

# How policy instruments are chosen: patterns of decision makers' choices

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**Abstract** Policy instruments are a fundamental component of public policies. Policy instruments are often a result of mediation within the policy design process, whenever decision makers reshape existing instruments without introducing any real innovation. This results in imitation, layering and ambiguity in tool choice selection, and raises the theoretical problem of the logic according to which decision makers choose certain specific policy instruments rather than others. Decision makers may have different reasons for choosing certain specific instruments, although these reasons should be connected to the two main purposes of decision-making, that is, the search for effectiveness and the construction of a shared sense, a common acceptance. Thus, the choice of instruments is a question of potentially conflicting drivers that decision makers have to cope with within a specific decisional situation, when asked to solve those problems that have arisen. This paper examines this question and offers an analytical framework based on the two main factors in terms of which the selection of instruments is channelled and assessed: legitimacy and instrumentality. The boundaries created by how decision makers perceive these two dimensions mean that only four selection patterns can be chosen by decision makers: hybridization, stratification, contamination or routinization.

**Keywords** Policy instruments · Patterns of choice · Legitimacy · Instrumentality · Decision makers

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## Introduction: What types of choice when selecting instruments?

In recent years, scholars have increasingly focused on the modes by which decision makers choose policy instruments by combining contextual pressures and their preferences in order to deal with emerging policy problems (Peters 2002; Howlett 2005; Del Rio and Howlett 2013). Those debating this question generally acknowledge that the choice of instruments is decoupled from consolidated, univocal factors—like ideational frameworks, decision makers' preferences, constituencies, institutional arrangements and partisan politics—, while it emerges that the choice of instruments results from the interaction of these different factors. At the same time, in recent decades decision makers have been increasingly pressurized by public opinion into making appropriate choices of instruments rather than taking things for granted, and into raising their capacity to resolve problems (Hood and Margetts 2007; Hallpern 2010; Ring and Schroeter-Schlack 2011). Thus, increasing attention has been paid to the types of logic influencing instrument selection, and to the specific factors driving decision makers' behaviour when selecting policy tools.

With regard to both aspects, many studies have encouraged the search for theoretical approaches investigating the recurrent paths taken by decision makers when formulating their policy design through a combination of bundles of selected instruments, chosen according to their preferences and to the contingent situation and conditions (Borràs and Edquist 2013; Voss and Simmons 2014; MacIntosh et al. 2015; Ingold and Metz 2014).

This focus on the pathways followed when selecting specific instruments, is the consequence of the increasing awareness that, as certain studies show, the idea of any coherence between policy instruments and a given ideational framework or goal, or a specific governance mode, has been superseded (Gunningham and Sinclair 1999; Bressers and O'Toole 2005; Howlett 2005; Capano, Reyner, and Zito 2012) for the simple reason that it is empirically fallacious and inconsistent with the facts.

Whenever we deal with the issue of instrument selection, there is a basic assumption deriving from the state of the art in policy instrument literature: any selection of policy instruments is characterized by an intrinsic reciprocal influence between decision makers' preferences and contextual constraints (Howlett 2004; Bressers and O'Toole 2005), and as such should be considered the result of a recurrent decisional assemblage of different elements. Therefore, the choice of policy instruments can be observed as a specific subset of the decision-making process, namely a limited setting where decision makers are called on to select instruments in a well-structured decisional process, partially induced by the context (e.g. institutional profile, political constituencies, public opinion) and partially influenced by individual characteristics (perceptions, political responsiveness, ideational background, career opportunities, etc.).

This raises the question of the types of choice actually available to decision makers whenever they are called on to select tools within the midst of the above-mentioned individual and contextual elements, and also the question of *whether*, and *how*, the intrinsic complexity of this phenomenon can be grasped from an analytical point of view.

Thus, this essay specifically deals with the problem of *how* policy instruments are selected. It should be pointed out here that our focus is not on “why” decision makers select one policy tool or another, but on “how” they perform that selection, that is, what kind of process is involved when they perform this policy selection. Thus, our goal is to conceptually reduce the complexity of instrument selection by finding limited patterns of choice capable of ordering the on-going reality. This complexity derives from the contingent-based nature of instrument selection, which depends on specific sets of conditions

being present. From this point of view, instrument selection is situational rather than predetermined. It is contingent because it is not directly dependent upon environmental factors or the institutional context, but at the same it is not directly related to individual preferences or goals achievement either. Therefore, in this context contingency means that instrument selection is systematically established in recurrent, but neither random nor predetermined, heterogeneous patterns of situations.

This paper analyses the possible combinations of diverse contextual and individual decisional premises, by looking at the drivers that channel them into recurrent selection patterns. These drivers have been present in the decision-making literature for several decades. As a rule, decision-making theories have distinguished and categorized them into two different categories of logic: the logic of consequence (effectiveness-seeking) and the logic of appropriateness (sense-seeking). The logic of consequence drives decision makers to choose their policy instruments according to the principle of instrumentality, and thus to select instruments that are in keeping with the policy-makers' pursued goals. The logic of appropriateness encourages decision makers to choose according to the principle of legitimacy, and thus to select instruments that possess a value "shared" by other actors and environments. Thus, by drawing from different stream of literature, this essay proposes a conceptual framework by which to order and analyse the choice of instruments by assuming that in the real world, decision makers are forced to find a balance between these two logics of choice.

Thus, this study aims to describe those recurrent patterns of choices available to decision makers when selecting instruments according to the drivers (effectiveness-related and sense-related) that channel and influence their decisional behaviour. Both drivers are specifically operationalized into two analytic dimensions that have been repeatedly adopted in the debate on policy instruments (Linder and Peters 1998; Salamon 2002; Howlett 2004; Le Galès and Lascoumes 2007; Voss and Simmons 2014): legitimacy and instrumentality.

Neither legitimacy nor instrumentality is objectively given, but is perceived by decision makers in a subjective manner, depending on the specific context in which they act and make decisions. Thus, the combination of the decision makers' perceptions of legitimacy and instrumentality results in just four specific patterns of instrument choice: routinization, hybridization, contamination and stratification.

This essay is arranged as follows. "[Decision makers' choice of policy instruments is constrained by contingent configurations](#)" section summaries the question of the factors influencing instrument choice. The key question is discussed in "[The drivers of instrument selection: legitimacy and instrumentality](#)" and in "[Four patterns of instrument choice](#)" sections, where our theoretical framework is presented. In "[The drivers of instrument selection: legitimacy and instrumentality](#)" section we examine how decision makers need to find equilibrium balance between the logics of appropriateness and the logics of consequence, and how legitimacy and instrumentality can be conceptualized as the corresponding operative dimensions of instrument choice. "[Four patterns of instrument choice](#)" section presents and discusses a typology of patterns of choice, based on the dichotomization of legitimacy and instrumentality. "[Discussion: The decision makers' choice of instruments: the pursuit of legitimacy and/or instrumentality](#)" section examines the theoretical and empirical implications of the proposed framework, while the concluding section offers some possible directions for further research.

## Decision makers' choice of policy instruments is constrained by contingent configurations

The central theoretical issue in policy instrument studies is currently the choices made by decision makers. This marks a transition from the basic question of “what policy instruments are” (Hood 1986; Linder and Peters 1989; Vedung 1998; Salamon 1981, 2002; Wuerzel et al. 2013) to the more complex question of “how a policy instrument is adopted” by decision makers in order to solve a new policy problem or to deal with the ineffectiveness of existing policy solutions, or under the pressure of specific groups or constituencies demanding the adoption of their favourite policy tool. The main assumption here is that, as pointed out by the seminal study by Kirschen et al. (1964), the intrinsic “theoretical goodness” of a policy instrument is not a sufficient condition for its selection by decision makers. On the contrary, contextual factors represent a key determinant in the choice, together with the technical (or ideological) nature of an instrument in the eyes of policy-makers, and their values, interests, worldviews in a specific political setting. On the basis of this theoretical perspective, a considerable number of studies conducted in recent years have increasingly focused on the conditions, or the situational factors, leading decision makers to the adoption of a certain policy instrument, regardless of whether it be ideologically, economically or technically capable of resolving the problem in question.

Thus, many factors have been considered as the real drivers of decision makers' choice of policy instruments. Peters (2002) effectively summarizes these factors into five categories termed the “five Is”: ideas, individuals, institutions, interests and international environment. All of them are perceived as capable of channelling actors' choices. Moreover, Peters emphasizes the situational, rather than the technical, nature of instruments, by showing that the choice of the same instrument could be reshaped in different decision-making contexts, according to the given spatial or time framework. Accordingly, the choice of policy instruments has been increasingly seen to be of a contextual (Howlett and Ramesh 1993) or contingent (Bressers and Klok 1988) nature, meaning that decision makers choose on the basis of the specific conditions present. In this broad picture, processes like policy diffusion and policy transfer should also be considered contextual factors rather than direct drivers. Policy transfer (Dolowitz and Marsh 2000; Bulmer and Padgett 2005) and policy diffusion (Gilardi 2010; Shipan and Volden 2012) can activate mechanisms like lesson-drawing, learning, emulation, inspiration, competition, all of which can clearly influence decision makers' choices, albeit within a specific context since they also interact with others possible contextual factors.

All of the aforesaid theoretical considerations led to the belief that the choice of an instrument depends significantly on a range of factors, and is not the automatic result of any one factor such as economic performance, technical understanding/preferences, stakeholders' interests or ideological stance. Consequently, what emerges is that decision makers' choices are typically driven by various potential combinations of factors grounded in the political, economic and institutional context.

At the same time it has to be underlined that according to both historical and socio-organizational institutionalisms, policy instruments when considered as institutions can be bearers either of lock-in effects (Pierson 2000) or of a set of social and political values, and as such, they can contribute towards the construction of reality (Le Galès and Lascombes 2007). Both these “institutional features” of policy instruments can be considered as relevant factors; yet they cannot be considered to completely determine the choice of

policy instruments, but represent a specific component of the contextual puzzle that decision makers need to decipher in order to make their choices.

Thus, contextual factors and institutional dimensions can be considered those elements of contingent configurations that limit the choices available to decision makers. However, these contingent configurations cannot be assumed to predetermine decision makers' choices: there is room for agency, albeit of a constrained nature. When faced with different combinations of ideas, interests, institutions, technological opportunities, policy legacies, etc., decision makers can be assumed to deal with this conundrum by following specific drivers enabling them to frame the complexity of the situation and thus make their choices. Thus, while decision makers have a certain degree of freedom when it comes to selecting policy instruments, at the same time this selection is framed within a specific setting whereby decision makers are guided in the selections they make.

Thus, the next step is to identify those drivers framing the selection of policy tools by systematically channelling individual attitudes and environmental constraints.

## **The drivers of instrument selection: legitimacy and instrumentality**

### **The logics of the decision-making process**

Our reasoning in regard to the determinants of instrument selection should be considered as a specific way of analysing how decisions are made. Any driver of instrument selection possesses its own rationale based on a specific decisional approach. It is important here to see our reasoning within the broader context of the literature on decision-making.

As we are all aware, there are many approaches to decision-making. These may be grouped into two main categories: the rational models and the social-interactive models (Langley et al. 1995). The rational models focus on the assumption that decision-making is a rational process, since the selection of the means is consistent with the goals pursued. The traditional divide lies between optimal rationality and bounded rationality. The former is based on the traditional assumption of economic theory whereby decision makers are perfectly informed: thus not only do they have clear preferences, but they also possess all the information they require, and thus are in a position to make the optimal choice by comparing the various options available to them. Bounded rationality, on the other hand, according to Simon (1957), emphasizes the fact that decision makers have limited cognitive sources and thus can never possess full information about the choices to be made. Consequently, they are expected to make their decisions on the basis of the limited information they have, and of their goals, by means of a sequential process.

Unlike the rational models and their underlying assumption of a coherent link between goals and means, there are those models that see the selection of policy instruments as a product of a more complex process based on a partial or ambiguous cognitive situation. Incrementalism assumes that the decision makers in democratic systems are fragmented (and thus bearers of different interests) and partisan, and thus that decisions are made through successive limited comparisons: in this view, decisions are simpler if the difference, in terms of the instruments adopted, is small compared to the status quo (Lindblom 1959, 1965). "Muddling through" means that decision makers, when asked to decide, are less interested in general goals and more concerned about doing what they can without destabilizing the existing situation, and thus the instrument settings. Finally, the "garbage-can" model emphasizes the structural conditions of the cognitive ambiguity of actors, the

endogeneity of preferences and the possibility that there are pre-existing solutions to problems that very often help decision makers to define the problems themselves (Cohen et al. 1972; March and Olsen 1976). From this perspective, the decision makers' choice can be based on the temporal alignment of a specific combination of problems, solutions and opportunities. In this case, the content of decisions is not predetermined or structurally caused, but is loosely contextually driven.

All the main decision-making approaches empathize with different logics. However, substantially they may be considered divided according to their intrinsic decisional drivers. On the one hand, the rational models emphasize the consequentiality of the decisional process, based on the assumption that decision makers adopt an instrumental approach: they are perceived as searching for the best possible means by which to solve problems. On the other hand, decision makers are perceived as having no clear, coherent idea of the goals/means link. Without any clearly defined goals, they try to focus on what is most appropriate within a specific context and at a specific time (March and Olsen 1989). Thus, from a broader perspective, the selection of policy instruments could be based on their coherence vis-à-vis the established goals, according to the rational approach, or on their possible congruency and shared meaning within a specific context, according to the social-interactive approach. Thus, the various decision-making models would seem to suggest that from a theoretical point of view, decision makers may be perceived either as effectiveness-seekers or as sense-seekers. In the first case, they act on the basis of an analysis of the possible alternatives to choose the best decision in relation to their own preferences: in terms of policy instrument choice, this means the search for the more effective instrument. In the second case, decision makers are assumed to have no clear preferences (owing to the political complexity of the situation or the newness of the problem), and thus decide by making sense of the decisional situation and thus pursuing directions shared by the policy actors: in terms of policy instrument choice, this means a search for consensus regarding the most appropriate, widely acceptable policy instrument.

This theoretical divide, although highly interesting, could significantly constrain our comprehension of the real way in which policy tools are selected. In fact, the reality of decision-making may be assumed to be characterized by the presence of both forms of seeking, and decision makers may be assumed to try to combine both forms.

### **The setting of instrument selection: decision makers' pursuit of effectiveness and sense-making**

According to the foregoing, the choice of policy instruments is the result of the way in which decision makers combine the search for effectiveness with that for sense-making, within a highly complex context in which they have to deal with uncertainty, technical complexity, political salience, conflicting values, interests, preferences, coalitions and legacies, by designing a solution, within the specific institutional context, that is based on their choice of instruments.

Their activity in choosing instruments is not completely intentional or predetermined, but can be conceived as a combination of technically substitutable tools albeit with differing forms of political economy (Trebilcock and Hartle 1982; Landry and Varone 2005), potentially contradictory rationales, unclear ideas and goals, and potentially conflicting interests.

According to Linder and Peters (1991), the choice of policy instruments cannot be considered the "rational" design of completely autonomous decision makers, nor may it be an epiphenomenon resulting from contextual factors. More precisely, current literature on

policy instruments emphasizes the contingent convergence of both dimensions: the individual tendencies of decision makers in certain situations, and the presence of specific contextual factors which constrain the framing and actions of decision makers. This convergence is not completely random or undetermined. It is anchored in specific situations where micro- and macro-elements meet, ceasing to be background variables and becoming framed by decision makers trying to formulate “good reasons” (Boudon 1989; Elster 2008) to select certain instruments rather than others.

Following the two streams of literature supporting the dual nature of instrument selection, with technical and contextual constraints on the one hand (Doern and Phidd 1988; Howlett and Ramesh 1993; Salamon 2002) and contingent opportunities on the other (Bressers and Klok 1988, Peters 2002), all the theoretical instances and conceptual insights embedded in both forms of reasoning may be classified into two analytic dimensions: legitimacy and instrumentality. At the same time, these two drivers can be considered as factors by means of which the two main decision-making logics—effectiveness-seeking and sense-seeking—can be operationalized in the real setting of instrument selection.

All in all, we can assume that decision makers are rational beings trying to find good reasons for believing that a policy instrument is suitable and useful. In this sense, they are assumed to focus on instrumentality when they are mainly focused on pursuing effectiveness, or on legitimacy when they are constrained by the need to pursue the more appropriate choice.

Furthermore, we assume that perceptions of policy actors are absolutely inescapable in the public policy field, as well in political science (Peters 2001), as shown by Wilson (1973) in his well-known typology of public policies, and by Schneider and Ingramham (1993) in their typology of policy targets.

The focus on legitimacy and instrumentality as fundamental reasons why decision makers choose certain instruments rather than others, is based on the assumption that instruments should necessarily have the support of the majority of decision makers, and that this support should also be based on the congruence of such instruments with prevailing social values. Here instrument selectors’ perception of the social acceptance of their choices is of essential importance, and it leads them towards systematic, recurrent options. Legitimacy and instrumentality channel instrument selection because they are strictly related to the nature of instruments, and they represent the underlying dimension of their selection.

According to Lindblom’s seminal dichotomy of policy planning (1977), there are two political approaches to policy design: the cogitation approach and the interactive approach. Cogitation is the problem-solving, effectiveness-driven design. It maximizes the political capability to make decisions in the light of technical solutions, regardless of social and political acceptance. Interaction, on the contrary, is a muddling-through, bargain-driven strategy. It maximizes consensus rather than efficiency.

We assume that both effectiveness and consensus (which may be considered to be the policy-making face of decisional sense-making) are intrinsically political dimensions indirectly encompassing many other sub-categories, while other possible dimensions are exogenous to political discourse or too specific to be accepted as general. Legitimacy and instrumentality drive the choice of instruments in accordance with the corresponding contextual factors, by grouping them together, and thus by delimiting the selection settings. The focus on them allows decision makers to connect the choice of instruments to the context in question, and for this reason their importance is intrinsically related to policy tools. Thus, by assuming legitimacy and instrumentality to be the main drivers of policy instrument selection, we can grasp the reality of instrument choice without considering it



as exclusively dependent upon only one of the two main decision-making logics: consequentiality or appropriateness; and effectiveness-seeking or sense-seeking.

### **Legitimacy: policy instrument selection meets the broad need for political acceptance**

Legitimacy is a crucial political driver affecting decision makers (Beetham 2013; Suchman 1995). It is strictly related to the political context within which any decision is made. In the words of Salamon (2002, 24): “tool choice can affect the overall sense of legitimacy that government enjoys in the eyes of citizens”. Furthermore, as many scholars (Le Galès and Lascoumes 2007; Wuerzel et al. 2013) have argued, decision makers need external reinforcement when choosing a policy instrument. It means that decision makers are influenced by decisional conditions (Van Nispen and Ringeling 1998) arising from the institutional context, in terms of sense-making, which in turn emerge within a policy or institutional setting.

Basically, decision makers cannot select policy tools merely on the basis of personal preferences, technical background or personal values. They cannot consider such instruments simply as “means”, but are also obliged to take account of the “symbols”, “opinions”, “coalitions”, “interests” and “trust” that their policy instruments are bearers of. Thus, we can assume that tool choice implies a degree of mediation between existing cognitive conditions rendering the choice of instruments acceptable, either to the public (in the case of salient policy issues) or to the specific target (if policy problems are not salient or are unknown to the public), and policy-makers’ own preferences based upon technical arguments or ideological assumptions. The policy instrument has to be accepted by someone (the public, specific interest groups, the experts, an external actor like the European Union) in terms either of the values of that particular policy sector or of the instrument’s perceived capacity to achieve the expected goal (Schön and Rein 1994; Bakvis and Skogstad 2002; March and Olsen 2006). Acceptance, however, depends on the instrument being visible, recognizable and capable of validation.

Such reasoning is in line with the Weberian concept of legitimacy as a precondition for the acceptance of power (and of the instruments of power, as policy instruments intrinsically are). Accordingly, policy instruments have to be justified for the same reason that decision makers require legitimization. Bemelmans-Videc et al. (1998, 8) offered a clear synthesis of this concept when stating that the legitimacy of a policy instrument is particularly crucial for democratic life, since it “may refer to the degree to which government choices are perceived as ‘just’ and ‘lawful’ in the eyes of the involved actors”.

Different disciplinary areas—political philosophy (Beetham 2013), political science (Barker 1990; Ansell 2001) and organization theory (Drori and Honig 2013)—assume that legitimacy may be based on two different kinds of source, that is, sources that are either external or internal to the specific field of application (Pizzorno 1986).

*Internal legitimacy* is endogenous, since it implies that the “insiders” are the fundamental source of legitimation of the adoption of new instruments (i.e. the introduction of tickets or tariffs for social services) not pertaining to the legacy of the policy field in question. Here, decision makers, in lending sense to their choice of policy tools, hold values and maintain arguments and rhetoric deriving from *that* specific policy field. For example, internal legitimacy is provided by aspects rooted in the practice, the legal framework or the moral background of a policy sector (so from this point of view, internal legitimacy is afforded by the institutionalized set of policy instruments and by the policy legacy). An instrument may be internally legitimated because it fits with the prevailing



governance mode, or because it is in keeping with the shared cognitive framework of the related policy community.

For this reason, such legitimacy is already taken for granted by those (policy-takers as well as decision makers) within a given policy arena. For instance, in the field of employment policy, certain recurrent instruments used in favour of young unemployed people have been standardized and divulged within the context of different policy agendas in different countries, according to international guidelines, thus constituting cases of policy transfer (Martinez 2005). Industrial economies, as well as undeveloped countries (e.g. MENA, the Mediterranean North African countries), indifferently adopt instruments such as training, incentives and subsidies for firms, regardless of the context and of their effectiveness, because they are universally reputed as suitable by the insiders (Martin 1998; Bonoli 2010), whereas they may have a significant normative impact which is not taken into consideration if the legitimacy dimension is dealt with only internally (Daguerre 2007).

In the social policy field, there has been an increasing degree of adoption of the same instruments (i.e. subsidies), albeit decentralized to local level. The decentralization of consolidated instruments is a solution accepted by those within the social policy arena (the “insiders”). As a result, nobody would be surprised if decision makers decided to decentralize consolidated social policy tools, such as subsidies, to the Local Authorities. The insiders (stakeholders, experts, opinion makers) will deem this choice appropriate. These “insiders” can consequently validate the instrument as acceptable because they perceive it as familiar, coherent or potentially capable of helping improve policy performance.<sup>1</sup>

The internal legitimacy principle implies that the “insiders” are the fundamental source of legitimation of the adoption of new instruments (i.e. the introduction of tickets or tariffs for social services; a new funding formula for universities; a new market-based instrument in environmental policy) not pertaining to the legacy of the policy field in question.

On the other hand, *external legitimacy* is exogenous in relation to the specific policy field. In this case, the legitimation of instruments originates from a different policy sector/political context. The social environment where the tool originated (e.g. the private sector, another country, the EU, the OECD or the voluntary work sector) becomes fashionable and appealing, and invested with positive meaning (Richardson 2000; Damonte et al. 2014). External legitimation can be imposed (as in the case of certain EU directives regarding policy goals); it can also be a matter of policy diffusion and transfer (when decision makers perceive that some “best practice” could work in their context, or when decision makers use foreign practices to strength their arguments). In such cases the tool is validated as outstanding, regardless of any real transferability to, or subsequent success within, the new context. External legitimation means that a policy tool is perceived as fitting sectoral policy needs due to the high reputation enjoyed by its source. Examples of this include: the process of diffusion of NPM tools (Ongaro 2010; Pollitt and Bouckaert 2011); school autonomy (Martens et al. 2010); institutional assessment in higher education (Huisman 2009; Capano 2011); anti-smoking policy (Cairney et al. 2011); deliberative democracy in urban planning (Kahane et al. 2010; Kersting et al. 2016); and liberal economic policies (Simmons and Elkins 2004).

<sup>1</sup> For such dynamics in the European Union, see Kazepov (2010); for a comparative perspective see: Moher et al. (2000), Sellers and Lidstrom (2007); for this trend in Latin America see: Tulchin and Garland (2000), Brosio and Jimenez (2012).

Thus, the instruments are transferred from their original technical, cultural and normative background, and are transferred to the new policy sector. As previously mentioned, the logic of the market is historically extraneous to public administrations, but over the course of more than 30 years the majority of European governments have adopted a range of tools with which to govern public sector policy, by borrowing these tools from financial or development policies explicitly directed towards the empowerment of markets and firms—i.e. from the New Public Management model. Tools such as contracts or quasi-market competition were originally extraneous to all public sectors; subsequently, however, they became perceived as suitable and fitting, a kind of “gold standard for public administration reform” (Kapucu 2006), even if they were not directly or immediately workable (Peters 2001; Christensen and Lægreid 2001). Obviously the “context” may influence the decision makers’ views; they may choose to be guided by external legitimacy in specific critical cases, while continuing to adopt an internal perspective in the absence of any radical external challenge.

### **Instrumentality: policy instrument selection meets the perception of effectiveness**

Instrumentality is a second incisive driver of instrument selection because it influences the way the instruments are supplied to the decision makers and perceived as useful for the pursuit of their chosen goals. Tool choice strictly pertains to effectiveness and problem-solving capacity. This capacity is not random or subjective, but mediated by the context that frames and addresses choice, according to recurrent patterns of perception of a more or less influential nature.

Instrumentality derives from the resource-based scheme approach to the instruments. It is crucial, since it concerns the technical nature of a tool, that is, its coherence and effectiveness in relation to the pursued goal. The technical nature of an instrument is presumed to influence the choice thereof (Hood and Margetts 2007), although it is mediated by decision makers’ perceptions, which clearly depend on their expertise and knowledge. This implies that the available resources (i.e. capability, knowledge, technological and financial arrangements, use of authority) can act as a legacy influencing actors’ strategy. According to Hood, any selection of instruments will tend to constitute a learning experience, through trial and error based on the available functions deriving from the shape and material nature of such instruments. The technical shape of policy instrument’ tends to influence choice through the perception of the possible results of their use. In other words, policy instruments are “means of orienting relations between political society (via the administration) and civil society (via its administered subjects), through intermediaries in the form of devices that combine technical (measuring, calculating, the rule of law, procedure) and social components (representation, symbol)” (Kassim and Le Galès 2010, 5).

Hence, we assume the decision makers’ perception of an instrument’s operation (e.g. the “instrumentality” according to Salamon 2002) to be a necessary prerequisite for tool choice.

Thus, instrumentality concerns the decision makers’ perception of an instrument as useful and effective in achieving given ends, and as such is presumed to influence the choice thereof (Hood and Margetts 2007). So, instrumentality encapsulates the pursuit of the effectiveness and coherence of the goal-means relationship that intrinsically characterizes any choice of instruments. From the instrumental point of view, decision makers focus on those instruments which are perceived to be better suited to the achievement of their goals. However, instruments predate the selection phase, and influence decision

makers' choices according to their pre-existing uses and the expected consequences of their use as institutionally established tools. Instruments can therefore shape the selection setting in accordance with their legacy and the decision makers' perception of their potential use in a specific context.

Thus, the institutional shape of a tool is not neutral (Van Nispen and Ringeling 1998) since it "reveals a (fairly explicit) theorisation of the relationships between the governing and the governed" (Kassim and Le Galès 2010, 6). In other words, instrumentality is the bearer of specific vested interests and power roles (more/less government; the inclusion/exclusion of specific interest groups, etc.) (Voss and Simmons 2014): any instrument is related to its own political constituency, which socializes it use: it allocates opportunities and duties, creates values or symbols, as well as stakes, and also distributes costs and benefits (Jordan and Matt 2014; Béland and Howlett 2015). As Le Galès and Lascombes (2007) have pointed out, the technical nature of an instrument has to be considered as a prerequisite for action: instruments structure public policy according to their own logic, because they predefine the setting of instrument choice by anticipating costs and benefits in the decision makers' minds. According to Olsen (1991), instruments can be thought of as "bounded institutions", i.e. cognitive boundaries framing decision makers' freedom of choice. As institutions, instruments are boundaries limiting and channelling choices and uses. However, they are not completely divorced from the context of use: they are shaped and accredited by constituencies that contribute to their validity and effectiveness. Thus, they have been created by the people, and in turn influence decision makers' choices.

Thus, instrumentality is perceived as the relational (political) property of a policy instrument which decision makers have to pay attention to when selecting policy instruments. It is never fixed or objective, but always subjective, the result of decision makers and actors' perceptions and expectations (Bressers and Huitema 1999). According to Salamon (2002), instrumentality is the dimension that captures the perception of losses and benefits deriving from the structure of opportunities, interests and bounds implicitly embedded in an instrument. So the perception of the technical nature of a policy instrument is both technical and political (Jordan et al. 2013). Actors build their beliefs regarding the ways policy instruments work, by paying attention not only to the instruments' capacity to solve policy problems, but also to their potential impact on the distribution of power within the policy field.

This fact leads to the adaptability of instruments to different situations. More generally, certain instruments are often perceived as leading to a more focused use, and are thus selected by decision makers because they are perceived to be the only and best way to do something: their field of application is perceived as uncontested and univocal.

However, at the same time many other (and often apparently innovative) instruments are perceived as being indefinite and vague, and are thus selected by decision makers because they are perceived as being flexible. All these instruments are not implicitly fallacious or negative. They are simply less clearly defined and more manipulable, and for this reason may appear more attractive. They can be applied in various fields, and they may be stretched and reshaped, and implemented in highly diverse, sometimes contrasting, ways.

Besides the nominal nature and field of application of each instrument, we know that policy instruments may vary in terms of their clearly defined, univocal use or their elastic, unspecified field of application. In other words, they may be perceived to be generic or specific to varying degrees. Thus, we assume that instrumentality may be specialized, according to the first definition, i.e. entailing a univocal field of application and clearly perceived definition in "the eyes of those" choosing the instruments for a more coercive

use, or it may be generic, that is, with a broad or flexible, umbrella-like definition and corresponding uses in keeping with a less coercive use.<sup>2</sup>

*Specialized instrumentality* refers to those instruments that are perceived by decision makers, and consequently adopted, as unique, non-substitutable tools of governance. This renders the use of a given policy instrument totally different from that of other such instruments, in terms of its capacity to produce specific effects. As an artefact, the specialized instrument tends to differentiate political relations in a highly selective manner. Specialization means individualization and distinction: the instrument is perceived by decision makers as being original, that is, as a template, a best practice to be subsequently imitated. The specialized instrument may be the result of different legal or cognitive factors. As regards the cognitive sphere, it stands for the creation of symbols and codes or languages that set the instrument apart, so that everyone can talk about it by adopting a specific set of meanings. Mention of legal factors is a reference to specific procedures or a characteristic regulation affecting the instrument, whereby everyone can recognize it within its legal framework. Specialization is highly selective and constraining. It strongly influences all those decision makers adopting it, and requires the reshaping of relations between the various components of the policy-tool set. It is oriented towards the persistence and institutionalization of the use (that is, the end-goal) of an instrument that becomes so taken for granted that it is no longer disputable. However, it excludes all other policy-makers: a clear border separates insiders from outsiders, “winner and losers”.

For example, in environmental policy, pricing instruments (taxes and charges) are often shaped in a unique way (Kosonen and Nicodeme 2009). If perceived and adopted as highly specialized, they influence the behaviour of those employing them. If you decide to adopt this kind of instrument, you have to take account of the cognitive and legal implications of its adoption. The same reasoning can be applied to the spread of standardized national education tests, which are conceived as instruments that clearly and directly ensure the assessment of the institutional performance of schools, and thus represent a stronger way of making schools accountable (Klieme et al. 2004; EACEA 2009; Lingard 2013). The shape of this kind of instrument (including the corresponding procedures, organizational offices and regulations) may also influence those decision makers adopting it.

*Generic instrumentality* refers to those policy instruments that are perceived by decision makers (and thus consequently adopted) to include and cover an increasing number of actors, policy problems and situations, in order that they may be generally considered as fitting due to their ability to encompass a broad range of problems both within the same policy field and in different policy fields. In his study of EU environmental policy (2010),

<sup>2</sup> Our distinction between specialized and generic instruments echoes the more traditional one between substitutable and non-substitutable policy instruments (Trebilcock and Hartle 1982; Doern and Phidd 1988; Howlett 2004; Landry and Varone 2005). We try to overcome the limits of this literature from two points of view. Firstly, by assuming the relevance of decision makers’ perceptions we underline how the intrinsic attributes of a policy instrument (technical or in terms of political economy) are not objective, but are based on subjective assessment. Secondly, the use of the labels “specialized” and “generic” offers a more precise picture of the real features that decision makers attribute to the instruments. In fact, the dichotomy substitutable/non-substitutable is based on a kind of technical assessment (while a non-substitutable instrument is considered to be the only means by which to achieve a given goal, a substitutable instrument can be replaced by others in order to reach a pursued goal) in terms of effectiveness. Nevertheless, our emphasis on decision makers’ perceptions and the adoption of a second driver (legitimacy), means not only that the choice of instruments cannot involve a technical evaluation alone, but also that a non-substitutable instrument may not be chosen, notwithstanding the perception of its technical superiority, because decision makers that it is not sufficiently well-accepted in a specific context: in this latter case, the choice of a “generic” instrument is considered the best in terms of the balance between effectiveness-seeking and sense-seeking.

Hallpern has made it clear, that instruments that are not strictly defined, but are flexible, may be regarded as feasible by adopters: thus EU instruments represent a specific case of generic, highly consensual tools that may be employed in different contexts, states and policy sectors. The broad, rather evasive material and technical nature of such tools means that they may be shaped in different ways and adapted to suit different situations, thus representing a flexible solution to several different problems.

Generic instrumentality allows integration and depersonalization: a given instrument “loses its original creator” (person or agency) and its potentially unique institutional logic, in order to become a non-specific tool incorporating different political and social worlds. For example, in many European countries the partnership between public and private spheres can be seen in a broad range of policy sectors beyond that of public utilities (its original sector of adoption). The public–private partnership (as well as project financing) is now perceived as an inclusive term covering a variety of uses, policy problems and strategies, including town-planning, social and environmental policies (Hodge and Greve 2007). It has become a generic tool, and its own regulations and technicalities are broadly defined. Thus, the public–private partnership can be employed in a flexible way, and is capable of achieving consensus among a wide range of actors. It does not strictly compel anyone, but creates a weak framework towards which a great many actors can converge.

A generic instrument is geared to integration, that is, it covers several different problems and solutions without the need for any specific, exclusive rules. In other words, the instrument in question plays an “umbrella role”. See, for example, the concept of the “smart city”. Smart city is a flexible instrument by means of which various different problems are dealt with. It has been applied in a flexible way to various fields, ranging from the technological divide to the participation of citizens in the decision-making process. “Smart city” is a useful and appealing generic (umbrella) term covering various different problems (Giffinger and Gudrun 2010). Other stimulating examples of generic instrumentality are the NPM instruments that have been selected and implemented in various ways in different countries (Eimery-Douzans and Pierre 2011). The same could be said of policy evaluation as an instrument comprising a broad range of alternatives (e.g. quantitative experimental impact assessment vs. statistical surveys) that can implicitly affect the nature of empirical evidence and the subsequent impact of its use (Bevan and Hood 2006; Furubo et al. 2013).

While specialized instrumentality represents a constraint, that is, the tool in question can only be used for a specific purpose and in a specific way (meaning that it is more conflictual, but also more effective, vis-à-vis the status quo), generic instrumentality implies that the instruments in question are employable in a lot of different situations, with regard to different people and policy problems, and provide a generic, comprehensive, consensual approach to the adjustment of goals, means and vested interests (and are thus bearers of marginal changes to the *status quo*). Specialized instrumentality is more demanding in terms of actors’ expectations, and is thus more demanding also from the decision makers’ point of view. It can be politically expensive and may lead to blame or conflict. Generic instrumentality is less demanding (in terms of political costs), and leaves room for interpretation and reshaping by decision makers.

## Four patterns of instrument choice

Thus, we argue that instrument selection is framed and driven by the above-mentioned drivers, which channel the selection in different ways, whereby individual preferences are affected by two types of factor: the external or internal perceived sense of legitimacy, and

the specific or generic perceived instrumentality attributed to the instrument's adoption. Both dimensions bring together different embedded aspects to create the recurrent paths of action that decision makers have at their disposal. Decision makers have their specific interests and aims, and when selecting tools they adjust their choice according to the attributes of legitimacy and instrumentality in order to make their choice socially accepted and perceived as useful from the technical point of view. The question of agency arises here: in truth, actors play the game of selecting their policy instruments according to their own preferences, but the chosen instruments are framed within a specific decisional context. The individual penchant of decision makers is weighted and shaped by the influence of legitimacy and instrumentality. As a result, tool choice represents the interaction between the agent's attitude and perceptions, and contextual acceptance. The decision is not a linear, mechanical output, but a combination of both forces, which decision makers deal with by pursuing an equilibrium between the logics of appropriateness and the logics of consequence, between legitimacy and instrumentality. Internal or external legitimacy, on the one hand, and generic or specific instrumentality, on the other, are opposite, clear types of influence that drive decision makers in different ways, swaying their preferences in different directions. Thus, the combination of the aforesaid forces is a prerequisite for choice that produces different selection patterns.

The typology presented in Table 1 provides the resulting recurrent patterns of choice. The four patterns may thus be conceived of as representing the systematic approaches that decision makers may take when selecting policy instruments, thus generating different choices of instruments according to the contextual framework and their own preferences in a given environment.

As Table 1 shows, the dichotomization of legitimacy and instrumentality produces four patterns of instrument choice, namely: (i) routinization, (ii) contamination, (iii) hybridization and (iv) stratification.

## Routinization

*Routinization* is the pattern of choice whereby decision makers continue to adopt the same policy instruments in the same way, without adopting any further instruments in an inertial way. It represents a pattern of selection that is completely constrained by policy: the strength of policy inheritance entails the preservation of the previously adopted instruments, without any change or addition being made. The term "routine" derives from organizational and cognitive studies: a routine is confirmation of a previous form of behaviour based on cognitive achievement. The shape of the instruments actually adopted encourages decision makers to continue with the unconditional adoption of such, since their material profile is so clearly and specifically perceived that nobody could possibly criticize their suitability without the need for new trials. Obviously, this case fails to tell us whether the adopted instruments are actually effective in the long term, or are merely

**Table 1** Four types of pattern affecting tool selection

	Legitimacy	
	Internal	External
Instrumentality		
Specialized	<i>Routinization</i>	<i>Hybridization</i>
Generic	<i>Contamination</i>	<i>Stratification</i>

highly promising. Tool choice is strongly legitimized by path dependence (also in terms of those vested interests involved) and by considerable specialization: tool choice seems to be congruent, (apparently) efficient and effective, and there is no new policy mix, but simply the maintenance of those tools deemed to be effective in the light of the new contingency. This pattern involves a conservative perception of tool choice: decision makers are convinced that the current set of adopted instruments is either performing well or that there is no other real choice (by assuming that other choices could be more of a risk from both the political and the policy perspective), so there is no need for change by adding new tools. Routinization affects persistent forms of behaviour that preserve the consolidated selection. It does not involve any form of learning, and represents a conservative attitude. Both legitimacy and instrumentality seem to suggest that the decision maker makes no changes, but merely preserves the status quo. There are no reasonable, feasible or appealing alternatives, and thus in this case there is no policy change in the strict sense of the term. Routinization stands for path dependency and inertia.

The case of the European Central Bank is an interesting example of routinization. In response to the 2008 financial crisis, the ECB adopted liquidity measures (which are legally within its scope according to the Treaty) in a standardized way (to maintain the organizational goal of “price stability”), while the Federal Bank made a series of quite aggressive, unconventional choices (Draghi 2012; Geithner 2014). Accordingly, as Stiglitz (2002) mentions, the IMF continued to recommend austerity through cutbacks and cost-saving exercises in South–East Asian countries such as Malaysia and Thailand (whose governments accepted this), in accordance with a consolidated pattern of routinization: the recipe proved ineffective, but it was perceived as specialized and strongly legitimized by the insiders.

Finally, routinization in environmental policies has affected tool selection by reiterating certain consolidated choices. As Miteva et al. (2012) show in their economic analysis of biodiversity policy, routinized instruments such as protected areas have led to modest reductions in deforestation, but continue to be very popular and remain uncontested.

## Contamination

*Contamination*<sup>3</sup> is the specific pattern whereby decision makers can decide, according to their prevailing policy values and to the insiders’ interests within the policy field, to adopt new tools in an unspecific way. These tools may not be well suited to the given situation, but they are reputed to take account of the political situation to a greater degree, through the creation of a broader consensus. Contamination is the pattern of choice whereby insiders try to defend their existing positions of power within the policy field by showing that they are capable of changing their chosen instruments in order to deal with perceived policy ineffectiveness.<sup>4</sup> However, this pattern implies a change in the policy sector, because actors (decision makers first and foremost) are forced, in one way or another, to adjust their preferences to the requirements of the new tools. This adjustment produces a new blend of policy tools which could also represent the basis for incremental policy

<sup>3</sup> Of course, we use the term “contamination” not in the medical sense but in that of Greek and Latin manuscript tradition. In this sense, *contamination* is a technique of writing whereby a single manuscript contains readings originating from different sources or different traditions. The final result may be highly innovative rather than a simple collage.

<sup>4</sup> Contamination, then, can also derive from a generic acceptance of policy transfer, or as a minor learning process due to internal dynamics, as proposed by the Advocacy Coalition Framework (Sabatier and Jenkins-Smith 1993; Jenkins Smith et al. 2014).



change, and may be considered not as simple layering but as a kind of patching-up process (Howlett and Rayner 2013), as a result of which the new set of adopted tools is significantly different, at least in its design, to the previous one.

Tool choice is not necessarily congruent, but may be endorsed as being innovative, and thus efficient and effective. It implies the acceptance of a new element in a consolidated setting. For instance, local development policies imply the softer adaptation of an inherited policy toolkit (public intervention) to a new context: the old instruments are progressively flanked by new ones, and tool choice goes in the direction of partial renewal, within a generic, integrated functional pattern (Burrone and Trigilia 2012). The choice of policy instrument is less technical, and less exclusive, than it was before. As a result, the new instruments are basically broader and more generic, and are designed for a wide range of situations, interests, uses and practices. To a certain extent, the history of an instrument can reveal the policy changes that have occurred within a specific context, through an examination of the contaminating choices by means of which new elements have been included in a consolidated arrangement, as demonstrated by Palier (2007) with regard to the case of pensions in France.

Another example of contamination concerns the social housing design launched by the EU Commission in the 1990s (Whitehead and Scanlon 2007). Once again, the underlying principle is that of a public–private partnership (PPP) as a successful way of procuring funds and support for this costly social policy. This instrument appears new, but has been imported from other sectors such as that of infrastructures or urban policies, where it has been implemented in a strictly specific way. In general, the PPP has been recommended to EU members as a suitable solution. In general, the social housing PPP is unrelated to the original PPP, and seems a generic, unspecific, allusive way of procuring private funds. Each State continues to steer social housing using the same “old” instruments, entirely or partially geared by the State, but at the same time new private investors (e.g. foundations) have been recruited and involved. The PPP in social housing is a fruitful rearrangement of the former tools, thus contaminating the consolidated approach through the introduction of private money.<sup>5</sup>

## Hybridization

*Hybridization*<sup>6</sup> is that pattern of choice whereby decision makers are forced, by the need for external legitimation, into innovating within a given policy sector through the adoption of a new tool that is highly constrictive, since it is clearly formed and highly specialized. Hybridization is to some degree based on the “fusion” concept formulated by Eberlein and Kerwer (2004). This implies the inclusion, within the existing set of policy tools, of policy principles belonging to policy paradigm/governance modes other than, and possibly conflicting with, the adopted one, which in turn forces insiders to re-frame the existing set.

<sup>5</sup> Contamination may echo the “conversion” type of institutional change as perceived by Streeck, Thelen and Mahoney, only if, as some scholars have shown, conversion implies at the very least a previous layering process (Boas 2007; Thatcher and Coen 2008; Barnes 2008).

<sup>6</sup> We use the term “hybridization” in the biological sense, that is, in the sense of the interbreeding of individuals from genetically distinct populations. This concept is also used in organizational theory (Minkoff 2002; Hargrave and Van de Ven 2006) and in public administration studies (Christensen and Lægreid 2001). Here, generally speaking, hybridization means the combination of different institutional logics. In this sense, the term is more specific than the generic use of hybrid type seen in policy instrument literature, where it is simply synonymous with “mix” (see: Gunningham and Grabosky 1998; Jordan et al. 2005).

This tool choice entails a loss of congruence (due to the inclusion of a highly constraining tool from a different policy field, political context or policy paradigm), but it also enables a wider range of actors and situations to be included, in the name of renewed efficiency or effectiveness. Ultimately, hybridization means the establishment of a new policy mix in which different governance principles and ways of working are combined in the pursuit of a new balance. So, as in the case of contamination, what we have once again is not a simple layering, but a process in which the new policy instruments adopted oblige actors to re-design, in a consistent manner, the set of tools employed.

Many studies refer to “new and hybrid” instruments (Wuerzel et al. 2013). A clear example of hybridization is that of environmental policies. In this case, several external sources have strongly legitimized the choice of tools. Important supranational actors—such as agencies, international conferences and the EU—have placed the question on the political agenda and suggested the type of instrument to be adopted. As a consequence, central governments have adopted clearly distinct, highly specific instruments (e.g. the Kyoto certificates; EU regulations) that have required innovation of the underlying logic of the currently adopted toolkit (Voss and Simmons 2014). Another interesting example is that of land use in tropical regions (Lambin et al. 2014). In this case, hybridization is a process through which the pressure of civil society, NGOs and corporations can result in favourable conditions for mixing public and private (market-oriented) policy instruments in an innovative way.

## Stratification

Finally, *stratification* is a pattern whereby decision makers introduce instruments in a generic way, so that they are readily accepted in other fields due to the need for external legitimization. The degree of congruity in this case is extremely low, and it does not necessarily entail any conscious re-design of the existing set of policy tools, since the decision makers perceive the *new* instrument as suited (from a political point of view) to the policy in question, and its integrated nature as a sign that there is no pressure to render it congruous with the existing set of policy tools. Decision makers simply decide to adopt it, and thus juxtapose it with previously existing instruments, without having to search for any apparent congruity or integration. The choice of instrument is actually legitimized by the appealing nature of the new instrument, and by the fact that it encompasses a number of different situations, actors and solutions, thus achieving a broad consensus, although its generic nature means that it is not really of a constraining character (nobody imagines losing anything as a result thereof). The logic of stratification implies that the new instrument is added, but that there are no real relations with existing instruments, and thus this choice does not necessarily produce, at least initially, any real impact on policy-making. Following Eberlein and Kerwer (2004), it stands for co-existence, that is, a combination of potentially contradictory elements without any given internal logic.

So stratification is the simplest, least costly way in which decision makers can change the existing set of instruments. The new instruments are accepted since they are not considered as being enforced in practice, or because they can be incorporated into the previously adopted toolkit.

The former case may include what emerges from the adoption of public hearings and citizens’ involvement in policy-making—where often this tool has no real impact on policy dynamics—(McComas et al. 2009); or in agricultural policy, where the adoption of new technological instruments by farmers does not encourage them to pursue sustainable production strategies (Kruseman and Bade 1998). The latter, whereby the new instrument

is neutralized and incorporated into the consolidated set of adopted tools, can be exemplified by the misleading use of policy evaluation adopted as a bureaucratic routine, instead of a genuinely innovative, results-oriented practice (Floden and Weiner 1978; Blomquist 2003), or by the use of quality assurance in higher education as an instrument of central regulation rather than as an instrument of continuous self-improvement through learning (Dill and Beerkens 2010; Capano 2014).

## **Discussion: The decision makers' choice of instruments: the pursuit of legitimacy and/or instrumentality**

By starting from the evidence showing that instrument selection is neither linear nor predetermined, but a combination of micro- and macro-elements, this paper aims to go beyond the seemingly incoherent and fragmented patched policy mix that appears to characterize the world of policy instrument choice, to look at how policy instrument selection actually occurs. From this point of view, the selection of instruments is specifically framed by two logics resulting from the study of decision-making: the logic of sense-making (consensus building) and that of effectiveness (ends achieving). The sense-making perspective emphasizes the question of legitimacy, while that of effectiveness stresses the role of instrumentality. Both dimensions drive the selection process by channelling decision makers' perceptions into four systematic, recurrent patterns of tool adoption. In the words of Mahoney and Thelen (2010, p. 8), legitimacy and instrumentality shape the "circumstances under which the change happens".

Legitimation and instrumentality, in fact, meet decision makers' need to resolve the two essential problems they are faced with when deciding which policy instruments to adopt: the problem of establishing substantial support for their decisions, and the problem of choosing instruments that may solve the contingent problem in an effective manner.

The four patterns have specific trade-offs in terms of political costs, and in terms of blame (hybridization is the most demanding, followed by contamination, stratification and, finally, routinization). At the same time, the four patterns of choice also represent the potential target during the formulation phase for all the main actors involved. All four patterns reveal how and when a certain selection of instruments occurs, on the basis of how decision makers combine their perceptions in terms of legitimacy and instrumentality, according to a specific context.

For this reason, the four patterns can be considered bearers of different degrees of potential change, and thus of different mixes of the actual set of adopted policy instruments.

Routinization represents an inertial mode whereby the existing set of adopted tools is preserved unchanged. It simply confirms the pre-existing approach to resolving collective problems in terms of path dependence. It is quite clear that this choice implies significant problems with learning, and leads one to suspect a situation of policy-making stalemate which decision makers are unable to overcome. Path dependency and inertial or conservative adoptions have simply to be considered as a case of routinization, that is, an effect of internal circles of decision makers and specialized instrumentality, and the institutionalized use of the same instrument.<sup>7</sup>

<sup>7</sup> Routinization, in representing the maintenance of the status quo, could be considered dependent on the strength of the contextual factor more than on a choice made due to the freedom of choice, albeit limited, of decision makers. For example, it could be assumed that in the presence of a policy community (Heclo and Wildavsky 1981), or a highly politicized issue—which according to the Advocacy Coalition Framework is

Stratification is equally conservative, since the innovation in the adopted set of policy tools is symbolic rather than real, because stratification involves decision makers simply formulating a new instrument as a result of external pressures, without having any intention of adding said instrument to the existing toolkit. According to the theory of gradual institutional change (Streeck and Thelen 2005; Mahoney and Thelen 2010), stratification is a pattern of choice conducive to layering; however, in our view, it has no significant effect on the persistence and effectiveness of the previous set of adopted instruments. Layering of policy tools in this specific case has to be seen as the effect of generic (poorly institutionalized) instrumentality and external legitimacy provided by outsiders. The outcome is stratified because it is incoherent and juxtaposed, depending on the various contingent influences.

Contamination is conducive to a significant, albeit partial, renewal of the existing set of adopted instruments. It means consciously adding new policy instrument(s), whereby decision makers try to integrate said instrument(s) into the existing toolkit also by recalibrating it. Once again there is layering, albeit of a different type compared with that seen in the case of stratification. In the case of contamination, layering is a conscious activity which may reveal learning from the past, or lesson-drawing from other experiences. A contaminated set of policy instruments represents an improvement when insiders endorse the generic instrumentality to be adopted as an innovative step.

Hybridization is apparently another form of layering, although it is likely to have a more significant impact on the existing set of adopted policy instruments. In fact, the additional instruments are the bearers of different policy paradigms and governance principles, and this creates a mix that is qualitatively different from the pre-existing one, and which may well be something substantially new. Hybridization thus implies a profound redesign of the existing set of adopted tools, and the result may be highly innovative and thus conducive to a substantially different set of adopted policy instruments. So, hybridization may be conducive to a new package of policy instruments, the operational logic of which may well be very different from the previous one. In this case, external legitimators (outsiders) approve a specialized, institutionalized instrumentality that goes beyond its consolidated scope.

## Conclusions

The article proposes a typology of how decision makers select policy instruments, in the light of the consolidated analytic dimensions of decision-making. It demonstrates that the unexplored, seemingly incoherent world of policy instruments selection, really depends on

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Footnote 7 continued

the basis for the maintenance of the status quo (Sabatier and Jenkins-Smith 1993)—decision makers would be forced to opt for routinization. However, the rationale of our framework would suggest that decision makers:

1. are not necessarily capable/obliged of interpreting the situation in a path-dependent way, and thus, they could choose a different interpretation of the situation and opt for one of the other three patterns of choice;
2. should they opt for routinization, this is due to their perception of conditions, whereby legitimization is perceived to be only internal (at the policy community or policy sub-system level), and the focus on specialization is based on the fact that the previously adopted policy tools are perceived to be confirmed in their specialized use and thus cannot be changed.

channelled, recurrent patterns of choice leading to differing degrees of discretion for decision makers, and thus of innovation. Hence, the article argues that decision makers make decisions in structured selection contexts, although they do dispose of a certain room for manoeuvre that depends on their perception of the possible combination of legitimacy and instrumentality, and consequently they adopt hybridized, contaminated, stratified or inertial (i.e. routinized) packages of tools.

This attempt to combine legitimacy and instrumentality is clearly linked, and partially depends on, contextual factors, and thus on the specific contingency. We have not furthered our analysis of such institutional factors or possible contextual configurations that can favour one or another pattern. The reason for this is not only a matter of space but also a precise theoretical choice: our basic assumption is that, in whatever contingency, decision makers have room for choice, and thus their selection of policy instruments cannot be assumed to be determined by the context in which they operate. Furthermore, we have used our framework to focus on how decision makers choose, and not on why they choose in the way they do.

This approach appears promising from both the empirical and the theoretical points of view.

From an empirical point of view, policy-making processes need to be reconstructed in order to gain a better understanding of policy dynamics: firstly, in order to understand whether, and why, decision makers actually do decide during the formulation phase, as we have suggested; secondly, in order to thoroughly examine the real effects of implementation of the new adopted policy instruments, so as to identify any possible feedback effect on decision makers and on the actual interpretation by the implementers of the newly designed set of instruments (this could be very important in terms of our understanding of how the internal incoherence of the actual set of adopted instruments can be used by implementers to reinvent the actual instrument package itself). Thirdly, the four patterns can be considered as a fundamental goal that is at stake in the policy process. In fact, if the four patterns represent the games that decision makers play when selecting policy instruments at the same time, obviously they may also represent the stake of the other policy actors and stakeholders. In fact, it may be assumed that all the policy actors involved are in a position to put pressure on decision makers to get their preferred pattern to prevail. This dynamics should be considered as a contextual factor, just like others, and does not invalidate the main argument that the final choice of the pattern of selection lies with the decision makers. However, from this point of view, the four patterns could be considered as constituting a strategic goal for policy actors, because the choice of pattern structures the content of the newly adopted set of policy instruments. Thus, the way through which policy actors organize their strategic behaviour in order to influence the perceptions of decision makers, in terms of legitimacy and instrumentality, is a relevant matter for in-depth empirical investigation.

From a theoretical point of view, the proposed framework requires us to start thinking about the gap between the literature on governance modes and that on policy instruments, and about the problem of policy and institutional change. In fact, if the reality of policy instrument choice is based on recurrent patterns of selection leading to different policy mixes, then it is very difficult to see how this reality can be related to the coherence between governance modes and the corresponding policy tools, as claimed by many governance scholars. At the same, as we have seen the set of adopted tools is the result of different forms of layering, that is, of the different political relevance of the potential choice of instruments to be pursued. Such findings problematize the operationalization of layering and, more generally, existing theories of gradual institutional and policy change.

The set of adopted instruments usually changes in an incremental manner; however, depending on the chosen pattern of selection, there may be considerable differences in the content, and eventually in the effects, of the renewed set of adopted policy tools, depending on the chosen pattern of selection.

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