

# Policy Instruments and their Implementation

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## **Abstract**

*The implementation of different policy instruments is crucial to achieve the goals defined in public policies. In the academic literature, scholars have examined the implementation of different types of policy instruments and analyzed conditions that explain variation in their implementation. This chapter summarizes this literature in two steps. Firstly, it discusses the implementation of different types of policy instruments, notably, regulations, financing, information, organization as well as more self-regulation and nudges. Secondly, the chapter analyzes various factors impacting on the implementation of different policy instruments, such as the availability and the design of instruments, the complexity of the policy field as well as elements related to national political systems.*

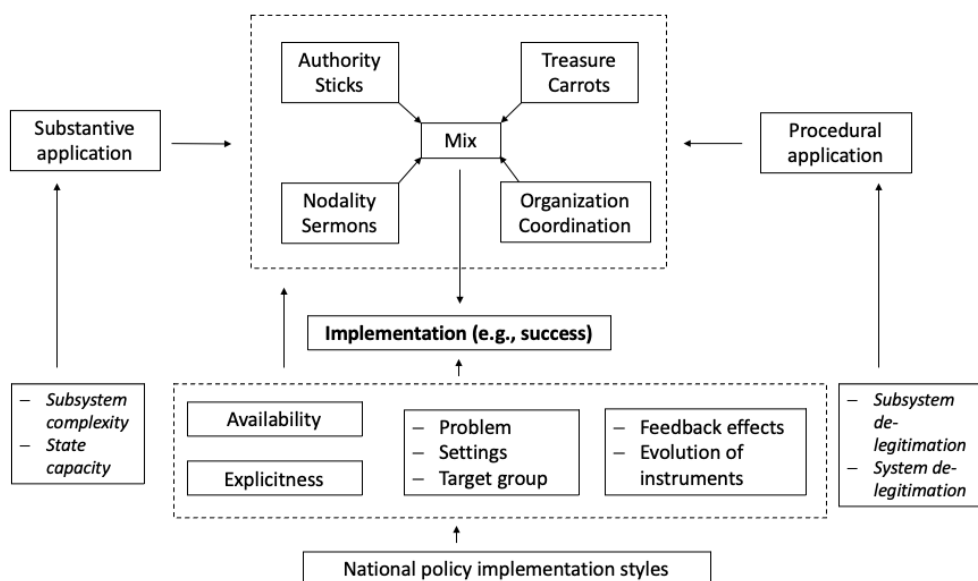
## **1. Introduction**

There are different types of policy instruments which governments use to try influencing the behavior of the population in economic and social life. In the most basic way, researchers have distinguished between regulations and rules, financial investments, information, and organizational changes as the most important types of how public policy intervenes in society. In practice, policymakers use mixes of these types of instruments and create specific

policy solutions to deal with pressing problems, such as environmental protection, public health protection, unemployment benefits and labor market integration as well as the immigration and immigrant integration.

Although the framing of policy problems, the design and formulation of policy solutions as well as the decision of policy outputs are important elements of the policy process, the implementation of policies is a crucial element to achieve some level of goal achievement, i.e., impact of different policy instruments on target group. In other words, the right application of different elements of public policies needs to be assured to yield the desired effects on the actors that are targeted by the policy. This chapter addresses this problem and examines the implementation of public policies. Specifically, this chapter examines the consequences of different policy instruments and discusses different factors impacting their implementation. Figure 1 summarizes the main contents that will be discussed in this chapter.

Figure 1: Summary of the chapter



Source: Own figure

The chapter proceeds in two steps. Firstly, the following section presents different types of policy instruments, such as authority, resources, nodality, and organization (Bemelmans-Videc, Rist, and Vedung 2011; Hood 1983; Lascoumes and Gales 2007). Thereby, the section of the chapter will also examine under which conditions decision-makers are likely to apply them in policy practice. The section will also point out how that the implementation of policy instruments occurs in mixes, i.e., policy programs often entail not only one specific instrument but a variety of different applications that aim at tackling a policy problem at the same time. Secondly, the following section will present different elements from the literature that impact on the implementation of public policies, such as the availability of policy instruments (Hood 1983), the problem at hand (Mayntz 1981), settings and target groups (Mavrot, Hadorn, and Sager 2019) as well as explicitness of policy instruments (Thomann 2018) amongst others.

## **2. Types, mixes, and the implementation of policy instruments**

This section provides an overview of different types and mixes of policy instruments as well as their implementation in practice.

### *Types of policy instruments*

In the public policy literature, scholars have distinguished different policy instruments. In other words, these are the tools that governments use to implement goals that are formulated in policy programs, laws, strategies, and political manifests. In very general terms, different authors have traditionally distinguished four types of policy instruments:

1. **Rules and regulations:** these are policy instruments that use rules to allow or ban economic, political, and social practices (Lascoumes and Gales 2007), for example

the sale of medical cannabis, or financial products. The implementation of these instruments is often in the hands of the public bureaucracy, such as the police. Yet, in other instances, private actors can also play an important role for the implementation of rules (Sager et al. 2014). Christopher Hood refers to rules and regulation as *authority* (Hood 1983). In the edited book by Bemelsman-Videc et al., the authors use the term *sticks* to indicate policy instruments imposing rules and regulations (Bemelmans-Videc, Rist, and Vedung 2011).

2. **Finances:** the second type of policy instruments largely concerns the spending of cash to influence economic, social and political practices (Lascoumes and Gales 2007). The most common examples for such instruments are the usage of tax money to support parts of the population that are in need. For example, many developed countries run means-tested social assistance programs that are financed by taxes to help the poor. Another example for such instruments is investments into infrastructure projects. The implementation of financial instruments is often confined to public services, such as schools. Furthermore, in the last two decades governments have also provided public-private-partnerships where private companies implement publicly financed projects, for example regarding the construction of infrastructure. According to Christopher Hood, financial instruments are *treasure* (Hood 1983), whereas Bemelsman-Videc et al. refer to *carrots* to denote the use of financial policy instruments (Bemelmans-Videc, Rist, and Vedung 2011).

3. **Information:** the third type of policy instruments used in the literature is information (Lascoumes and Gales 2007). In this case, public policy informs the population regarding a problem and tries to change behavior by informing individuals and organizations in society, and, to change behaviors by providing

information. One recent example are information provided by ministries of health regarding the COVID-19 virus, which invites the population to change its behavior to avoid being infected. The implementation of such measures is the responsibility of the bureaucracy but might be delegated to a private company that is specialized in developing and implementing information campaigns. Christopher Hood (Hood 1983) refers to *nodality* to denote information and Bemelsman-Videc use the term *sermons* to point to information-based policy instruments (Bemelmans-Videc, Rist, and Vedung 2011).

4. **Organization:** the fourth type of policy instrument is organization. “Organisation gives government the physical ability to act directly, using its own forces rather than mercenaries” (Hood 1983, 6). In other words, it denotes the ability to create or steer capacities in the public sector. Beyond the capacity to create public employment, organization can also entail the ability to coordinate existing levels of government. For example, an important tool for effective crisis management is the ability to provide a coordinated policy response that combines different public sector organizations and levels of government (Ansell, Boin, and Keller 2010).

Michael Howlett has developed further Hood’s distinction of policy instruments by distinguishing substantive and procedural policy instruments. According to this author, substantive policy instruments can be defined as, “... those policy techniques or mechanisms designed to directly or indirectly affect the production, consumption and distribution of different kinds of goods and services in society” (Howlett 2017, 98). Contrariwise, procedural policy instruments, “... affect production, consumption and distribution processes only indirectly, if at all, and instead are concerned with altering aspects of a government’s own workings ...” (Howlett 2017, 99). To give an example, substantive policy instruments are

measures regulating products, such as the production and consumption of tobacco and cigarettes (Mavrot, Hadorn, and Sager 2019), whereas an example for a procedural policy instrument is for example the creation of a collaborative governance platform where different organizations, and perhaps even citizens, deliberate on policy projects including the implementation of policy mixes to deal with complex policy challenges (Ansell and Gash 2018).

The distinction of substantive and procedural policy instruments can be applied to the four types of policy instruments discussed above. Precisely, this means that substantive types of policy instruments can take the forms of nodality, authority, treasure, and organization. Furthermore, these policy instruments can be used to alter the behavior of the target group, or to detect it. To give an example: providing advice and training to unemployed individuals is an example of using nodality (sermons, information) to affect the behavior of unemployed persons. By developing reports and statistics related to unemployment rates, the government uses nodality to detect a problem and the effect of the policy instruments it has used (Howlett 2000, 415). Concerning procedural instruments, Howlett distinguishes the possibility of applying them in either a positive or a negative way. For example, funding to support interest groups by the government is a way to use treasure (carrots, financing) in a positive procedural way, whereas the defunding of such organizations indicates using these instruments in a negative manner (Howlett 2000, 420).

#### *Mixes and sequences of policy instruments*

Another insight from the literature that is important for our understanding of the implementation of public policies is that governments tend to mix different types of instruments (Bemelmans-Videc, Rist, and Vedung 2011; Howlett 2004; Mavrot, Hadorn, and

Sager 2019). The term policy mix denotes that achieving a given policy goal often requires using a variety of policy instruments. Thus, decisionmakers need to decide how different policy instruments fit together in a relatively coherent mix (Howlett and del Rio 2015, 1234). In other words, policy mixes need to ensure policy integration to avoid that different instruments contradict each other (Trein and Maggetti 2020). Furthermore, decisionmakers need to determine how many instruments they need to implement the policy goal they wish to achieve (Howlett and del Rio 2015, 1234). Although a larger diversity of policy instruments (cf. Figure 1) is more likely to achieve a specific policy goal (Fernández-I-Marín, Knill, and Steinebach 2021), implementation can be challenge, especially if instruments need to be coordinated across levels of government and policy portfolios (Bemelmans-Videc, Rist, and Vedung 2011, 258, 263; Howlett and del Rio 2015, 1237; Trein 2017, 747).

For example, policy mixes are important to implement the goal of tobacco consumption. Governments have used tax money to fund smoking cessation courses, put into place regulations such as advertising and smoking, and provided information and marketing campaigns against tobacco use (Mavrot, Hadorn, and Sager 2019, 6). Regarding the COVID-19 pandemic governments have put into place regulations regarding social and economic activities such as lockdowns, used tax money to provide financial support for businesses and individuals and provided information for the population. To organize this policy mix in a way that different instruments did not contradict each other another was an important challenge and resulted in different approaches to problem-solving during the pandemic (Maggetti and Trein 2022).

In addition to policy mixes, the temporal sequencing of policy instruments is an important element regarding implementation. Bemelmans et al. suggest that governments often tackle

problems in three phases. “The idea is that over time a policy problem is tackled in three different ways: first by the provision of information (education), subsequently by the application of selective incentives (engineering), and lastly by the establishment of rules and regulation (enforcement). The underlying notion is that in solving social problems the authorities apply tools of increasing strength in successive stages" (Bemelmans-Videc, Rist, and Vedung 2011, 263–64). This idea entails that government typically tackle a policy problem by slowly increasing the stringency of the measures they use to change economy and society. Although this idea makes sense intuitively, this is a hypothesis that needs to be verified empirically. It is very likely that governments in non-democratic political systems or in democracies with traditions of an interventionist state recur more rapidly to harder regulations. Furthermore, we will discuss in the following chapter the simple availability of instruments, i.e., funding and differences between policy problems also affect choice and implementation of policy instruments.

#### *Self-regulation, standards, and nudges*

Scholars of public administration, public policy, and regulation have pointed to two developments regarding the usage of policy instruments in recent years. These evolutions concern the role of self-regulations and standards as well as the character of nudges.

Firstly, self-regulation and standards have become an important policy instrument. Internationally operating companies have resorted to using standards regarding labor force protection, product safety, environmental sustainability, and economic fairness to regulate their business activities. These standards are often developed companies in exchange with NGOs which operate at the international level (Vogel 2008). In these cases, implementation is in the hands of private organizations and the oversight by state actors is often difficult or



absent (Fransen and Conzelmann 2015, 269). In some ways, self-regulation can also be considered a form of organization as pointed out by Hood (Hood 1983, 6). The difference between the two types of instruments is that Hood referred to the capacity of governmental organizations to provide capacities for implementation of services. Self-regulations and standards refer to the capacity of all types of organizations to limit and homogenize their practices. Important examples for self-regulation are measures by different industries to voluntarily create rules for their own business practices to avoid state regulations, which might be potentially stricter and have more side effects. This approach has had limited effectiveness in health-related policy fields (tobacco control and food) but worked rather well in others related to resources (forestry and marine fishery) (Caraher and Perry 2017; Sharma, Teret, and Brownell 2010).

Secondly, the way how government implement information has changed in recent years. By using insights from cognitive psychology and behavioral economics, scholars and practitioners have begun to build policy instruments that use nudges to influence target groups of policy interventions (Grimmelikhuijsen et al. 2017). In a nutshell, these are instruments where target groups receive information in a way that speaks to the associative and intuitive part of the brain that uses simple heuristics make decisions (Battaglio et al. 2019). This design of policy instruments helps for example to implement vaccination campaigns against COVID-19 (Keppeler, Sievert, and Jilke 2021). Policy interventions that using nudges implicitly claim to help making policy implementation more effective as they provide interventions based on scientific evidence. Nudges can be considered a form of “carrots” (Bemelmans-Videc, Rist, and Vedung 2011), not in a material or financial way but in that they incentivize a certain behavior by making it easier than other behavior. Therefore, they create a kind of infrastructure incentive but without direct material incentives for the

target groups. Nudges are implicit and the policy can sort of cheat the target group, which can constitute an ethical problem in a democracy, especially if nudges replace government services or regulations at the expense of target groups that are politically weak. For example, if public health related nudges were to replace policy instruments financing health care services for the poor.

In the following, the chapter will turn to different factors that might influence the implementation of policy instruments in practice.

### **Factors that affect the implementation of policy instruments**

In this section, the chapter presents different elements that impact on the implementation of policy instruments in practice, especially with a focus on successful policy implementation. To be comprehensive, the chapter discusses different factors from a general perspective without applying them to each of the different policy instruments we discussed in the previous sections. Furthermore, we cannot discuss in a lot of depth how these factors impact on policy implementation, for example, analyzing every time if and how a given explanatory factor increases effectiveness, efficiency, and fairness of a policy through its implementation. To apply the insights from this chapter to specific empirical research projects will require to deepen some of the ideas presented in the following. Figure 1 groups various explanations and indicates how they are linked to the implementation of policy instruments as well as the selection of different instruments.

#### *Availability of policy instruments*

Firstly, the literature on policy instruments has emphasized that the availability of policy instruments is important for their implementation. According to Christopher Hood,

decision-makers must work with the instruments that are available, that exist already, and therefore might be ready for use. In the context of a pressing policy problem, governments are unlikely to first re-design a new instrument but rather change the implementation of already existing policies as much as possible (Hood 1983, 116). Although governments should choose their instruments based on reflection about what is going to work to deal with the policy problem at hand, availability of instruments guides what is eventually used in practice. Nevertheless, some principles need to guide selection and application of policy instruments, according to Hood: (1) tools should be effective and (2) cost-efficient. Furthermore, government interventions need to fulfill “certain ethical criteria, such as justice and fairness” (Hood 1983, 133).

#### *Design of policy instruments*

The literature has also emphasized that the design of policy instruments impact on their implementation. Whereas availability emphasizes a pragmatic approach to governing and policymaking, the literature has also emphasized the important of policy design for policy implementation (Bemelmans-Videc, Rist, and Vedung 2011, 159; Howlett and Mukherjee 2018). In their seminal article, Sabatier and Mazmanian showed that the extent to which a policy coherently structures the implementation process impacts on the quality of policy implementation. Specifically, the authors maintain that the causal theory underlying the policy needs to be adequate, policy objectives need to be precise and clearly ranked, and financial resources need to be available. Furthermore, implementing institutions need to be hierarchically integrated and should have adequate rules to support implementation. Finally, the participation possibilities of beneficiaries and target groups in the implementation process as well as if the policy biases them to participate (e.g., to contest or to ignore the policy) impacts on how a policy is implemented (Sabatier and Mazmanian 1980, 544–48). In

a project that analyzes instrument design, Thomann argues that the explicitness of policy instruments impacts on whether instruments are effective. In a comparative analysis of organ donation campaigns by national governments in Spain and Switzerland, the author argues that in the Spanish case, information was framed in a direct and explicit way – “Donate your organs, donate life”- Contrariwise, in the Swiss case, the framing of the campaign was framed differently in a way that emphasized the liberty of individuals to choose whether they want to donate their organs. The key message of this article is that the way how governments formulate instruments, especially if they are non-coercive, impacts on whether they can be implemented successfully (Thomann 2018, 434–35).

*Complexity, legitimacy, and target groups at the policy level*

In addition to availability and the design of policy instruments, context-related factors also play a role for policy implementation. Notably, Howlett as argued that the complexity of policy subsystems impacts on the implementation of substantive policy instruments (Howlett 2000). The term policy subsystem refers to a specialized community of different types of actors (elected officials, bureaucrats, interest groups, experts etc.) which interact (either through cooperation or conflict) regarding a specific policy problem, for example health policy (Weible and Sabatier 2018). According to Howlett, if a policy subsystem has a high level of complexity, financial investments or regulations are the most effective instruments, whereas in the context of low subsystem complexity, direct provision of services by the state and voluntary policy instruments work better (Howlett 2000, 417). Regarding the implementation potential of procedural policy instruments, Howlett contends that the level of sectoral de-legitimation impacts on the potential to implement specific types of policy instruments. Notably, if a policy sector is suffering from high levels of de-legitimation, institutional- and funding-related manipulations are likely to be effective. Contrariwise, in

the case of low levels of sectoral de-legitimation, recognition and information manipulation are likely to be more effective policy instruments (Howlett 2000, 423).

In their empirical study of tobacco control in Switzerland, Mavrot et al. have focused on the role of settings and target groups for the implementation of policy mixes aiming to reduce smoking. Notably, they find that intra-setting and inter-setting coherence of policy measures, the commitment of multipliers in different settings (e.g., company leadership encouraging employees to quit smoking) to the policy goal, and adequacy of the settings impact on policy implementation (Mavrot, Hadorn, and Sager 2019, 6–7). The authors conclude that, “... inclusion of target groups, multipliers and settings into the policy mix model reveals the strong intertwining of various performance criteria and a wider concept of network management. This is because the levels of coherence, credibility, adequacy and stability depend on the capacity to activate and coordinate all relevant settings and stakeholders” (Mavrot, Hadorn, and Sager 2019, 8).

#### *National factors that are related to political systems*

The third set of explanatory factors dealing with policy implementation are related to national political systems. Precisely, according to Howlett, the level of state capacity effects on the potential to effectively implement substantive policy instruments. The author holds that high levels of state capacity might be necessary to effectively implement policy instruments that are related to markets, such as subsidies, as well as measures directly providing services, for example in state-owned clinics and public schools. Contrariwise, low levels of state capacity make it easier to implement regulatory measures or information instruments as well as voluntary, community or family-based instruments (Howlett 2000, 417). Regarding the implementation of procedural policy instruments, the level of system de-legitimation matters.

If the political system is highly de-legitimated, decision-makers ought to favor instruments that change institutions, e.g., the electoral system or partisan competition, or, they should change the recognition of actors, for example by creating a new independent agency that disconnects state capacity from the de-legitimated political system (Howlett 2000, 423). According to Howlett, – sector- and system-related legitimacy, state capacity and complexity of policy sectors can be combined to develop more precise explanations regarding the suitability of policy instruments (Howlett 2000). In a study of the implementation of alcohol prevention policies in the Swiss cantons, Sager demonstrates that both political dominance (i.e., political capacity) as well as administrative-scientific dominance (i.e., administrative capacity) in policymaking led to the implementation of alcohol prevention programs in the Swiss cantons, however, only administrative-scientific influence leads to smart policy mixes that have the desired effect when implemented (Sager 2007).

Multilevel governance, notably the decentralization of implementation competencies, is another factor that impact on selection of instrument mixes and successful policy implementation. Many political systems share power between national, regional, and local governments and the lower levels of government play an important role for the implementation of different policy instruments (Kuhlmann and Wollmann 2019). In decentralized political systems, the implementation of national policy instruments depends on the coordination between levels of government (Braun and Trein 2014), but success might also depend on the discretion that lower levels of government have regarding the possibility to adapt implementation to local circumstances (Thomann 2015; Thomann and Sager 2017). In other words, policy implementation always entails a joint-action problem to coordinate different implementing agencies (Pressman and Wildavsky 1984) and higher

discretion for agencies might contribute to creative problem-solving but also to non-implementation of policy instruments for political reasons (Mavrot and Hadorn 2021).

Finally, the literature has pointed out that the implementation of public policies depends on national styles of policy implementation. In an older article, Howlett already underlined the importance of different styles in policy implementation that differ between countries. The author points out that Canada, the UK, and the U.S. have different styles of policymaking, which come along with different styles of choosing and implementing policy instruments. Notably, the author underlines that the different styles of policy implementation can be found in country-specific literature on policy instruments (Howlett 1991). In their study of Swiss asylum policy, Sager and Thomann find that cantonal policy styles (specifically, cantonal policy paths) impact on the implementation of the federal policy for integrating asylum seekers into the labor market (Sager and Thomann 2017). More recently, Lesnikowski et al. have used the idea of instrument styles to analyze the application of climate change adaptation policies at the local level (Lesnikowski et al. 2021). Therein, the authors distinguish four styles of policy implementation, which vary according to the complexity of policy environments and government capacity: directed subsidization, public provision and oversight, institutionalized voluntarism, and regulatory corporatism (Lesnikowski et al. 2021, 755). Based on an empirical analysis of data from Canada, France, Germany, the Netherlands, and the United Kingdom, the authors conclude: “Unsurprisingly, we found that most local policy approaches represent hybrid forms of the four types of policy implementation styles. Public provision and oversight, regulatory corporatism and institutionalized voluntarism have higher uptake among local governments, while directed subsidization constitutes a much smaller share of local policy approaches” (Lesnikowski et al. 2021, 768).

### *Political returns of policy implementation*

The last factor that is likely to impact in some way on how if and to what extent policies are implemented are political returns. Time and again, scholars have reiterated that decision-makers are not only policy-seeking problem-solvers but that they also have political interests, especially if they are elected officials (Trein and Vagionaki 2022). Insights from scholarship on policy feedback effects implies that policy implementation is often done in a way that is politically beneficial for politicians who believe that they will benefit from implementing a public policy in a specific way (Mettler and SoRelle 2018). Notably, the national health insurance policy, in the U.S., that was created with the Affordable Care Act in 2010 shows that fragmented implementation structures can contribute to self-undermining feedback, because political opponents of the reform can exploit weakness in design to further undermine effective policy implementation (Béland, Rocco, and Waddan 2019). In the same vein, Hinterleitner and Wittwer show how the politicization of policies can undermine correct implementation (Hinterleitner and Wittwer 2022).

### **Conclusion**

This chapter has looked at policy implementation from the perspective of instruments and has introduced readers to the literature on different types of policy instruments and elements that impact on their implementation. From a perspective of policy implementation, it is important to keep in mind that policy instruments need to be implemented in mixes, i.e., they must work together and need to be integrated in a coherent way, to be implemented effectively. Although the presence of many different instruments may be good for an impactful policy (Fernández-I-Marín, Knill, and Steinebach 2021), future research must



understand better how integration in policy implementation needs to be designed to achieve policy goals (Trein et al. 2021).

As discussed in this chapter, there are a variety of elements that impact on policy implementation. To move forward and apply the lessons from this chapter to empirical research, scholars need to do two things. Firstly, they need to define precisely at what quality of policy instrument implementation their research focuses. For example, are they interested in the success of policy instruments and mixes of different policy instruments. Or is the focus on the selection of instruments during implementation. For instance, do they want to understand how on which policy instruments practitioners focus during the implementation process if they are faced with a complex mix of policies. Secondly, empirical research needs to consider the different configurations amongst instruments in implementation as well as the configurations of explanatory variables discussed in this chapter to understand the role of instruments for policy implementation.

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