been discussed in the US urban literature as "bureaucratic decision rules." Mladenka (1989) points to research indicating that biases in public services can reflect the largely unchallenged norms by which service providers deliver them. For example, library professionals take data on circulation rates as indicators of "need" for their service. Thus larger circulations are taken to mean that demand and therefore "need" is high, and this norm can result in higher financial and staff resources, and more libraries, going to wealthier areas. "First come first served," "oiling the squeaky wheel," and "meeting demand" are further examples of decision rules which have had distributional consequences for urban services. Mladenka's (1989) own research included an examination of how park and recreation services were allocated in Chicago. The city sought to avoid continuing the practices that had allocated disproportionately better services to white neighborhoods by the city's Planning Committee prioritizing neighbourhoods on bases other than demand and putting greater emphasis on regenerating declining areas. Yet the decisions taken in practice largely ignored the prioritization:

On what basis does deviance from the Planning Committee's recommendations occur? Interviews with the superintendent [of the Parks department] did not produce satisfactory answers and justifications were generally vague. When asked why a low ranked facility was built before one given higher priority, the answer was apt to be "in our judgement that neighbourhood was in most need" or "that area had been without a fieldhouse [sports changing room] for years and was entitled to one". The fact that the Planning Committee's recommendations were based on need factors and levels of existing facilities is ignored when such responses are given. (Mladenka 1989, 576)

The MacPherson Report on the murder of Stephen Lawrence, for example, found "institutional racism" in London's police force and took pains to separate this from any individual racism of members of the Metropolitan Police. Institutional racism was:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people. (MacPherson 1999, 6.34)

Thus the issue of race in public policy not only shaped the handling of the specific murder case but was also reflected in the way policy was delivered more generally as reflected in, to give two examples cited by MacPherson (1999, 6.45), the ethnic disparity in "stop and search figures" and the under-reporting of "racial incidents."

The idea that activities can be sources of policy is not simply confined to the issue of street-level bureaucracy: It is also possible for higher-level officials and politicians to approve arrangements without debate. A particularly striking instance of policy without agendas can be found in Moran's (2003) elaboration of "club regulation" that emerged in the United Kingdom in the nineteenth century and remained an important mode of governance until the 1960s. "Club regulation" took the form of an elite acquiescence in allowing a large amount of self-regulation, with a light touch by regulatory institutions and legal instruments in issues ranging from factory safety through financial transactions to sport. "Club regulation" in part fits the model of "non-decisions" since it helps explain why other forms of regulation never developed. Moran (2003, 64) argues that, "The rise to hegemonic status of a mandarin, club culture—is connected to one of the great mysteries of the original Victorian regulatory system," that of why despite the early use of independent regulatory commissions they withered away. There developed no widespread use of "powerful regulatory agencies that came to characterize the American regulatory state in the twentieth century." Moran does not have to look far for the main culprit: "Fundamentally what destroyed them was the power of traditional constitutional ideologies, notably those that insisted on the central department with a ministerial head, as the only proper way of organizing public regulation."

## 4. CONCLUSIONS

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There is no simple answer to the question of where policies come from. The best we can do is indicate the proximate events leading to the authorization or other form of

adoption of policies. Since the procedures leading to authorization and adoption are, at least to a substantial degree, usually institutionally defined, it is not possible to regard the origins of policy in the same way that we might consider the origin of the species in biology as following the same logic or rules whatever the jurisdiction. This chapter has concentrated on outlining the ways that policies can emerge in systems which do not share the basic contours of the US pattern of government. In particular, it suggests that the possibilities for executive dominance of the policy process mean that different kinds of policy origins are more apparent outside the USA than they are in the US-dominated literature on the subject.

To point out the system-specific characteristics of theoretical approaches that have tended to dominate thinking about public policy outside that system is not to criticize them. Rather, it is closer to a criticism of the attempt to adopt them with little systematic adaptation to different kinds of political systems which lack the constitutional, institutional, and political features that underpin them on their native soil. Such criticisms may be extended to a wider range of theoretical approaches, past and current, which have tended to downplay the possibilities for hierarchy introduced by the fused executive-legislative systems dominated by party government characteristic of European government. Thus the "policy communities" of European nations cannot resemble the "issue networks" of US experience from which they have been borrowed (a point raised by Jordan 1981 and Rhodes 1997 among others); "corporatism" in the 1980s sought to extend experiences of some continental European systems prior to the 1960s (including Italy, Austria, and Sweden) with traditions of tripartite bargaining between labour, capital, and government to systems which had never had them (see, for example, Rhodes 1986), and the "community power debate" of the 1960s and early 1970s eventually discovered that the question of "who governs?" could not be posed in quite the same way in Britain as in the USA since the answer was obvious—the institutional leaders of municipal government (Newton 1975). Contemporary theories of delegation and principal-agent relations, with the baggage of legislative influence that seems to be imported along with them, might also be candidates for ideas that are probably more interesting in the US context and in need of substantially more sophisticated adaptation to European conditions than they are subjected to generally.

The recognition that such theories cannot be easily applied outside the USA is quite commonplace, but theoretical frameworks that incorporate hierarchy as a systemic feature—with hierarchy as the central reason why such theories cannot be directly applied in systems with fused executive-legislative branches under conditions of party government—have not generally tended to follow. Instead, theories of policy making tend to treat hierarchy as a variable—something that applies to some sectors or circumstances and not to others, rather than a core systemic feature of government. The central point about systemic hierarchy is not, however, that it is constantly applied, but that it can be *applied at all*. Its presence shapes how decisions are made, whether it is directly exercised or applied or not.

Knowing that governments can, with a secure majority in Parliament, ensure that their proposals can be put into law, whether or not other organized interests oppose them, shapes the strategies and expectations of these groups—Finer (1966, 28–9) for example noted the tendency for group representatives "to be turned into an agency of government administration" by close involvement with government ministries. There is also evidence that interest groups in the UK have relatively low expectations of what they might achieve through their contact with government (Page 2001, 154). The importance of the executive in policy making in such systems also places an emphasis on understanding intra-executive processes of government that has generated remarkably little research. While we may know something (albeit often on the basis of dated information—see Aberbach, Putnam, and Rockman 1981) about the people at the top of the executive, we have little on the executive at work and few systematic examinations of the norms and procedures of policy making within the executive comparable with Kingdon's (1995) rich analysis of policy making in the USA. How ministerial agendas are developed, how such agendas are communicated to officials who develop ministries, agencies, departments, and such like what is the role of the officials in developing them, what cues they rely upon, and how partisan priorities impinge on routine policy making, are almost terra incognita in the European study of public policy. Studies of executive organizations tend to treat ministries, agencies, departments, and such like as single bodies which develop policies rather than internally differentiated complexes in which bureaucratic norms and procedures, as well as bureaucratic politics, shape what they do.

The origins of public policy are a clear example of this lack of a theoretical framework that recognizes the constitutional peculiarity of the US system, above all by developing the central role played by the executive in the process in other countries. In such systems more attention needs to be paid to the origins of policy, even the proximate origins of policy, in processes somewhat removed from the legislative process that serves as the central arena for Kingdon's (1995) studywhether at the level of principles and ideology or in developing policy lines and measures. The pluralistic agenda-setting models of the USA direct attention away from the rather different process of getting policies started which often has as its focus processes internal to the executive. Curiously, a clearer elaboration of the theoretical and empirical consequences of executive dominance in the policy process offers the possibility of helping explain the more hierarchical, but less studied features of the US system. The secondary legislative process of "administrative regulation" has for some time in the United States been regarded as an important, if understudied feature of the system (see West 1995). Yet while it was generally defined as yet another adjunct to the pluralistic fragmentation of the American policy-making process, where groups that lose out in shaping congressional deliberation can seek to influence the administrative regulations (Lowi 1969), there is increasing appreciation that administrative regulation can offer US executive agencies something like the sort of latitude available to bureaucracies in more hierarchical systems when it comes to shaping, even initiating policies. So, for a change, US political science can learn from studies of European policy processes.

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