

THE
OXFORD
HANDBOOKS
OF
POLITICAL
SCIENCE

EDITED BY

MICHAEL
MORAN

MARTIN
REIN

ROBERT E.
GOODIN

≡ The Oxford Handbook of
PUBLIC POLICY

THE
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HANDBOOKS
OF
POLITICAL
SCIENCE

GENERAL EDITOR: ROBERT E. GOODIN

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THE OXFORD HANDBOOK OF

PUBLIC POLICY

Edited by

MICHAEL MORAN

MARTIN REIN

and

ROBERT E. GOODIN

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CHAPTER 19

POLICY IN PRACTICE

DAVID LAWS

MAARTEN HAJER

THIS chapter is about practice, so we start with an example. A group of environmental regulators in the USA responding to “practice worries” (Rein 1983) recently tried to render their sense of competence. They contrast a zone of (relative) stability accounting for 20 per cent of problems and opportunities with a zone of uncertainty that accounts for the remaining 80 per cent. Loosely defined up-coming problems (climate change), remainders from established practice (noise, odor, non-point pollution), new claims (environmental justice), and competing frames (industrial ecology, natural capital, eco-metrics) together disrupt the stability of conventions and crowd them to the margins of attention. The tension between the known and unknown, the conventional and the chaotic, belief and doubt, is recognizable as a moment in practice, imbued with risk and opportunity. It has generated the unsettled effort to name and, thereby, tame doubt by remaking practice.

We could tell similar stories about the efforts of transportation and land use planners in the Netherlands or about public health officials in the UK. The actors’ movements in these stories narrate a complex and unstable landscape. They must continuously try to make sense of changing conditions, to reinterpret the relationship between how they act and what they know, and to gain perspective on the improvisations they find themselves involved in. Stability is provisional, persistently marginalized by conflicts and uncertainties that have slipped through the conventions of politics and science.

By speaking of the efforts of these environmental regulators in terms of “practice worries,” “stories,” “doubt,” and “coping” we have already begun to speak the language of policy practice that we develop in this chapter. We root our discussion in the study of public policy and then turn to three adjacent fields where the

observation of practice has pushed change. These developments deepen the distinctiveness and broaden the relevance of policy practice for policy analysis and the study of public policy.

1. A PRACTICE TRADITION?

The initiative of the regulatory practitioners may be less surprising to students of public policy than to other observers of governance. The activities of "street-level bureaucrats" and other policy practitioners have long attracted and frustrated the attention of policy analysts. Practitioners' efforts to make policy work evoke and animate the distinctive moral and technical complexity of their policy domain and the persistent uncertainty that attends action. They fix our gaze and elude our grasp.

Much of the early attention to the efforts of social workers, lawyers, planners and urban designers, regulators, teachers, and administrators came through studies of implementation. Pressman and Wildavsky, for example, proposed to "begin at the end" and focus "on that part of a public program following the initial setting of goals, securing of agreement, and committing of funds" (Pressman and Wildavsky 1973). Their initial account of the EDA's effort to promote economic development in Oakland could not escape the constant intrusions of context and persistent need to adapt that made "joint action" insuperably complex. The very notion of design failed along the "tortured path" that Pressman and Wildavsky traced in a narrative of inversion in which "great expectations are dashed" and the only refuge is "amaz[ement that] anything works at all."

The chaos they found frustrated not only the designs of policy makers, but also their own effort to theorize the experience in Oakland. Wildavsky addressed this tension by revising the original account in four chapters appended to the second and third editions. Expanding "the task of evaluation beyond the mere measurement of outcomes to their causes" preserved the priority of analysis as that which "provides the intelligence to make sense out of what is happening" (1973, xv).¹ The terms of the new account—evolution, learning, and exploration—suggest a different view. They render implementation as a context-rich domain in which action implies adaptation and learning in an encounter with the unknown. In this domain "baseline goals are often resculpted at the very scene of implementation," the implementer becomes "a source of new information," and "a case can be made for the reconceptualization of

¹ Pressman and Wildavsky treat implementation and evaluation as "two sides of the same coin, implementation providing the experience that evaluation interrogates and evaluation providing the experience to make sense of what is happening" (1973, xv).

implementation as an exploratory rather than an unquestioning, instrumental, and even subservient type of process" (1973, 256).

Lipsky was more direct (Lipsky 1980). He argued that "the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively *become* the public policies they carry out" and that "public policy is not best understood as made in legislatures or top-floor suites of high-ranking administrators, because in important ways it is actually made in the crowded offices and daily encounters of street-level workers" (Lipsky 1980, xii; author's emphasis). He discarded the evaluative focus and tried to grasp why "organizations often perform contrary to their own rules and goals" by looking at "how the rules are experienced by workers in the organization and to what other pressures they are subject" (Lipsky 1980, xi).

Marris and Rein (1967) describe policy shaped by practitioners struggling to cope with moral dilemmas raised by their efforts to act on policy goals. Schön's reflective practitioners manage the relationship with the unknown by learning to value surprise as a source of insight and spark for development (Schön 1983). Stone describes policy in the interplay between "paradox" and "reason" (Stone 1997). Understanding practice demands acceptance of such tensions in order to find the intelligence at work in action.

The unity of practice in the face of these persistent tensions is derived from its character as "a way of acting and thinking at once" (Flyvbjerg 2001). One frequently used metaphor is the judgement the expert practitioner displays in coping with a fluid and complex world (Schön 1983; Roe 1998). Another is the limited capacity of actors to manage their own competence, which "naturalizes its own arbitrariness" and eludes reflection "like a fish in water" (Bourdieu 1977). Some accounts emphasize the "critical capacity" of "people who are doing things together ... who have to coordinate their actions, realize that something is going wrong; that they cannot get along any more; that something has to change" (Boltanski and Thévenot 1999), and other practitioners' ability for "moral improvisation," "learning about value," and "knowing the rules" (Forester 1999; Wagenaar 2004).

Wenger (1998) emphasizes the social character of human enterprise. It is interaction (as opposed to individual reflection) that generates learning: "As we define these enterprises and engage in their pursuit together, we interact with each other and with the world and we tune our relations with each other and with the world accordingly. In other words, we learn" (Wenger 1998). This "collective learning" draws together "the pursuit of our enterprises" with their "attendant social relations" (ibid.). Thus practices are defined and developed socially and should be understood as "the property of a kind of community created over time by the sustained pursuit of a shared enterprise" (Wenger 1998). It is this collective construction that "make[s] the job possible by inventing and maintaining ways of squaring institutional demands with the shifting reality of actual situations" (1998, 46).

Doing—the central thread of practice—is never "not just doing in and of itself," in Wenger's account but is always "doing in a historical and social context that gives structure and meaning to what we do" (1998, 47). These relationships, among actors

and between doing and its context, "include . . . both the explicit and the tacit." They include "what is said and what is left unsaid; what is represented and what is assumed. [They include] the language, tools, documents, images, symbols, well-defined roles, specified criteria, codified procedures, regulations, and contracts that various practices make explicit for a variety of purposes . . . [and also] all the implicit relations, tacit conventions, subtle cues, untold rules of thumb, recognizable intuitions, specific perception, well-tuned sensitivities, embodied understandings, underlying assumptions, and shared world views" (Wenger 1998).

This notion of practice as a site of joint action and learning constituted around shared problems and a competence that resists reflection, provides the starting point for study. In the sections that follow we trace developments in three adjacent fields that account for (1) the fluid organizational arrangements, (2) the situated character of knowledge and variety of forms it takes, and (3) the democratic, even constitutional significance of the interactions among policy practitioners, citizens, private managers, and elected representatives that play out in the domain of practice.

2. ORGANIZATIONS AND INSTITUTIONS

In Lipsky's account of policy practice, one of the primary activities of street-level bureaucrats was to manage their relationship with organizational hierarchy. Because the organizations he studied were dependent on the judgement, creativity, and initiative of front-line practitioners to reconcile the categories and demands of policy with the resource limits, competing imperatives, and unruly cases that characterize the work environment in a public bureaucracy, the authority of hierarchy was incomplete and relationships were dynamic. The boundaries within which authority and control were negotiated were relatively stable, however. The implementation of policy in practice took place in the context of the stable container of the public bureaucracy and its relationship to its clients.

The stability of these relationships can no longer be assumed. The *site* and *scope* of policy practice has become part of what has to be explained and this lends new significance to the concept of policy practice (Hajer and Wagenaar 2003). The fluid interorganizational or "cross-boundary" character of policy making has attracted attention at least since Heclo (1978) described the "loose-jointed play of influence . . . in political administration" and highlighted the "webs of influence [that] provoke and guide the exercise of power" (Heclo 1978). Attention to the role of actors from outside the formal state apparatus in policy work and to the open and fluid patterns of association that often characterize their participation is a persistent concern in the study of public policy today.

"Network" is the conceptual device used to capture the horizontal—as opposed to vertical—linkages that increasingly tie participants together in subsystems and policy communities (Rhodes 1997). No single actor, public or private, can have all the knowledge and information needed; no actor has sufficient overview to make the application of instruments effective; and no single actor has sufficient action potential to dominate a particular governing model. In this context governing and governance are interpreted in practice-compatible terms as dynamic, complex, and diverse. Society is not managed or controlled by a central intelligence; rather, controlling devices are dispersed and intelligence is distributed among a multiplicity of action units (Marin and Mayntz 1991).

Similar developments have attracted attention in efforts to explain economic behavior. The study of production practices regularly turns up patterns of association and collaboration that do not fit easily in the established organizational categories of hierarchy—embodied in the organizational structures of the firm—and market. Production in "craft industries" like construction, publishing, and film making, in successful regional economies, and even in core industries like automobile manufacturing seemed to many analysts, to operate on logic of production in which the key feature was coordination across organizational boundaries in "extensive collaborative subcontracting agreements" (Powell 1990).

In light of this accumulating evidence, it became more and more difficult to sustain the belief that "the bulk of economic exchange fits comfortably at either of the poles of the market-hierarchy continuum" or that the patterns of behavior observed in these cases could be explained as some hybrid of them (Powell 1990). The network metaphor provided a way to make sense of the observed patterns of mutual reliance across organizational boundaries in which economic exchange "entail[s] indefinite, sequential transactions within the context of a general pattern of interaction" (Powell 1990, 301). Networks provided a way to sustain (and explain) cooperation in settings where expectations were not stable, where the environment might fluctuate suddenly, where "know how" is important, and where adaptation to the changing demands of the market is a central attribute of success. Several characteristics differentiated networks from markets and organizational hierarchies:

- "Cooperation can be sustained over the long run as an effective arrangement;"
- "networks create incentives for learning and the dissemination of information, thus allowing ideas to be translated into action quickly;"
- "the open-ended quality of networks is most useful when resources are variable and the environment is uncertain;"
- "networks offer a highly feasible means of utilizing and enhancing such intangible assets as tacit knowledge and technological innovation" (Powell 1990, 322).

The "dominant" account of networks, in policy as well as economic behavior, focuses on "the way in which the network resolves certain problems of cooperative behavior among purposive rational actors seeking to maximize their individual

economic well-being" (Piore 1992). This account provides valuable insights where sustained coordination of action is the central challenge and means-ends relationships are relatively stable, understood, and sufficient. Axelrod and Ostrom were among the first to clarify the implications of such patterns of cooperation for public policy (Axelrod 1984; Ostrom 1990). Over the last ten years the idea of organization by cooperation impacted on the policy literature at the cost of straightforward "command-and-control" and pure market-based mechanisms. Key in these new approaches is the realization that effective policy making nowadays requires cooperation *across* organizational boundaries (Rhodes 1997; Pierre and Peters 2000).

Cooperation across such boundaries involves interactions among actors from widely differing backgrounds, with markedly distinct value preferences. This extends the challenge of cooperation to include questions about how a shared base for exchange can be created and maintained. If formal organizations achieve cooperation through standard procedures and "rationalized myths" (Meyer and Rowan 1977) then how can policy makers provide the mutual confidence, stability, and functionality of interorganizational cooperative arrangements?

Expectations of reciprocity suddenly seem thin in the face of conflicts rooted in distinct histories and organizational identities that must continually be adapted to one another and to a volatile environment. They appear even thinner in circumstances of deep value difference, such as in multicultural settings, where policy making becomes a form of "joint governance" that must "recogniz[e] that some persons will belong to more than one political community, and will bear rights and obligations that derive from more than one source of legal authority" (Shachar 2001). Here networks raise the possibility that governance can be based in the development of *situated* organizational logics, shared experience, and joint deliberation in between the "standing" organizations. In the face of potentially incommensurable values and latent conflicts of interest, the search is for a "repertoire of techniques of accommodation" that allow for joint problem solving. This helps explain the renewed interest for specific "on-site" techniques for governing, be it the literature on negotiation, conflict resolution, or consensus building (Susskind et al. 1999). Each provides an account of how actors negotiate difference, cope with uncertainty, and otherwise make sense of the world as they act, that responds to the demands and logic of practice in a network.

Such discussions of networks deepen the account of cooperation and contribute to the burgeoning literature on trust (Misztal 1996; Warren 1999) that now seems essential to explain public policy making. Trust, in these accounts, is not embedded in constitutional rules of organizations, but must be won continuously in concrete policy making processes. Policy practitioners become institutional theorists who not only have to master the content of their field of action, but also have to be experts in process: able to develop, maintain, and operate the complex policy networks that are an indispensable part of their operational work.

Sabel ties cooperation to learning to provide a clear account of how repeated interaction in networks unites interpretative activity and efforts to further ends. The driving force in the "principles of decentralized coordination" that operate in the

firm (understood as "a federation of work groups, a team of collaborators, or a policy community"), is a "joint exploration of collaborative possibilities" that is tied to joint evaluation of experience in a system that Sabel calls "learning by monitoring" (Sabel 1994). The ability of actors to initiate and sustain instrumental cooperation is tied to their commitment to figure out jointly how to make sense of changing experience and take advantage of the opportunities it provides. In the fluid world of decentralized production:

the rules of unbalanced growth transform ... a chain of exchanges ... into a continuous discussion of joint possibilities and goals, where the parties' historical relation defines their mutual expectations. Just as in a discussion, the parties suppose their understanding of their situation is limited. Therefore they jointly specify what they believe they understand so as to expose and begin exploring the limits of that understanding. Just as in a discussion, they must accept the possibility that their views of themselves, of the work, and the interests arising from both—their identities, in short—will be changed unexpectedly by those explorations. (Sabel 1994, 247–8)

The picture of firms having to turn this "pragmatic trick" again and again to sustain provisional stability in the persistently turbulent interorganizational fields in which they function raises strong, if surprising resonances with the position of staff in a regulatory or social service agency for whom the traditional bases for stability and security have lost their purchase. Like the managers and blue-collar workers terrified at continued competition, these policy practitioners may be pushed to face up to the daunting prospect of moving from an old pattern of organization to a new one.

For those willing to take the plunge, the details of cooperation in the new decentralized production arrangements bear as much counsel as the broad outlines. The self-governance of work groups and the ability to federate local units into broader production arrangements in which they reinvent themselves through sustained interaction suggest, as Sabel points out, a pragmatic strategy for problem solving, interpretation, and learning that has potential for organizational renewal that democrats would be wise to understand in a period when the state is caught in such disarray. Sabel finds in the new pragmatism employed by these firms a social process that is not just about solving economic problems but one that has direct implications for democratic renewal (see below).

3. KNOWLEDGE

The relationship of policy practice to knowledge has become more complex and problematic since the time, not that long ago, when social scientists might meaningfully ask whether social science could "lift all but the most fundamental moral

issues out of ideological debate" (Rein 1976).² Giving up on the belief that natural and social scientific knowledge can help us make better policy decisions is as unattractive to policy practitioners today as it was in the earlier days of policy science. Yet science has become a more contested terrain and a less stable toehold for the policy practitioner looking for footing amidst the chaotic flux of everyday life. At times the tables may even turn completely and policy practitioners may find themselves making the case to preserve some measure of regard for the facts. The distinction between theory and practice that animates the "applied science" model (in which theory developed in science guides and liberates practice) collapses in such circumstances. The best way to preserve regard for facts now seems to be to moderate the claim that knowledge can by itself guide policy making and liberate it from struggles among competing claims. There are at least five ways in which these claims must be moderated; each entails practical considerations for policy practitioners.

First, the activities of scientists are themselves conceived of in the model of practice (Latour and Woolgar 1986; Latour 1987). Second, the "application" of knowledge in policy must face the fact that scientific knowledge is contested. The stability and credibility that may once have been available by insulating knowledge development from practice have been problematized by practical challenges and by work in the sociology of science. Not only does the social penetrate the practice of the scientist (Latour 1987), it is *instrumental* in the way in which scientific progress functions. Even the "crucial experiment" was staged (Shapin and Schaffer 1985). Third, the neutrality of knowledge in policy design and practice has become problematic in light of scholarship that has highlighted the differences between academic and policy-oriented, "regulatory" research (Jasanoff 1990a,b). The latter is organized and carried out under different circumstances from the former, has to answer a different set of questions, and operates in a different timeframe. Fourth, scholars have observed that analytical scientific techniques often fail to capture the problems that people experience and thus provide "bad" input for policy (Fischer 2000). Finally, the domain of knowledge is not confined to the one demarcated by scientists, but is fundamentally open and relational. The experience of AIDS activists is one of many cases that illustrate the influence that non-scientists can have by contesting the organization of research and the interpretation of findings in policy commitments (Epstein 1996). In another, citizens developed the capacities to analyze health problems they were facing and their "popular epidemiology" soon started to produce scientifically valuable outcomes.

In this context, it has become customary to conceive of the relationship between science and policy in terms of "negotiated knowledge" (Nowotny, Scott, and Gibbons 2001). Knowledge is seen as the product of interaction among researchers and between researchers and non-researchers. Shackley and Wynne, for instance, describe how advisory scientists working on the issue of what is colloquially called the "greenhouse effect" have to negotiate their work and credibility both in the circles of their own scientific communities as well as in the world of policy makers (Shackley

² Incidentally, Rein is summarizing these ambitions which he goes on to critique.

and Wynne 1996). Nowotny, Scott, and Gibbons argue that this scholarship in science studies demands that scientific authority find a different footing. It must be localized and contextualized, rather than universalized. It is precisely when knowledge is linked to the particular circumstances of a particular case that it can uphold its claims (Nowotny, Scott, and Gibbons 2001).

The insights of science studies link knowledge to the practices in which it is produced. Latour's *Science in Action* can be read as an argument against cognitive explanations and in favor of a form of practice-based reasoning (Latour 1987). He describes how new ideas about the natural and social order are not cognitive or discursive productions but are co-produced by the very techniques and practices that made them conceivable. Scientific knowledge, then, no longer provides a way to "stop" a debate by invoking the external authority of scientists, but comes to be seen as the product of an interaction in which (a variety of) scientific inputs help guide policy deliberation.

As knowledge and policy become more intertwined, conducting policy work in the old institutional set-up becomes counter-productive. Both environmental impact assessment and regulatory standard setting in the USA have long histories in which "advocacy science" has escalated in the context of legal forums, producing ever thicker analyses that diminished in value as they grew in volume. Similarly, it is easy to see how as seemingly straightforward a technique as cost-benefit analysis can contribute to the reproduction of one way of conceiving of value (Porter 1995) that features some aspects but at the cost of others. Here the very settings influence the knowledge that can be meaningfully produced; or to put it differently, practice guides knowing. Policy practitioners have responded by designing institutional settings in which knowledge can be negotiated directly in the context of a case.

Policy makers also confront the heterogeneity of science in conventional settings. The disciplinary organization of science, criticized by Lasswell in the early postwar years (Lasswell 1951), frustrates practitioners who start from a concern with problems that raise recurring concerns about how to "integrate" the relevant knowledge of, say, hydro-geologists, soil scientists, and ecologists, as well as economists and sociologists. Concerns about knowledge integration have even begun to be reflected in patterns of organization within universities where programs and centers organized around functional problems like migration, labor, sustainability, or transportation anticipate the demands of policy makers by bringing together researchers from different disciplinary backgrounds and, in the best cases, addressing the problems of knowledge integration this creates.

When it comes to policy problems, scientific work is nearly always heterogeneous. Consequently, the complexity of delivering useful knowledge requires cooperation. If we want to give the idea of science-for-policy a new lease for life one needs to be able to think how meaningfully coordinated communication is possible. Transdisciplinarity was an effort to tie integration across disciplinary boundaries (Weinberg 1972), but there is an extra value in case-based, problem-driven conversations "between science and society" (Scholz and Tietje 2002). Recently, the science studies literature

has highlighted how "methods" are used to translate between divergent viewpoints and diverging social worlds. Leigh Star's "boundary-objects" facilitate those sustained efforts to develop a conversation using an array of knowledge inputs. Such boundary objects "have different meanings in different social worlds but their structure is common enough to more than one world to make them recognizable, a means of translation" (Star and Griesemer 1989). Later the concept has been applied in a more diverse way, pointing at the material components that are featured in this practice and by which this integration of insights takes place (be it a map, minutes, a text that is drafted). These objects guide cognition and influence the ultimate success of a particular initiative.

Policy analysis as a form of "problem-oriented" learning is well embedded in the "policy science" perspective promoted by Lasswell (Lasswell 1951; Torgerson 1985). It not only problematized the disciplinary organization of knowledge, but extended the search for workable solutions to include the participation of actors who bring domain-specific "contextual" knowledge to the table. Finding a way to engage the managers, production workers, and tradespeople who have detailed knowledge about the systems in which change is being pursued is a key challenge for policy practitioners. The insights of such practitioners, rather than just the commitments of top-level executives, are essential to achieve policy goals like reducing the use of toxic chemicals in manufacturing, managing agricultural waste, or providing greater security in the food system. Case reports of patients are essential (if often neglected or disdained) in recognizing and reasoning about threats to environmental health; the participation of citizens who can speak knowledgeably about the "habits" of inner city residents, particularly prominent ethnic subgroups, is likewise found to be essential to promoting environmental health (Ozonoff 1994; Corburn 2005). This broadening of the "peer community," to the "policy community" and the emergence of practice as the container for the complex conversation that takes place, raises both epistemological and practical questions that have become prominent concerns in the contemporary design of policy-making arrangements (Nicolini et al. 2003).

The sociological scholarship on "risk" in modern society has brought these issues into sharp relief. Work on "risk society" demonstrates the limits on our ability to "know" dangers and capture risks analytically. Knowing, the argument goes, is always related to not-knowing and to reflexivity about the conditions under which beliefs are developed (Lash et al. 1996). The considerations that generate these demands are not limited to the kind of probabilistic statements about outcomes that have characterized decision making under uncertainty. Rather than thinking about "residual" risk and "acceptability levels" the awareness of uncertainty (in this broad sense) informs policy-making arrangements. Uncertainty thus ceases to be the kind of marginal concern signified by error bars and becomes a constitutive characteristic of knowledge and of policy choices. This holds on a grand scale for projections about the scale and distribution of the impacts of global warming, but also for efforts to understand the effects of chronic low-level exposure to air pollution on respiratory function and the impacts of offshore windmills on birds and fish. As authors like Brian Wynne have shown, policy and science in these settings (alone and together)

do not give attention to sources of uncertainty broadly, but typically elevate attention to a limited domain of uncertainties and neglect others (Wynne 1996). These questions become practical considerations when the behavior of, say, radiocaesium in the Cumbrian soils of the United Kingdom does not meet expectations, upsetting the organization of policy arrangements. Or, with a disastrous consequence in the case of BSE (the disease that devastated the UK cattle population in the 1990s), when policy advice is sound, but simply does not consider what it will mean to implement recommendations in a local setting. In the BSE case, the crucial problem arose in slaughterhouses where the recommended strict separation of spine tissue and red meat was hardly implementable because the spine was used as a "clothes hanger" in the carving process.

Natural resource managers increasingly view policy choices in similar terms as "genuine projections into the unknown" (Piore 1996), where management regimes address systems that are too complex to allow any confidence in the prediction of future states, where the systems are already in flux, and where management, no matter how responsible, contributes to this uncertainty. In these settings questions about knowledge become centrally questions about the relationship between different ways of knowing, the shadow cast by not knowing, and the organization of the settings in which these questions can be analysed, debated, and provisional decisions and judgements can be reached. A primary response to this is either to make the negotiation of knowledge explicit or to build a "vital social discourse" around the employment of knowledge in policy practice (Functowicz 1993).

It is where the literature on policy practice has been heading for a while. "Rather than asking how organizational practitioners might make better use of normal social science, or how normal social scientists might make their research results more palatable to practitioners, I have considered these practitioners as causal inquirers in their own right and asked how a different kind of social science might enhance the kinds of causal inquiry they conduct in their everyday practice" (Schön 1995, 96).

4. DEMOCRATIC PRACTICE

The initiatives of policy practitioners have generally raised questions about the legitimacy of policy. Discretion is a practical necessity, but the same judgements of practitioners that are necessary to make policy work strain the roots of state legitimacy in representative institutions. Recent developments in democratic theory provide a new take on these relationships. Instead of asking how can the provisional legitimacy of administrative action be enhanced, they raise the question of how

policy practice can contribute to the broader legitimacy of the state and buttress the increasingly provisional legitimacy of representative institutions.

This reorientation is often preceded by a historical analysis that emphasizes the limits on the effectiveness and legitimacy of the modern representative welfare state, occasioned by the globalization of economic institutions that limits the ability of the state to manage production and provide security for workers, and the increasing diversity of the social basis of association and patterns of associative activity (Cohen and Rogers 1995). The reorientation itself hinges on two shifts. The first begins with a restatement of democratic legitimacy as arising from the collective authorization of citizens (Cohen 1997). It is completed with an account of collective authorization through a process of reciprocal reason giving, as opposed to voting or preference aggregation (Cohen 1989). The second is to see in the interaction of policy practitioners, citizens, and other stakeholders over how to act on policy goals the potential for democratic conversations that can meet the test as deliberation (Gutmann and Thompson 1996). The process of making policy workable and more effective could also provide an avenue to enhance the legitimacy of the state. The combination of these shifts produces a directly deliberative vision of democracy in which policy practice plays a foundational, rather than derivative role (Cohen and Sabel 1997).

This vision is persuasive in part because it refuses to accept the distinction between theory and practice that has long characterized the discussion of policy practice. This is possible in part because "[t]he gap between the theory and practice of deliberative democracy is narrower than in most conceptions of democracy. To be sure its highest ideals make demands that actual politics may never fulfil. But its principles modulate their demands in response to the limits of political necessity: they speak in the idiom of 'insofar as' or 'to the degree that' " (Gutmann and Thompson 1996). Moreover, "the theory of deliberative democracy partly constitutes its own practice: the arguments with which democratic theorists justify the theory are of the same kind that democratic citizens use to justify decision and policies in practice. In contrast to some forms of utilitarianism, deliberative democracy does not create a division between reasons that are appropriate in theory and those that are appropriate in practice. In contrast to some other conceptions of democracy, deliberative democracy does not divide institutions into those in which deliberation is important and those in which it is not. This continuity of theory and practice has implications for the design of institutions in modern democracies" (Gutmann and Thompson 1996, 357-8).

In the context of this close association between theory and practice it is natural to see a potential "communicative power" in the interactions among practitioners and citizens and to wonder whether it might "pick...up some of the work of the administrative state" and in the process start to rebuild the ties of solidarity that have atrophied in the face of broader structural shifts (Cohen and Rogers 1995). This focuses attention on trying to understand these policy practices as a form of deliberative organization that might "harness ... the distinctive capacity of associations to gather local information, monitor compliance, and promote cooperation among private actors by reducing its costs and building the trust on which it typically

depends" (Cohen and Rogers 1995). While the solidarity developed through these problem-oriented interactions would differ from the more organic sources found in family, in shared culture, and even in the shared economic and social circumstances that tied workers together, "the bonds arising from participation in such arenas in the solution of large and commonly-recognized problems, need not be trivial or weak" (Cohen and Rogers 1995, 148). Indeed, if the prescription is apt, the solidarities arising from these particularistic interactions might "comprise ... a form of solidarity operative in civil society; transparently not 'natural' or 'found' or particularistic, not based in direct participation in the national project of citizenship, but definitely founded on participation in deliberative arenas designed with a cosmopolitan intent" (Cohen and Rogers 1995, 148-9). This rendering has fixed attention on practices as forms of democratic experimentalism that can be analyzed as institutional designs (Fung and Wright 2001) and has further problematized the organizational boundaries between governmental practices and other settings in which citizens engage one another and other policy actors (Mansbridge 1999).

5. CONCLUSION

The developments highlighted in the preceding sections will, at least in part, be familiar to many students of policy making and reflective practitioners. The role of networks, the shift from government to governance, the problems with a straightforward science-for-policy scheme, the emerging practices of deliberative democracy, and the way in which a deliberative rendering opens a direct link between policy studies and democratic theory are all widely narrated and discussed. We have tried to connect these discussions to the long-standing policy concern with policy practice. The fluidity of organizational relationships, the importance of repeated and overlapping forms of interaction among diverse and changing groups of actors, the potential for learning inherent in these relationships, the need to negotiate knowledge *in situ*, and the democratic character and significance of the interactions that occur around action, are already available in the experience of action and the domain of practice. In general terms, the concept of practice highlights the *negotiated character* of public policy and does so in a way that relates individual action to institutional contexts.

These discussions also suggest that the concept of practice may allow for a better grasp of the "units" at which learning and innovation take place: where results can be secured and monitored and where we should locate the flexibility and robustness of a deliberate response to public problems. We have also tried to highlight how the concept of policy practice actually helps understand how to conceive of public policy

making in an unstable world. If we can usefully reconceive the world of standing organizations in terms of the networks of practices that essentially exist in and in between these organizations, then perhaps the understanding of policy practices as the locus of public intelligence can also help find solutions that lie beyond the reach of isolated institutions.

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