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and decisions and had failed to clarify the relation between structure and agency. The work of Anthony Giddens (1984) exemplifies the efforts of many thinkers to overcome this dualism: agency produces structures, which in turn condition agency.

Most recently, Michel Foucault's influential work has shifted the debate over power in two ways. First, he replaces the duality of structure and agency with a conception of discursive practices that form the ensemble power/knowledge. As Stewart Clegg (1989, 158) puts it, "Foucault seeks to show how relations of 'agency' and 'structure' have been constituted discursively, how agency is denied to some and given to others ... The focus is upon how certain forms of representation are constituted rather than upon the 'truth' or 'falsity' of the representations themselves."<sup>3</sup> Second, and relatedly, Foucault rejects the focus of classical political theory on "sovereign" power in favor of discursive practices that pervade and "discipline" the entire social field. Because power does not have a definable center, it cannot be overthrown through regicide or its equivalent, but only resisted at specific points in the social field. We can best understand power, therefore, by studying "micropolitics" rather than institutions, structures, or causal relations.<sup>4</sup>

Against this backdrop of competing approaches, I want to investigate two conceptions of power—effective agency and domination—in somewhat greater depth. Many scholars trace this discussion in its modern form to Thomas Hobbes, who devoted a portion of chapter 10 of *Leviathan* to this topic. Hobbes defines the "power of a man" as his "present means, to obtain some future apparent good." Some means—such as strength, good looks, intelligence, charm, and the like—are aspects of an individual's natural endowment. Other means—wealth, fame, friends—are gained through the exercise of such endowments. The essential point is that these means are resources that determine the extent to which an individual has the *power to* attain particular ends.

Many reject this way of framing the issue on the ground that the most relevant understanding of power is as *power over* others. The underlying argument is that in our political and social life, our ability to attain our ends is thwarted, not only by the lack of personal resources, but also by the conflicting ends and intentions of other agents. It is this intuition that leads Brian Barry (1989) to argue that an individual has power if he has the "ability to overcome resistance or opposition."<sup>5</sup> In a similar vein, Robert Dahl (1957) argues that "A has power over B to the extent that he can get B to do something that B would not otherwise do."<sup>6</sup> The modern origin of this way of thinking is Max Weber's (1947, 152) definition of power as "the probability that one

<sup>3</sup> Clegg 1989, 158. The preceding three paragraphs summarize the account that Clegg (1989, chs. 3–6) offers in his useful survey.

<sup>4</sup> This brisk canter through decades of complex disputation is all that space permits. Clegg (1989) offers a wealth of detail as well as a superb bibliography.

<sup>5</sup> Quoted and discussed in Morriss 2002, xxxiii. Morriss's volume complements that of Clegg by providing a comprehensive bibliography of the analytical philosophical literature on conceptions of power.

<sup>6</sup> Quoted and discussed in Morriss 2002, 13.

actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests.”<sup>7</sup>

It is common to associate “power over” with coercion, but as Weber’s definition makes clear, the scope of the concept is much wider, because the basis on which A exerts power over B may have little or nothing to do with compulsion. Consider a familiar micro-example: the organizer of a conference asks a prominent expert to write and present a paper, but the expert declines. The organizer then offers the expert \$5,000, and he assents. Without resorting to coercion, the organizer has gotten the expert to do something that he or she otherwise would not have done. In this sense, the phrase “bargaining power” is more than metaphorical.

Bargaining situations illustrate, as well, that power relations can be reciprocal: B can have power over A at the same time that A has power over B.<sup>8</sup> It may still make sense to claim that A has *more* power over B than B has over A, as indicated by (say) the division between the parties of the advantages accruing from agreement.<sup>9</sup>

For the most part, earlier generations of scholars distinguished between economic and sociopolitical relations: economics was considered to be the sphere of free exchange among symmetrically situated agents, while society involves power-based transactions among unequal agents. Since the 1960s, however, theorists such as John Harsanyi (1962) and Thomas Schelling (1960) have argued for a more integrated view of power and exchange. The reason is this: to the extent that A’s resistance to B’s will is a function of incentives for compliance, B can reasonably hope to gain A’s cooperation by changing the balance between gains (or losses) from compliance as opposed to continued resistance. To recognize this is to narrow the gap between the activity of exchange and the employment of power.

This is not to say, however, that the two concepts are wholly congruent. While some theorists have tried to model authority (“legitimate” power) as exchange, the thesis seems forced. To be sure, legitimacy depends on performance: over time, troops are likely to challenge the authority of military leaders who prove cowardly and incompetent, especially when these faults subject soldiers to unnecessary risks. Day to day, however, the authority of commanders does not depend on exchange. When soldiers receive orders from sources they regard as legitimate, they comply without asking for anything in return. At the level of individual events, the structure of power relations may look nothing like exchange.

Political power is located somewhere between economic exchange and military obedience. During the 1952 presidential transition between Harry Truman and the President-Elect, Dwight Eisenhower, the outgoing president mused that Eisenhower would enter the Oval Office with false expectations. “Poor Ike,” Truman exclaimed, “he’ll sit here and say Do this, do that. And nothing will happen” (Neustadt 1960). Put more formally, Truman was suggesting that while military leaders can get their way by invoking their authority, a president who wants to succeed must have an

<sup>7</sup> For an important recent elaboration of Weber’s thesis with particular attention to various forms and sites of power, see Poggi 2001.

<sup>8</sup> For an elaboration of this point, see Baldwin 1989, 113–20.

<sup>9</sup> This is not to say that power can be precisely measured. See Baldwin 1989, 24–9.

answer to the recalcitrant committee chair who asks, “What’s in it for me?” During 1993, for example, President Clinton offered inducements to many congressional Democrats to gain their support for controversial proposals such as his deficit-reduction plan and the North American Free Trade Agreement. This kind of political power is at its core transactional and rests on the supply of tradeable resources at an official’s disposal.

On the other hand, public officials often attain their objectives by exercising non-exchange-based forms of power. For example, their offices come equipped with formal authority. Many senior officials have subordinates whom they can hire and fire at will and who are expected to obey their superior’s decisions. Many officials also enjoy substantive authority, based on factors such as the process by which they were selected or their personal characteristics. It is difficult for most people to walk into the Oval Office without being reminded that unlike every other public official in the United States, the president occupies his office pursuant to a decision made by the people as a whole. This creates an aura of legitimacy, which is magnified when the president displays unusual insight into issues or the motivations of other political actors.<sup>10</sup>

To summarize: the distinction between power to and power over suggests two ways in which considerations of power influence political feasibility. It may be the case, first, that attaining a particular end requires resources of a kind or quantity that the agent does not possess and cannot mobilize. In addition (or alternatively), it may be the case that attaining this end requires the agent to overcome the implacable opposition of pivotal individuals or groups, a task to which the agent’s full armory of carrots, sticks, authority, and persuasion proves unequal.

### 3. POLITICAL FEASIBILITY AND INTERESTS

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All individuals have interests, but not all interests have a significant impact on politics. In polities larger than face-to-face communities, interests must be organized to be effective. And once organized groups in the aggregate achieve a certain density in the relevant political space, they have a significant impact on the domain of political feasibility.

These bland propositions cover over a number of complications. Let me cite just two. First, the existence of a number of individuals with similar interests does not guarantee that organized groups will emerge to promote those interests. As Mancur Olson (1965) argued four decades ago, in groups of any size, organization is costly, and incentives to free-ride are high. For interest groups to form, leaders who receive

<sup>10</sup> Some philosophers analyze the formal/substantive distinction as the different between being “in authority” and “an authority.” For a seminal discussion along these lines, see Friedman 1990.

some combination of material and psychic rewards from organizational activities must come forward (Frohlich, Oppenheimer, and Young 1971).

Second, political institutions shape the formation and efficacy of interest groups, not just vice versa. Since the seminal arguments of James Madison in *Federalist* 10, it has been clear that the basic structure of the US constitution was designed to encourage the multiplication of interest groups as a check on the tyrannical potential of any single entity. That the self-interested pursuits might not serve the common good was equally clear, but the effort to cure the “mischief of faction” by suppressing the liberty of groups was bound to be worse than the disease.<sup>11</sup>

Not only institutions, but also public policies affect interest groups. The enactment of a law creates new opportunities for self-interested activities, and groups emerge to take advantage of them. The larger the scope of the legislation, the larger and more influential these groups are likely to be. Since 1960, the number of Americans receiving social security benefits has roughly tripled, to over 40 million. The American Association of Retired Persons (AARP), founded in 1958, now has more than 30 million members (Rauch 1999, 43). In an important study, Andrea Louise Campbell (2003) has demonstrated the extraordinary organizational and participatory impact of social security on older Americans.

The point is this: any discussion of organized interests and their impact on political feasibility is bound to be context dependent. This section traces, and tries to explain, some trends in US interest group politics over roughly the past half-century. The story would be different in other advanced democracies, let alone other regime types.

While Americans have always formed groups to express their views and promote their interests, the pace of interest group formation has dramatically accelerated in recent decades. Since 1955, the number of registered associations has more than quadrupled, from under 5,000 to more than 20,000. During that same period, membership in the American Society of Association Executives has risen tenfold, from under 2,500 to almost 25,000. In just twenty years (1975–95), the number of lobbyists registered with the US Senate more than tripled, from 3,000 to 10,000 (Rauch 1999, 42, 45, 87). Since 1972, the number of Washington lawyers, many of whom lobby on behalf of interest groups, has surged from 12,000 to 76,000.<sup>12</sup> Jeffrey Berry’s characterization of these trends as the “advocacy explosion” (Berry 1997, ch. 2) seems factual rather than hyperbolic.

As interest groups have proliferated, their composition has changed. Two shifts are especially noteworthy. Starting with the civil rights movement, citizens’ organizations have sprung up to advocate policies affecting racial and ethnic minorities, women, consumers, individuals with disabilities, gays and lesbians, the environment, and a host of other groups and causes. During the 1960s and 1970s, most of these

<sup>11</sup> For a good summary of Madison’s thought on these points, see Berry 1997, 2–4, 236–7.

<sup>12</sup> Berry 1997, 25; updated information for 1995–2004 provided by the Washington DC Bar Association.

groups tilted toward the liberal side of the political spectrum. Since the election of Ronald Reagan, however, conservative citizens' groups have begun to change the balance of advocacy. Many of them came into being to oppose decisions of the US Supreme Court on issues such as school prayer and abortion as well as broader cultural trends (which opponents regard as permissive, indecent, or relativistic) in modern American society. During this same period, businesses formed organizations to resist what they regarded as burdensome regulations pushed by liberal citizens' groups.<sup>13</sup>

There is no single explanation for these changes, but rather a number of mutually reinforcing factors. The standard list includes at least the following: an expansion in the scope of government, which increased the number of issues and demographic sectors the public sector affects, as well as the sheer quantity of resources in play; the centralization of political authority at the national level, which increased incentives for interest groups to fund headquarters organizations with permanent staff and lobbyists; a shift in governance toward detailed regulations, which increases the effectiveness of groups with highly focused interests; the post-1954 legitimization of civil rights and other group empowerment causes; the emergence of post-material issues and an agenda of cultural issues, which catalyzed the formation of new kinds of groups; relatedly, the increasing cultural and demographic diversity of the US population; and the post-1968 changes in US political parties, which diminished the power of elected officials and local party organizations while enhancing the intra-party power of single-issue groups.<sup>14</sup>

Whatever the causes of the interest group explosion may be, its effects are clear. First, it becomes harder to pass broad legislation in the public interest, both because more centers of power must be brought together into a winning coalition and because more groups can exercise an effective veto. Consider the issue of health care, to which I will return in the next section. Between 1984 and 1993, the number of Washington-based groups focusing on health care tripled from under 300 to over 800, with the bulk of the increase occurring well before the election of Bill Clinton and the epic struggle over his health care proposal.

A second effect of interest group proliferation: it becomes harder to terminate programs that are ineffective or have outlived their useful life, because the most affected groups can band together to defend them. As a result, it is harder than it once was to clear enough fiscal and policy space for new ideas to flourish.

<sup>13</sup> It is hard to deny that a regulatory explosion took place during this period. In the nearly two decades between the beginning of the Truman administration and the end of the Kennedy administration, the number of pages of federal regulations barely budged. In the next thirty years from 1963 to 1993, total pages rose from 15,000 to about 70,000 and have continued to climb (Rauch 1999, 59).

<sup>14</sup> In *The Rise and Decline of Nations*, Mancur Olson (1982) argued that in stable, free societies, there is a general tendency for increasing numbers of interest groups to form over time, much as barnacles encrust a ship. Even if this is true, however, it does not explain why the slope of the US curve has tilted up so sharply during the past four decades.

And third, it becomes easier for well-organized, highly focused groups to achieve, and then defend, legislative and regulatory outcomes that serve their narrow interests. It is at least suggestive that the interest group explosion has coincided with declining public trust in the efficacy or integrity of government and an increasing disposition to believe that elected officials respond to well-placed insiders at the expense of the public interest.

I conclude this section with a brief reflection on two ways in which the literatures of power and interests overlap. First, some critics of the interest group pluralism that dominated US political science in the 1950s and 1960s focused on the inequalities of power that group-based representation produced. Not only do these groups tend to defend the status quo, but also some interests will be under-represented or even voiceless in the political process. Groups representing the powerful will tend to be powerful; groups representing the weak and poor will themselves be weak and short of resources. In the 1960s, these considerations led some national policy makers to conclude that government should act affirmatively to create and empower groups that would advocate for under-represented populations. Today, these considerations fuel proposals to loosen legal and regulatory restraints on the advocacy activities of non-profit organizations.

Second, as we have already noted, other critics of interest group pluralism argued that the heart of the difficulty was not the asymmetrical power of the groups themselves, but rather a flawed understanding of interests. It was a methodological mistake, they argued, to study the desires the public expresses without attending to the processes by which these desires are formed. The power (wherever it may lie) to shape individuals' definitions of their own interests is more fundamental than the processes that represent and aggregate these interests. As Steven Lukes (1974, 23) puts it, "A may exercise power over B by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants. Indeed, is it not the supreme exercise of power to get another or others to have the desires you want them to have?"

Lukes's thesis, with its roots in the Marxist tradition and echoes of Plato's *Republic*, has the merit of drawing our attention to the possibility that publicly articulated interests may represent, not the exercise of power, but rather its effect. It has the disadvantage of plunging us back into theses concerning "false consciousness" and "real interests" that empowered vanguard parties and disfigured the politics of the twentieth century. The lesson seems to be that while it may be necessary as a theoretical matter to raise questions about the sources of expressed interests, it is important not to leap to conclusions about the substance of individuals' real interests or about the processes through which they are determined.<sup>15</sup>

<sup>15</sup> Recall the old joke: One comrade declares that "Capitalism is the oppression of man by man;" the other replies, "Yes, and communism is just the reverse."

## 4. A CASE STUDY: PRESIDENT CLINTON'S FAILED HEALTH CARE INITIATIVE

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During the 1992 presidential campaign, Bill Clinton had promised that if elected, he would present a plan to the US Congress that would guarantee high-quality, affordable health for all Americans. In the fall of 1993, he fulfilled that promise. At the time, most political observers believed that before Congress adjourned for the 1994 mid-term election campaign, it would enact a plan (perhaps different from the president's proposal) to guarantee universal health care. In the end, of course, that did not happen. No approach ever crystallized a consensus among Democrats, and after some initial hesitation the Republican Party united against the entire effort. By September of 1994, Senate majority leader George Mitchell felt impelled to declare the death knell for health care reform, setting the stage for catastrophic Democratic losses in congressional elections that November.

Surveying the rubble, many journalists emphasized the impact of personalities and focused on what they regarded as tactical errors. It is more illuminating, however, to view the failure of Clinton's health care reform through this chapter's two prisms of power and interests.

Consider, first, the power that President Clinton had at his disposal. He had the formal powers of his office, of course, plus a substantive grasp of the issues and a legendary ability to charm and persuade. But he lacked a crucial form of power—namely, tradeable political resources. He had inherited a huge budget deficit, which he and his advisers regarded as an obstacle to sustained economic growth. To put this problem on the path toward solution, therefore, his first budget featured an austere spending plan as well as controversial tax increases on energy and upper-income Americans. In that context, the president's ability to "wheel and deal" by offering members traditional inducements such as public works projects in their districts was very limited.

Nor did President Clinton have a crucial resource on which many prior presidents (and his immediate successor) were able to rely: unity within his own party in Congress. Some Democrats, such as the chair of the Senate Finance Committee, did not believe that health care deserved a high priority in the president's legislative agenda. Others who agreed with the president about the importance of the issue disagreed with him about how to approach it. (These divisions enhanced the power of the unified minority party.)

This leads us from "power to" to "power over." President Clinton had taken office with the backing of only 43 per cent of the American people. Every congressional Democrat had run ahead of the president in his or her state or district. Few believed that they owed their electoral success to his efforts. On the contrary: Democrats in the House of Representatives were entering their twentieth consecutive Congress as the majority party, a status they did not believe was in jeopardy. Not only did the president have few positive inducements to offer, he also lacked the form of power



over others that flows from the ability to make credible threats. In addition, he lacked formal power over independent actors such as the Congressional Budget Office, which had the responsibility for estimating the costs and consequences of all legislative proposals.

In a democracy, of course, there is another form of power, one that flows from the people. Here again President Clinton labored under a disadvantage. On the one hand, the American people said they wanted action on health care; on the other, their confidence in government as an instrument of positive and effective change was at an all-time low.<sup>16</sup> When opponents of the president's health care proposal invoked the cost and bureaucratic complexity of government programs, therefore, they tapped into a well of public mistrust that the president and his allies proved unable to counteract.

The landscape of interests did not offer brighter vistas for the president's proposals. The existing system of employer-provided health insurance, supplemented by public programs such as Medicare and Medicaid and charity care for the uninsured, had developed over half a century from its somewhat accidental inception during the Second World War. Predictably, substantial organized interests had come into being to defend those who benefited from that system. At the same time, the New Deal system of stable party competition with legislative deals struck among a handful of party leaders had given way to a new fragmented politics dominated by a multiplicity of smaller power centers within Congress and the proliferation of narrow interest groups seeking to influence the course of legislation.<sup>17</sup> As we have already seen, the number of health-focused interest groups with headquarters in Washington had surged during the 1980s. In the end, the combination of party and interest group fragmentation defeated the administration's efforts to assemble a majority coalition for reform.

While I have stressed the significance of changes in structures of power and interests in the United States, there is as well an enduring political reality stressed by analysts from Machiavelli to Dahl: the forces of the status quo enjoy a systemic advantage over the forces of change. Those who benefit from the status quo know who they are, can calculate what they have to lose, and have strong incentives to organize to protect themselves against losses. By contrast, the beneficiaries of broad change are a diffuse group. They can only project or imagine (not experience) the impact of the proposed change on their lives, and many will be disposed to doubt that the promised benefits will reach them at all. For these reasons, among others, they are harder to organize than are those who seek to protect what they already have.

During the New Deal, the majority of Americans were have-nots who had suffered losses as government failed to act effectively in the face of private sector collapse. In those circumstances, Franklin Roosevelt's invocation of activist government yielded an affirmative response from a sustainable public majority. Sixty years later, most

<sup>16</sup> For more on this structural problem, see Skocpol 1996, 19, 130.

<sup>17</sup> For more on these developments, see Skocpol 1996, 84–9. More generally, see Neustadt 2001.

Americans were health “haves” rather than have-nots. They had something to lose, and reasonably enough, they weighed the prospective advantages of government action against its possible costs. By contrast, the health have-nots tended to be those who lacked resources in other areas as well. Their political voice was even more muted than their numbers would have dictated. In contemporary circumstances, unless a majority of the middle and professional classes in the United States believe that their interests coincide with those of the working class and the poor, the basic structure of power and interest groups will tilt strongly against redistributive reform.

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## CHAPTER 27

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# INSTITUTIONAL CONSTRAINTS ON POLICY

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ELLEN M. IMMERGUT

SOCIAL scientists became interested in studying the impact of institutional constraints on public policies for both practical and theoretical reasons. First, in the late 1960s and early 1970s, a wave of ambitious policy making—like Lyndon Baines Johnson’s “Great Society” initiative in the United States or the expansion of the powers of the federal government through constitutional reform in Germany—met with disappointment. Despite unprecedented popular support for using the tools of government to improve societies, many of these programs did not achieve their ends. The problems to be addressed were not solved; the monies that had been allocated were in some cases not even spent (Pressman and Wildavsky 1984). Second, as scholars sought to understand the roots of these policy failures, their theoretical attention turned away from societies, and towards institutions. As the following sections of this chapter will detail, there is thus a historical and theoretical affinity between policy studies and institutional theory. Institutions have affected policies, and policies have changed our understandings of institutions. Indeed, policy studies have led to an institutionalist interpretation of politics, and new theories about democratic governance.