

Policy without polity? Policy analysis and the institutional void

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Abstract. How should policy analysis respond to the changing context of policy making? This article examines three aspects of policy analysis in this changing context: polity, knowledge and intervention. It argues that policy making now often takes place in an ‘institutional void’ where there are no generally accepted rules and norms according to which politics is to be conducted and policy measures are to be agreed upon. More than before, solutions for pressing problems transgress the sovereignty of specific polities. Furthermore, the role of knowledge changes as the relationship between science and society has changed: scientific expertise is now negotiated rather than simply accepted. And, with the weakening of the state, it is far less obvious that the government is the sole actor to intervene in policy making. This article calls for a reconsideration of the analysis of policy making in the light of this changing context. Based on a contextual perspective it calls for a revitalization of the commitments of Harold Lasswell toward a policy science of democracy by proposing a new ‘deliberative’ policy analysis.

Policy in a changing world

The context of policy making is changing. More than before, solutions for pressing problems cannot be found within the boundaries of sovereign polities. As established institutional arrangements often lack the powers to deliver the required or requested policy results on their own, they take part in transnational, polycentric networks of governance in which power is dispersed. The weakening of the state here goes hand in hand with the international growth of civil society, the emergence of new citizen-actors and new forms of mobilization. In such cases action takes place in an ‘institutional void’: *there are no clear rules and norms according to which politics is to be conducted and policy measures are to be agreed upon*. To be more precise, there are *no generally accepted* rules and norms according to which policy making and politics is to be conducted.

The argument that policy making often takes place in an institutional void does not suggest that state-institutions and international treaties have suddenly vanished or are rendered meaningless. The point is rather that we can observe that there are important policy problems for which political action either takes place *next to* or *across* such orders, thus challenging the rules and norms of the respective participants.

The institutional void has direct implications for the analysis of policy making. Where policy making and politics take place in an institutional void we should pay attention to a double dynamic: actors not only deliberate to get

to favourable solutions for particular problems but *while deliberating* they also negotiate new institutional rules, develop new norms of appropriate behavior and devise new conceptions of legitimate political intervention. The question this raises is whether we are experiencing a period of 'constitutional politics,' to invoke Ackerman's (1992) phrase. Are we, by addressing new problems also effectively (re)negotiating the institutional rules of the game? And if so, in what way are the rules changing? This article explores the dynamics of policy making and politics in a changing world, beginning with introducing the idea of policy making without a polity.

The idea of policy making in an institutional void proceeds from the premise of a discrepancy between the existing institutional order and the actual practice of policy making. This discrepancy can be illuminated with a distinction between *classical-modernist* political institutions on the one hand and *new political spaces* on the other. Classical-modernist institutions are here defined as codified arrangements that provide the official setting of policy making and politics in the postwar era in Western societies: representative democracy, a differentiation between politics and bureaucracy, the commitment to ministerial responsibility and the idea that policy making should be based on expert knowledge. New political spaces, then, refer to the ensemble of mostly unstable practices that emerge in the struggle to address problems that the established institutions are – for a variety of reasons – unable to resolve in a manner that is perceived to be both legitimate and effective. Here we may think of the activity of consumer organizations, the role of NGOs in agenda setting and in monitoring the implementation of treaties and also the surprising role of non-political actors like designers in creating the preconditions for a good deliberation.

The argument here is that the constitutional rules of the well-established classical-modernist polities do not tell us about the new rules of the game. In our world the polity has become discursive: it cannot be captured in the comfortable terms of generally accepted rules, but is created through deliberation. The polity, long considered stable in policy analysis, thus becomes a topic for empirical analysis again. As politics is conducted in an institutional void, both policy and polity are dependent on the outcome of discursive interactions.

The distinction between classical-modernist institutions and new political spaces is based on the sociological understanding that the prevailing conception of politics should always be seen as a particular socio-historical construct. Labelling 'our' institutional arrangements of policy making and politics as 'classical-modernist' helps avoid the reification of a set of institutions that are themselves the product of a particular period, and indeed, of particular political conflicts (cf. Hobsbawn, 1977; Joll, 1978; Manin, 1997). As the orientations of academia are often intertwined with the development of a particular set of institutions, reification is by no means rare. Just as modern sociology was tied to the development of industrial society and later to the development of the welfare state (cf. Lenzer, 1975; Dahrendorf, 1988; Beck, 1992; Heilbron et al., 1997), modern political science and policy analysis were deeply implicated in facilitating the stability of the political institutions of the Western nation state

in the postwar era, whether in the domain of international relations, comparative politics or political institutions (Dryzek et al., 1995; Goodin and Klingemann, 1996).

The social theory of modernity reinforces this position. Modernity is widely understood as an era characterized by ongoing processes of social change where, in the classic words of Marx, 'all that is solid melts into air' (Berman, 1982; Giddens, 1991; Beck et al., 1994). In an inherently dynamic society the legitimacy and efficacy of the particular set of institutional arrangements might be challenged by new developments. Here the argument is that the ongoing modernisation of society, with its double features of globalisation on the one hand and individualisation on the other, erodes the self-evidence of the classical-modernist institutions as the locus of politics. Indeed, in the light of new problems and new problem perceptions, these institutions might simply lack the authority or focus needed for problem solving that is widely perceived to be both effective and legitimate.

It is of course no coincidence that the institutional void will show itself most prominently on relatively new political themes. After all, if political institutions emerge as a historical product of particular struggles, it is only natural that these institutions are designed to help resolve precisely those conflicts. Hence it is in spheres such as environmental politics, genetics and biotechnology, or the new politics of food that the institutional void is most obvious. Before further addressing conceptual issues, let us consider five examples, taken from the sphere of the politics of nature or the environment, that help define the new dimensions of the changing context of policy making and politics.

The emerging institutional void: Five examples

The following five examples of challenges to a classical-modernist way of policy making and politics illustrate a changing world.

1. In 1995 the oil producing company Shell got into trouble over the plan to sink the Brent Spar, an oil storage buoy, in the Atlantic Ocean. The occupation of the buoy by Greenpeace hit the public imagination, much to the surprise of nearly all those involved (including the activists from Greenpeace). The images of the battle over the Brent Spar went all over the world and mobilised an unusual coalition of forces, ranging from the German Chancellor to petrol buyers in various European countries. Eventually, Shell backed out, and towed the Brent Spar to a Norwegian fjord, buying time to think what needed to be done.
2. In the Netherlands a hamster is causing havoc. Despite many warnings by environmental NGOs the construction of a major new business centre in between the Dutch city of Heerlen and the German city Aachen commenced. The warnings related to the fact that the site of the planned business centre was in fact the habitat of the badger (*Meles Meles*) and a

rare little wild hamster, the *Cricetus Cricetus*. NGOs pointed to the fact that the habitats were protected under the European Union's Habitat Directive (92/43/EEC) and that planning permits were in fact illegal. Eventually, the construction process was stopped because of a ruling of the highest Dutch Court, drawing on European legislation. Later it came out that the habitat had been destroyed already.

3. Participation is changing face. In the case of the Hoeksche Waard, a large island in the Rhine delta near Rotterdam, the traditional participation in governmental planning procedures produced continued deadlock and public frustration with politics. Just one year later the designs and presentations of a group of landscape architects on a cultural manifestation sparked off a lively debate on the future of the area. It brought about a process of collective political will formation among citizens and elected politicians in the area and led to a new self-confident political stand. Not the official and legally codified participation in the drawing up of the statutory land use plan, nor the elected representatives, nor the participation experts from the planning department, but the landscape architects were key in representing the people.
4. In the mid 1990s the British public was shocked as it came out that eating beef could result in the deadly disease Creutzfeld-Jacob. Until 1996 the government had been reassuring the public that eating beef was safe despite many warnings from medical scientists that knowledge was uncertain. Following the recommendations of the Philips Inquiry, the government set up a new 'Food Standards Agency.' As trust in government institutions was heavily damaged, this agency had to reinvent the rules of standards setting. It introduced a more transparent, deliberative mode of operation, even bringing some stakeholders into the governing board.
5. During the past few years the World Trade Organization (WTO) pondered what to do with so called 'trade related property rights.' This has resulted in a revision of the so-called WTO TRIPS agreement. Trade related property rights have become an issue in particular in the sphere of genetic engineering. Among the key questions here are to what extent people or firms can claim property rights on genetic information, and who can make legitimate decisions on these matters.

Of course, these are just five examples and can by no means replace a more thorough analysis. Nor are they meant to represent exhaustive empirical 'proof' of the way in which the institutional void manifests itself. Nevertheless, these are specific cases in which a changing context of policy making and politics results in challenges to the classical-modernist institutions. The cases bring out at least five elements of this challenge.

1. *The new order of decision making is dispersed:* the turmoil around the Brent Spar is emblematic for the limits to the institutional powers of the national polity. The formal decision to sink the Brent Spar had been taken

in a fully legitimate way. Shell had announced its plan to the British authorities. The authorities officially defined sinking the buoy as the ‘best practicable environmental option’ (BPEO). This British risk assessment procedure showed deep sea disposal to be less dangerous and cheaper than other options (Holzer, 2001). In light of this, the British Minister for Energy had granted permission to dispose of the Brent Spar at the suggested location. Yet the contemporary world calls for different strategies. Firstly, the growth of an international civil society meant that the issue of the Brent Spar quickly came to be seen as a transnational concern, suggesting that the British government did not automatically have the monopoly to decide what was a legitimate solution. Pressure groups and social movements used new strategies to achieve their goals. Yet while classical social movements sought to achieve their aims through the state, in a transnational political world they often try to circumvent states. As the locus of power has become unclear, social movements’ strategies become more diverse. Here it was a consumer boycott and the perceived ‘brand damage’ that led Shell to back down. Second, the media did not simply present the images of the battle over the Brent Spar, but were a key arena in which the battle over the Brent Spar was fought. Indeed, the extended crisis over the Brent Spar cannot be explained without taking into account the images of the tiny helicopters (‘with a female pilot!’) with which the activists managed to capture and recapture the buoy. Third, the Brent Spar exposed the way in which even powerful actors respond to the exposed limits to nation state power. This response was particularly embarrassing when British Prime Minister John Major publicly defended the disposal of the storage buoy while Shell was announcing its change of policy.

2. *There is a new spatiality of policy making and politics:* the conflict over the habitat protection of the badger and hamster illustrates the new spatiality of a (European) policy process to which both governments and policy analysts adjust only slowly (Meny et al., 1996). Anyone who wants to be effective in the European polity, whether local politician or radical NGO, now must know the game of ‘scale jumping’: the art of putting in each intervention at the appropriate level. This is more complex than the currently popular concept of ‘multi-level governance’ suggests (Marks, 1996). The new order is not simply about the need to communicate more and more effectively between governments at different levels: the hamster case is illustrative of the fact that societal actors are implicated in the new politics as well. Moreover, it was the European Union – often constructed as an organisation for ‘big business’ – that gave civil society new entry points into politics. Ironically, a radical NGO became the unlikely agent that facilitated the implementation of EU Directives.
3. *The standard view of participation and democratic governance might have to be rethought:* the case of planning in the Hoeksche Waard suggests that participation in the forms that we have come accustomed to (hearings,

presentations of written and oral evidence, even round table conferences) may not be the most promising way of organising citizen-involvement in policy deliberations. There is more evidence that the 'standard' view on participation, introduced in the 1970s and based on involving people in policy deliberation, training them to become effective citizens, is part of the problem (Innes and Booher, 2000; Young, 2000). Perhaps the very design of citizen-involvement should be reconsidered (Gomart and Hajer, 2003).

4. *The authority of classical (scientific) expertise has been undermined:* the commitment to 'first get the facts right,' to call on scientific investigation to try to resolve the complex problems of policy making in a highly technological society, now often produces only more uncertainty. Scientific expertise is no longer a guarantee of trust. Indeed, because of the way scientific expertise has been found to be implicated in some key problems (such as in case of the risks of radiation of nuclear power or as with the aforementioned issue of BSE) scientific experts now face the problem that trust in their findings can no longer be assumed. The 'boundary work' of experts, by which they differentiated themselves from other, 'non-scientific' knowledge, has been exposed (Jasanoff, 1990; Gieryn, 1995). As a consequence the institutional routines of scientific advice have to be rethought.
5. *The context of policy making is expansive:* there are new fundamental themes being brought to the fore in the new politics of nature. Genetics, biotechnology and the discovery of new natural resources break in on various spheres of sovereignty from the body to natural resources. The case of the WTO/TRIPS agreement poses new questions such as whether a plant should be seen as a discovery (as 'the South' argues), or can it be an invention as 'the North' suggests? This is not at all a trivial question when if one realises that only inventions can be protected under patent law. Apart from such fundamental institutional semantics, the WTO process is key to our inquiry into the new context of policy making and politics as it not only challenges well-established notions of sovereignty but also raises the issue about which genetic information should be part of the public domain, and which sorts of information can be 'governed' by market logic. Hence here the once stable distinction between society and nature is being redrawn fundamentally. There also is a clear institutional dimension to this issue: which actors have the legitimate right to decide on such matters? Who can be the spokesperson for whom? Are national governments the only legitimate players in such cases? But how about the difference of interest between nation states and the villages or regions from whose territory particular information is derived? Should they not be considered as having a legitimate say as well? Why are states and firms seen as the legitimate partners in what is called 'benefit sharing'? Can we envisage a kind of institution that is capable of deciding about these sorts of matters in a manner that is both legitimate and effective?

Implications for the analysis of policy making and politics

Where does policy analysis relate to all of this? What is the role and position for the intellectual endeavour of the ‘policy orientation’ that Harold Lasswell saw as one of the most important ways of developing the academy (Lasswell, 1951)? Does the emerging institutional void constitute a challenge for the analysis of policy making and politics?

To be able to answer this question, we need a clearer understanding of what we mean by policy analysis. Writing in 1982 John Dryzek observed that policy analysis was ‘divided and incoherent’: ‘The divisions run deep; the field has no accepted paradigm, well-developed body of theory, or set of methods to apply to specific policy problems’ (Dryzek, 1982: p. 310). This has not changed. The so-called ‘post-positivists’ in this field have put the epistemological and methodological certainties of mainstream policy analysis in doubt (Hawkesworth, 1988; Dryzek, 1989; Fischer, 1998). Their arguments were most certainly valid yet at the same time the very label ‘post-positivism’ of course reified the much abused notion of a ‘positivist’ mainstream (Hajer and Wagenaar, 2003). Although the label ‘policy analysis’ is not very popular nowadays, the term here is used to refer to the family of approaches devoted to the study of policy making. Policy analysis, then, is essentially about the development and application of a variety of social-scientific insights to help resolve public problems via concrete policy interventions. A useful, albeit very general definition, was once provided by William Dunn (1981: p. 35, emphasis added): ‘*Policy analysis is an applied social science discipline which uses multiple methods of inquiry and argument to produce and transform policy-relevant information that may be utilized in political settings to resolve policy problems.*’ This definition builds on the Lasswellian commitment to be multi-method and problem-oriented (Lasswell, 1971). Moreover, the open phrase of ‘political settings’ instead of ‘the state’ suggests an appreciation of the fact that a problem-orientation might itself sometimes bring out an institutional void, as with cases where there is no single sovereign authority to address a particular problem.

On the other hand some of the Lasswellian commitments now need to be acted upon in a different way. The commitment to a problem-orientation implies that knowledge is not to be pursued as a goal in itself, but to help resolve particular societal problems. In many cases the problem-orientation was coupled with the idea that policy analysis was to be an ordered way to process information for a particular political authority. The ‘orderedness’ was important because it would make policy analysis stand out in a sphere of pressure groups politics, strife and lobbying. Furthermore, policy analysis was based on the assumption that meaningful political interventions in society would be facilitated by speaking to the relevant political authority.

In fact the assumed political context of policy analysis has at least three defining elements that can be labelled (1) polity, (2) knowledge and (3) intervention. First, a pre-given polity: a stable political order that is assumed to be there. Second, a way of producing knowledge that is *for* politics but in itself not

political but scientific. Third, intervention: a problem-orientation, culminating in notions of meaningful policy intervention to change a given course of events. These three elements are present in nearly all definitions or, at least as important, in nearly all identity generating metaphors. For instance in Wildavsky's (1979) dictum of policy analysis as *speaking truth to power*, or Lasswell's often reiterated policy orientation, where he contrasted policy to the muddled world of politics, as well as in his later account of policy sciences as pertaining to knowledge of and in policy (Lasswell, 1951; 1971).

Polity

During the postwar period, policy analysis has been conducted against the backdrop of a stable political order. When Wildavsky coined the phrase 'speaking truth to power,' he knew whom to address. The power was with the state and the state therefore was the addressee of policy analysis. Yet this is now less obvious. We might want to speak truth to power but whom do we speak to if political power is dispersed? States, transnational corporations (TNCs), consumers, non-governmental organisations (NGOs), the people? The media? With hindsight we can see how policy making and policy analysis was always conducted with an idea of a stable polity in mind.

A first correction to the postwar policy analysis, then, is the reintroduction of the issue of the polity or political setting into the debate. How should we conceive of this political setting of policy analysis? The stability of the polity, most typically the nation state, derived from the interrelationships among three elements that together produced governance as territorial order: politico-administrative institutions, societal processes and cultural adherences, or what Williams (1961) once aptly called 'structures of feeling.' Governance is then understood in terms of a territorially based relationship among these three variables.

In this 'triangle of governance' the legitimacy and effectiveness of politico-administrative institutions is typically based on the successful ordering of societal processes as well as on the creation of sufficient cultural adherence in a particular territory. Historians of the welfare state and of international relations have shown how the nation-state was the primary level of integration during the past hundred years (Ewald, 1986; Zürn, 1999).

In light of this one can see how in the postwar decades governance was facilitated by what I call a *territorial synchrony* – for a variety of reasons, governance was supported by the fact that political institutions, cultural adherences and societal processes converged on the level of the nation-state. The nation-state societies were held together socially by practices such as multi-party democracy, the welfare state, and mass consumption. Social conflicts could be managed by relative redistributions of surplus wealth through constitutionally defined political processes. Moreover, historians such as Lane have pointed out that the political institutions of the nation states allowed for

the development of a modern capitalist economy (Lane, 1979, discussed in Holzer, 2001). This was in fact a relationship of mutual gain as nation-states provided the much needed protection and legal-administrative 'level playing field' upon which business could flourish, while economic life provided the basis for taxation.

This territorial synchrony is now being challenged. Manuel Castells's (1996) metaphors of the 'network society' and the 'space of flows' speak to the fact that societal processes and cultural adherences follow different patterns stretching across territorial spaces, whether in the economy or in the sphere of cultural identifications. Similar arguments have been made forcefully in the work of Albrow (1996), Eade (1997) and Hannerz (1996).

It would be preposterous to suggest that the loss of this territorial synchrony leads to the disappearance of 'classical-modernist' institutions. Yet both the effectiveness and the legitimacy of these institutions are seriously constrained. Now that territorial synchrony is broken, the classical-modernist institutions lose the implicit support and assisting power of aligning socio-economic processes and cultural adherences.

The implosion of the territorial order of modern government requires us fundamentally to rethink the basis of effective political intervention, and hence of policy making. It also calls for a renewed consideration of the legitimacy of policy interventions. As the Brent Spar case shows, in the new political order formally legitimate decisions are questioned by stakeholders from outside the polity who feel they have a legitimate say themselves. Constitutionally they have no rights but the public discussion nevertheless challenges the classical-modernist rules defining what constitutes a legitimate decision. The loss of territorial synchrony and the need for a more proactive style of governing also relates to the problems facing political parties and their ideologies in Western society. The diminishing voter turnouts in Western countries and the widespread protests against the established political parties that occurred in European countries such as France, Italy, Austria, Denmark and the Netherlands in recent years has seriously affected the relationship between politics and policy. Party politics is no longer the prime site for expressing political preferences. Indeed, the dispersal of politics in some cases has effectively turned the relationship between policy and politics upside-down (Hajer, 2003). Policy then is no longer the outcome of politics, but politics results as policy initiatives are made public. In effect policy making then becomes a site of *cultural politics*, at which people reflect on who they are, what they want and to what extent they have shared cultural adherences (Hajer, 2003).

We can here recognize three dimensions to what goes on in a policy deliberation: (1) it is an exchange of pros and cons of particular solutions and is concerned with understanding the different viewpoints from which the various claims are made; (2) it contains a negotiation of the rules of the game; and, (3) in light of the above it is also a matter of cultural politics: it is a string of moments at which people discuss and negotiate value commitments, and either discover or develop shared understandings and adherences or not.

In regard to the third dimension we might have to rethink the agenda for policy analysis. If cultural adherences can no longer be assumed, if individualization produces people who define their identities through discursive interaction, then policy processes gain a new role and dynamics that so far only a few theoreticians within policy analysis have discussed (most notably deLeon, 1994; Yanow, 1996; Wenger, 1998).

The loss of territorial synchrony is not merely changing the *context* of policy analysis; the loss of a stable political setting within which policy analysis could be conducted *also requires us to rethink which elements we want to study and, indeed, changes the meaning and importance of the policy process*. In a society in which territorial synchrony can no longer be assumed policy deliberation becomes a prime site of integration and trust. With hindsight we see how the ‘normal politics’ of the postwar era could mostly rely on the trust and confidence that people collectively stored in or derived from constitutionally embedded institutions. Of course, trust was never simply there and also needed to be reconfirmed constantly. There was an array of rituals and myths that helped sustain trust in government, from the quasi-political role of royalty in some European countries to the widespread reinforcement of governmental authority in a then relatively uncomplicated media landscape. Now that the magic of these practices is no longer self-evident, we can also see how they always fulfilled a key role as rituals that formed the ideological and emotive cement of national political systems. Similarly, in the new competitive world of the media, politicians are appropriated and staged, and policy themes become media items that erode the control over problem definitions and reinforcement on the part of the government.

With the loss of territorial synchrony actors have to collaborate by transgressing institutional boundaries and *trust cannot be assumed*. Politics and policy making thus are not simply about finding *solutions* for pressing problems, but are as much about *finding formats that generate trust* among mutually interdependent actors. This is why the literature on themes like ‘trust,’ ‘interdependence,’ and ‘institutional capacity’ is now booming (Putnam, 1993; Warren, 1999). If problems cannot be solved within the preconceived scales of government, and we still feel the need to address them, new practices of policy making will have to be invented that can secure problem-solving without the back up of a shared constitution. Here trust suddenly pops up as a key variable that we took for granted for a long time (Giddens, 1991; Warren, 1999).

The above is not meant to imply that the classical-modernist institutions suddenly whither away, or are rendered irrelevant. Far from it: they still are endowed with substantial powers. Indeed, it is hard to conceive of a political order that would not draw on the relative stability and reliability of these classical-modernist institutions. Yet it is *the continuity and coherence of the constitution* that has become an empirical question again (cf. Wagner, 2000).

Knowledge

The second dimension of policy analysis I distinguished was the idea of ‘speaking truth’ to power. The limitations to the possibility of speaking truth are well understood, at least in most academic circles. Yet there is of course a more profound way in which we can understand Wildavsky’s dictum. This is by analyzing what philosopher Alan Garfinkel (1981) called the ‘contrast-space’ of his idea of speaking truth to power. After all, the idea that policy analysis should speak ‘truth’ tells us at least as much about the understanding of politics as it tells us about the rules of conducting policy analysis. Policy analysis is supposed to be the quiet space of scientific rationality, as bounded as the space in itself may be. Policy analysis is supposed to provide uncontroversial knowledge that enhances the administrative capacity for problem solving. But can we uphold this position?

Policy analysis seems *implicated* in the crisis of classical-modernist government. The failure to foresee and forestall has given rise to a widespread *awareness* of the ubiquity of the unintended, perverse consequences of large-scale rationalized planning and the limits to centralized, hierarchical regulation as the dominant mode of collective problem solving (Scott, 1998). This awareness has created a deeply felt unease among citizens about the possibilities of effective and responsible state power. A positive way to understand this is to see that it is essentially a democratization of knowledge that has created *the social explosiveness* of many contemporary practices (Beck, 1992). Policy makers are now also forced to rethink the way in which uncertainties are dealt with *socially*. The sudden politicization of food in Europe in the wake of the twin crises of BSE and mouth-and-foot disease strongly speaks to this. ‘First get the facts right’ is no longer a credible policy making strategy. Ulrich Beck has nicely put this condition into words, arguing that we now have an increased ‘awareness of our unawareness’ (Beck, 1999: p. 123). We thus move beyond the often reiterated notion that these incidents relate to the ‘wicked’ nature of the problems, or earlier insights into the existence of the ‘contradictory certainties’ from which people operate (Schwarz and Thompson, 1990).

This focus on limits to knowledge has repercussions for our understanding of policy analysis. First of all, there is a widespread appreciation that governments cannot legitimately keep up the idea that decisions can only be made once the appropriate knowledge is available. Quite the contrary, politics now often has to be made under conditions of ‘radical uncertainty’ while social protest cannot be controlled with a traditional politics of expertise (Fischer, 1990). Second, as noted above, there is a widespread awareness of the fact that scientific expertise comes with boundary work. This implies that policy analysis must rethink its procedures too. Third, the very commitment to providing knowledge is at stake. In light of the above, policy analysis might be just as much about the *identification of unawareness as about the provision of knowledge*.

Fortunately, policy analysis does not have to start thinking from scratch here. Many policy analysts have become aware of the importance of the work

that has been done on such issues in the sphere of science and technology studies (STS). Initially the strength of the work on STS was the deconstruction of the practices of sound science, pointing out the extent to which facts were a social product. Science, one became aware, had to be seen as a performance, as *a set of practices* in which people attribute properties to things (Latour, 1987). Knowledge is then seen as a product of these practices and is hard to understand without referring to the practices in which it was produced.

Key to a better understanding of the policy process is then not so much the awareness of the ‘constructedness’ of knowledge, but attention to the ways in which knowledge is to be understood as the product of *particular practices* and how the ‘credibility struggle’ (Epstein, 1996) around knowledge claims evolves – how facts and research projects are ‘enlisted’ to back up particular problem solving strategies. Authors such as Jasanoff (1990), Functowicz and Ravetz (1991), Hillgartner (2001), and (from the field of international relations) Haas (1990) all in their own ways have contributed to a new understanding of the practices of ‘regulatory science.’ Regulatory science was introduced by Jasanoff in order to differentiate the practices of ‘regulatory science’ from the practices from ‘research science,’ and this concept is important because, as seen in case of environmental regulation in Britain and the Netherlands, particular rituals of the ‘hard’ scientific practice have in fact been used to ‘stage’ knowledge claims in a domain that is not at all ruled by the practices of ‘research science’ (Hajer, 1995). Moreover, Beck (1991) has pointed out that even if a technology is fully tested, it is always tested under particular ‘staged’ laboratory conditions and the effects in ‘real life’ therefore remain unpredictable. The world – environment and society – is, in that sense, the real life laboratory. Science most certainly leads to ‘more’ knowledge, but as knowledge ‘grows,’ uncertainty often does too. Uncertainty, then, is the inevitable by-product of ever more complex interventions in nature.

The recognition of what we may call ‘certain uncertainty’ could be the basis for a different approach. Whereas a conventional policy analysis might focus on the ‘growth’ of knowledge, the reflexive counterpart would focus on enhancing the awareness of uncertainty and unawareness. There is in fact a historical precedent for this style of operation. In an earlier historical-sociological study Evers and Nowotny (1989) have, in fact, argued for a reassessment of uncertainty. Discussing the emergence of the welfare state, they see how the active engagement with the inevitable uncertainties of modern life was an alternative to the scientific pattern in which expert knowledge is provided to delimit uncertainties. As an alternative they argued for what they called ‘orientational’ or guiding knowledge, made up of a mixture of scientific and social knowledge. For policy analysis this implies a turn towards *knowledge deliberation* as it is hard to conceive how an analytically oriented practitioner in isolation can make sense of complex realities.

The proposal by Evers and Nowotny is reminiscent of Lasswell’s notion of ‘developmental constructs’ (1951). The developmental construct for Lasswell was part of contextual orientation, just like the inquirer’s mapping of ‘self-in-

context' (Torgerson, 1992). What was crucial to successful policy intervention was not the knowledge of the exact consequences of the introduction of the various welfare state arrangements, but a policy community (made up of state actors and societal groups) operating in a particular set of practices, able constantly to monitor progress and adjust policies. The way to rethink policy analysis suggests a move towards interactive *practices of deliberation* that are successful to the extent that they succeed in building up both shared ways of orienting knowledge as well as the trust and credibility of the actors involved. In such interactive practices, various stakeholders would early on be included in the debate on policy formulation, not only to draw on their 'local knowledge,' but also to build active forms of trust in institutions in an age in which such trust can no longer be assumed.

Intervention

The third essential characteristic of policy analysis is its problem orientation and its commitment to facilitating effective interventions. Acting upon this commitment is rather more complicated in a situation in which the political setting is not unequivocally given. For instance, if problems transgress territorial boundaries, interventions cannot simply be based on existing legal systems. This creates new problems of enforcement. Hence even if one would be in favour of hierarchical steering it now often is not a viable option because policy implementation requires active cooperation. In a more general sense theories of steering have to be reconsidered in light of new macro-sociological parameters: if the ties between individuals and the political authorities are less tight than before, if individuals do not a priori share cultural adherences, effective steering may require a much more detailed understanding of the various ways in which people perceive a particular problem.

This new task is in fact widely appreciated. There is a true proliferation of experiments with alternative forms of problem solving. A recurring feature of these experiments is the awareness of mutual interdependence. 'Network management' is a much debated concept although it has been criticized for its lack of attention to the issue of political legitimacy (Kickert et al. 1997). Collaborative dialogues and collaborative planning are experimented with both in the U.S. and Europe (Innes and Booher, 1999; Healey, 1997). In such experiments a wide variety of stakeholders frame shared problems and discuss possible solutions. Key is that governmental agencies participate but do not dominate the deliberation. Policy making here is extended beyond the sphere of mere rule-creation. It becomes a matter of defining an agreed upon package of actions to be taken by a variety of stakeholders, often supported by 'soft law' such as covenants or agreements that are perhaps backed up by regulatory frameworks. In the context of the multi-level governance within the EU this awareness of interdependence (for instance in the sphere of immigration policies and social policies) leads to the employment of bench marking techniques.

Not simply because the EU is unable to come up with firmer instruments of steering, but because this is a clever way to enhance effectiveness across borders without other countries losing face. Similarly, the awareness of the new interdependencies in a domain like biotechnology too leads to a search for and participation in alternative political spaces in which problems and challenges can be discussed.

There is another reason why the issue of steering and intervention requires renewed attention. The triangle of governance also suggests that effective political intervention in the postwar era was not simply a matter of good instruments for steering. The effectiveness of policy making also had to do with the fact that policy making occurred in a territorial unit in which other forces aligned with particular policy interventions. Without denying the continuous struggle over welfare state provisions, there was a shared understanding of the value of a state-led 'security system' among the most relevant stakeholders. Hence, thinking about effective policy interventions was also a matter of making an assessment of societal forces that might support particular policy instruments. A good policy analysis, then, should be able to generate information on the ways in which particular social actors can be enlisted in a particular initiative.

Conclusion: Towards a deliberative policy analysis

I have argued that there are good reasons to rethink the agenda of policy analysis. The loss of a stable polity does not merely change the context of the policy process, but has repercussions for the meaning of policy-making processes. Trust and cultural adherence have to be actively organised. Moreover, the orientation to 'providing knowledge' may lead astray if one does not appreciate that political conflicts often cannot be solved simply by producing more knowledge. Interventions to resolve key problems, finally, often cannot be based on the territorial sovereignty of a particular government. Interestingly, although each argument stands on its own all three of them speak to the new orientation to use *processes* to solve problems.

This new prevalence of process and process management is striking indeed. There is a whole range of experiments taking place with new practices of politics and policy making: stakeholder planning in the U.K., public policy mediations in U.S. environmental management, 'diskursive Verfahren' (discursive approach) in Germany, interactive policy making in the Netherlands, collaborative dialogues in California, conflict resolution in international politics, public dispute resolution: each time problem solving processes in lightly institutionalised 'stakeholder networks' are a timely innovative force for the official political institutions.

Yet this process orientation is not unproblematic. After all, if everything is to be the outcome of process, who guarantees the quality of the decisions made? Let us therefore try to understand what happens in experimentation with new process techniques.

Rather than framing our current experience as simply one of the demise of the state we should recognize the considerable evidence that these experiments point to new emergent practices of governance (cf. also Dryzek, 2000). It is no coincidence that these process techniques have been in vogue for some time in the sphere of international relations (Rosenau, 1995) and in the applied sphere of planning (Innes, 1996) where effective action significantly depends on collaboration. We witness the range from collaborative dialogues and public dispute resolution in California to stakeholder policy making in Europe, from the 'new approach' to implementation in the European Union to experiments with 'visioning' in urban politics, and mediation as alternative to litigation, it now seems as if the *nature* of governance is changing.

The question is how we should assess these new practices. Are these new practices a threat to the well-established constitutional order of classical-modernist institutions or might they be seen as new carriers of political democracy in our time? Of course, these practices are full of the 'unauthorized actors of the second modernity' (Beck, 1999: p. 41), and there is no guarantee that they will constitute a new 'generation' of policy making practices that combine effectiveness with the active production of legitimation. Indeed, many attempts will be made by existing political players to 'capture' these new political spaces but these new ways of organising the policy process most certainly deserves our careful attention. Hence the point is not to deny this field of experimentation. The point is rather to come to an assessment of the contribution of these new practices for a new policy analysis and a new political order. More particularly, policy analysis should assess if and when such practices contribute to furthering the goals of a policy science of democracy, as once proclaimed by Lasswell.

It has now been more than 50 years since Harold Lasswell coined the often reiterated phrase of a policy sciences of democracy. Despite the elegant and timely idea of a policy sciences of democracy, the development of the approaches to the study of policy making has not been unproblematic since that day. Tribe (1972), deLeon (1997), Fischer (1990), Torgerson (1985; 1986) and Dryzek (1989), among others, have criticised policy analysis for its elitism, overlooking the wishes and aspirations of democratic citizens. Others have taken apart the troublesome foundations of its empiricist epistemology (Hawkesworth, 1988; Fischer, 1998). These arguments are still worth considering, especially in light of the 'everyday positivism' that characterises much of policy practice (Wagenaar and Cook, 2003). Yet at the same time I would argue that reflection on the changing context of policy making shows that we now face a different sort of challenge. This challenge calls for new ways to act on the ideal of a policy science of democracy. After 50 years Lasswell's call can be given new meaning in light of a new political order.

First, the policy sciences must come to grips with the fact that they can no longer take the political setting as given. The fact that much of politics and policy making now takes place in an institutional void has at least two effects on policy making. On the one hand we can see how policy deliberation has become a much more central 'site' of politics. There are many empirical cases

that illustrate how policy initiatives now form the basis of a truly political debate in which people reflect on their identities, exchange views with others and can indeed come to some sort of collective will formation, often across the boundaries of territorially defined jurisdictions. The identification and scrutiny of these dimensions of policy processes should be prominent on the agenda of a new policy analysis.

Second, the challenge calls for a serious reflection on the ways in which policy analysis itself still is implicated in the institutional crisis that Beck and others describe. Is it simply a matter of political apathy that participation often does not lead to the authentic exchange of views that democrats hope and expect from it? Or do we simply not do a good job in analysing how the way in which such practices are enacted, how the ways in which a discussion is mediated influence the outcome, or how the language in which people are assumed to express themselves all affect what can be said meaningfully and with influence in that context? Similarly, we know surprisingly little about the successful examples with mediation and public dispute resolution that take place in the shadow of high politics. Rather than criticising these forms of politics for their lack of accountability and their often troublesome relationship to decision making in elected bodies we might also try and figure out how we can build on their success and enhance their democratic credentials (Fung and Wright, 2001; Dryzek, 2000; Akkerman, 2001).

Third, the practical orientation of policy analysis makes it always vulnerable to become the intellectual handmaiden of government agencies. Public administration has shown itself to be quite capable of responding to the demise of hierarchical forms of government. The literature on network management is a case in point (Kickert, Klijn et al., 1997; Rhodes, 1997, 2000). Yet the challenge now is also to rethink the legitimation of government in this light. In other words, the literature should also address the explicitly normative issues that come with the introduction of new practices in which some will be able to participate and others will not.

Fourth, the commitment to a policy sciences of democracy explicitly calls for a reshuffling of the disciplinary orientations within the academy. More particularly it seems timely to rethink the connection between policy analysis and political theory. In light of the above, this should be conceived of as a reciprocal relationship. The practically oriented policy scientist is now often much better informed about the experiments with citizen participation and new forms of governance that take place than the typical political theorist. Yet political theory can help to come up with a new way of linking deliberation to decision making. Parliamentary settings are but one site of discursive production and a notion of democratic decision making that speaks to the dynamic of policy making in an institutional void requires theoretical development.

Finally, policy analysis should insist on a connection between its theory development and empirical research. Discourse analysis and ethnography are two approaches that allow for detailed analyses of particular problem-solving practices that could promote an understanding of the intricacies of successful

policy deliberation in a discursive polity and a new understanding of what features constitute a good policy deliberation. In this respect policy analysis can profit substantially from a strengthened relationship with other academic traditions. The aforementioned scholarship on science and technology studies – and in particular its sub-branch of the sociology of scientific knowledge (SSK) – has a well-developed understanding of the ways in which knowledge gets produced (Gomart and Hajer, 2003). Interestingly, the sociologists of scientific knowledge are in turn becoming more aware of the need to get a better handle on what politics is and what it should be. Again, there is a productive exchange in the making. A sound empirical basis should also help us to come up with a better understanding of the dynamics of trust and credibility in such intercultural settings, to get a handle on how socially-robust knowledge shapes up and to see how the quality of policy deliberation can also be judged in terms of the way in which identities are handled in this process. It is this sort of research that in the end might help explain how a system of governance without territorial synchrony might be perceived as both effective and legitimate.

In sum, then, policy analysis still is a meaningful way of organising knowledge. In light of the above we might redefine this endeavour as a ‘deliberative policy analysis’ which aims at understanding the quality of policy making both in terms of content and process. Deliberative policy analysis could then be defined as follows: *a varied search for understandings of society to facilitate meaningful and legitimate political actions, agreed upon in mutual interaction, to improve our collective quality of life*. This definition emphasizes the multiple methods that we need to employ and takes interactive deliberation as its starting point: what is a meaningful intervention is to be derived from that debate. Central is the commitment to extend the ability to discuss policy issues in a meaningful and politically efficacious way. The conception thus *includes* a consideration of legitimacy. Since in our ‘network society’ policy will often have to be made without the backing of a polity, we should conceive of policy making more in terms of what one may call ‘stand alone practices.’ This implies that the issue of legitimacy also has to be related to the process of policy making as there might not be the possibility to refer to the ‘umbrella’ of formal political institutions for legitimacy. Policy making now is as much a matter of citizens (and their associations) and enterprises acting in a concerted way as it is a matter of direct government intervention. Finally, deliberative policy analysis includes the commitment to improving the quality of life to emphasize the task of the policy analyst to think about the impacts of particular actions. But here quality of life is no abstract philosophical notion: it is suggested that it is policy deliberation itself that has to help define what quality of life means for a particular choice in policy making. Again, if policy making increasingly becomes a prime site of politics, then policy analysts must develop the sensitivity that allows them to facilitate processes of collective-will formation oriented towards a notion of public quality of life.

This attempt to revitalize Lasswell’s agenda would, of course, require us substantially to rethink the institutional basis for what we are doing and how

we are doing it. Yet in all, the surprising conclusion is that the policy sciences are in fact well capable of taking up the challenge (Hajer en Wagenaar, 2003). Especially the interpretive tradition in policy analysis can take a lead here. It knows how to handle some of the key questions that come with policy making without a polity. There is a solid scholarship on questions of meaning and identity, for instance, and on politics and expertise. A deliberative policy analysis could come up with new insights that would help explain how a discursive polity can hold together, how governance without government might actually work, and also what it requires in order to be both successful and legitimate.

Notes

1. The changes in the societal order are much debated, and a variety of concepts have been introduced to make sense of shifting economic, social and cultural relationships (e.g., Albrow, 1996; Beck, 1999; Castells, 1996; Giddens, 1991; Hannerz, 1996). Against the background of this changing context, the topography of policy making and politics is changing, too (Dryzek, 1996; Rhodes, 1996; Rosenau, 1995).
2. This differentiation was first introduced in *Politiek als vormgeving* (Hajer, 2000). Interestingly, Wagner (2000) invokes a similar vocabulary in his *Theorizing Modernity*.
3. Indeed, to our own surprise our empirical research showed a stunning 200 telephone calls between officials from the European Commission and the five-person Dutch NGO *Das & Boom*.
4. Policy analysis means many different things to different people and one can observe that various groups have found new, more comfortable, labels to describe what they are doing, avoiding the very label of policy analysis. Of course, it was also a term that Lasswell chose not to use. He used the term 'policy sciences,' largely to suggest a mode of inquiry that was devoted to knowledge in a broad sense, not just technique. On the other hand, the by now classic article on Lasswell (Torgerson, 1985) was called the 'Contextual Orientation in Policy Analysis,' thus suggesting a broader usage of that term. Dryzek later choose to use policy science and policy analysis interchangeably (1989: p. 98).
5. The central claim of the protesters was that the British government had only looked at the environmental effect of sinking this particular storage buoy whereas a proper risk assessment would have taken into account that there were some 400 others nearing the end of their economic lives.
6. For an explication of the uses of discourse analysis, cf. Carver et al. (2002).

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