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CHAPTER 10

THE ORIGINS OF POLICY

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1. POLICY, DIVERSITY, AND HIERARCHY

Where do policies come from? Take the 1889 *Invalideitäts- und Altersversicherungsgesetz*, one of the key pieces of Bismarck's social legislation. We might say that it "originated" in the Imperial Office of the Interior. We might seek its origins in its antecedents such as in earlier voluntary schemes of insurance, in the reforms set in train earlier by the 1883 *Krankenversicherungsgesetz*, in Bismarck's state-building strategy, in the Kaiser's notion of a "social emperorship," or even in a longer tradition of social responsibility among German monarchs found in Frederick the Great among others. The measure can be explained as part of a wider strategy of heading off working-class discontent and thus viewed as a product of capitalism in general, as the consequences of a particular transition from a pre-industrial to an industrial society (Moore 1967), or as a response to emerging socialism. We may even agree with Dawson (1912, 1) that it is "impossible to assign the origins of the German insurance legislation, definitely to any one set of conditions or even to a precise period." None of these answers is clearly right or wrong (for a discussion of the novelty of Bismarck's social legislation, see Tampke 1981; for a comparative discussion, see Heidenheimer, Hecllo, and Adams 1990). They appear to be answers to slightly different questions.

Insofar as they arise from conscious reflection and deliberation, policies may reflect a variety of intentions and ideas: some vague, some specific, some conflicting, some unarticulated. They can, as we will see, even be the unintended or undeliberated consequences of professional practices or bureaucratic routines. Such intentions, practices, and ideas can in turn be shaped by a vast array of different environmental circumstances, ranging from an immediate specific cue or impetus to

a more general spirit of the time or even a belief in a self-evident universal truth. How can we talk about the origins of something as diverse as policy?

The core simplification used in the study of the origins of policy is the analogy of the business meeting. Policies first come into being through being put on an agenda—a notional list of topics that people involved in policy making are interested in, and which they seek to address through developing, or exploring the possibility of developing, policies. Kingdon's (1995) approach to understanding the development of agendas and approaches associated with it (Cobb and Elder 1978; Cohen, March, and Olsen 1972; Baumgartner and Jones 1993), have served to shape thinking about the early origins of policy. Such authors are well aware of the limitations of the agenda analogy for describing the origins of policy because of the possibility of infinite regress: for any idea, proposal, or practice there is an idea, proposal, or practice that helped give rise to it. The value of the notion of agendas is that it provides a framework that allows one to outline the proximate causes that lead to attention being devoted to an issue: how an issue comes to emerge from relative obscurity to becoming something that is being discussed as a serious contender for legislation or some other policy measure.

However, there are two limitations to using the agenda literature to help understand the origins of policy. First, because the analyses on which the leading studies are based are concerned with legislative policy making, they cannot be expected to throw light on policies that have been developed, or better that emerge, without having been the subject of deliberation or without the formal approval of legislative and executive authorities. Second, and perhaps most importantly, the dominant theoretical models have been developed primarily to apply to the United States, and this makes their direct application as generalized descriptions of policy development problematic. The model Kingdon (1995) proposes is highly pluralistic with a plurality of different "important people" in the legislative branch (Congressmen and -women, congressional staffers) and outside (interest groups, consultants, and parties) all with roles to play in placing items on the political agenda. What makes this highly distinctive, from a European perspective, is not the range of people involved, but the fact that the system lacks the hierarchy found in systems of fused legislative and executive branches with party government. As Kingdon (1995, 76) points out:

A complex combination of factors is generally responsible for the movement of a given item into agenda prominence. For a number of reasons a combination of sources is virtually always responsible. One reason is the general fragmentation of the system. The founders deliberately designed a constitutional system to be fragmented, incapable of being dominated by any one actor. They succeeded. Thus a combination of people is required to bring an idea to policy fruition.

However, the same degree of fragmentation found in the US system does not always prevail in executive-dominated systems with party government (whether in coalitions or majorities) where it is possible for one group—those around the chief executive—if not to dominate the entire system then to have a disproportionate

effect on what issues get consideration. In addition, the core executive also has a powerful influence on, if not control of, the process by which alternatives are discussed. We will examine the implications of this more fully below, but if the agenda model has largely been developed as a US model we might expect it to be somewhat less useful as a framework for offering an account of how policies develop elsewhere. Consequently the discussion below is hardly pointing out issues that Kingdon and other US theorists dealing with agendas do not appreciate; rather it is highlighting points, some of which are discussed as possibilities in the US system, as having much greater importance outside the USA for telling the story of how policies come into existence.

What is the significance of executive dominance in a party system for the agenda model? Executive dominance does not mean that interest groups are powerless, that governments do not come to rely on the advice and suggestions of such groups, or that individual members of legislatures never develop significant policy initiatives or propose private members' legislation in much the same way as the US agenda literature suggests (see Richardson and Jordan 1979). Rather it means that for the most part those seeking to influence policies, and above all agendas, have to convince one audience above all which has disproportionate influence on the policy process: the political members of the core executive. In some polities the system of policy development has a degree of hierarchy within it that, while not absent in the USA, is entirely routine in most European countries. As Rose (1980, 305) put it in a slightly different context, in European countries there is both government and subgovernment, in the United States there is subgovernment without government (see also Hecló 1978; Truman 1971). Once executive-dominated governments are committed to agendas, they have the constitutional and political capacity to stick with them. They can *commit* to courses of action. Indeed, once commitments have been made in such systems it can be hard to stop the momentum they generate.

The greater potential for hierarchical structuring of the policy process in systems outside the USA means that governments are more easily able to make general commitments that shape a range of policies—from the commitment to a meta-agenda of broad approaches they seek to develop (albeit that they may face severe political opposition such as in the case of “Agenda 2010” in Germany or “Agenda 2006” in France) to the micro-detail of how clauses within legislation are structured and those delivering the policies are instructed to go about their work (as, for example, with the ability of UK Ministers to instruct immigration officials to interpret regulations in a particular way). Thus in such systems it is important to examine the origins of policy in venues somewhat removed from legislative policy making, the focus of US accounts of agendas. This chapter sets out four levels of abstraction and discusses how policies can emerge at each level, and each level has distinctive characteristics.

2. CLARIFYING THE DIFFERENCES IN POLICY ORIGINS

One of the basic problems involved in setting out the origins of policy is that we do not know precisely what a policy is. The term “policy” can refer to a constructed unity imposed on diverse and disparate measures—we may look at the totality of measures on, say, education and talk of the “education policy” of a particular country. A book on “education policy” is further unlikely to exclude the institutions that shape and deliver it. Or the term “policy” may refer to a particular law or measure—perhaps even a government circular or some other “soft law” instrument. Even if we insist on defining policy narrowly, as a particular law or other instrument, it is likely that several distinct measures, not even necessarily related, will be bundled together such that the description of it as a policy is dubious—“omnibus” bills in the USA or “portmanteau” bills in the UK combine diverse measures in one law.

As suggested in the introduction to this chapter, policies can be described at a variety of degrees of specificity—any one of Bismarck’s social policy laws might be seen itself as a collection of specific measures, as a policy in its own right, or as part of a body of measures and laws that is much larger. To help remove this level of ambiguity about what constitutes a policy it is worth considering what we mean by “policy” (though we must avoid elaborate discussion of the many meanings of the term—for a useful discussion see Hogwood and Gunn 1984, 13 ff.). Policies can be considered as *intentions* or *actions* or more likely a mixture of the two. It is possible for a policy to be simply an intention. The proposals of a party unlikely to gain office or participate in a coalition are “policies” even though they have no chance of being put into action. Moreover, it is possible for a policy to be simply an action or a collection of actions. Where, for example, immigration officials do not look closely at dubious applications for entry into a country we might describe immigration *policy* as “lax.”

We can, on this basis, specify four levels of abstraction at which policies can be viewed. Intentions and actions can each be divided into two distinct groupings of things, each of which can be described as “policy.” Intentions can be relatively broad. A range of terms can be used to describe intentions. Policy intentions might take the form of *principles*—general views about how public affairs should be arranged or conducted. Candidates for principles might include privatization, deregulation, consumer choice, care in the community, services “free at the point of delivery,” or “best available technology.” Such principles need not necessarily be easily defined or even coherent, but should be a set of ideas that are capable of application in some form or another to diverse policy topics. Something as broad as an ideology—a body of ideas that incorporate discrete principles—might also be interpreted as an even broader statement of intentions. Notoriously difficult to define in precise terms, we know that ideologies such as socialism are capable of generating an array of different principles—public ownership, the role of party in government, workers’ rights, and so on. We can include, albeit at a somewhat different level of aggregation, other ideas that contain bundles of different principles as ideologies: Thatcherism, Reaganomics, New Public Management, and “the Third Way.”

The intentions might not be quite so broad—they may refer less to an overarching set of principles or even ideology and more to goals related to the specific issue or problem that a policy seeks to address. Let us call these rather specific intentions “policy lines” since they refer to strategies (or lines) to take in regulating or dealing with particular topics. Typically laws contain several lines. Taking the UK’s Adoption and Children Act 2002 as an example, one policy sought to increase the number of potential adoptive parents, another line on “intercountry adoption” addressed the problems posed by lax adoption laws in other countries. Yet another line was to develop registers of adoption agencies, and there were several other distinct lines in this broad law.

When we move to actions, there are also two levels at which we may conceptualize policies. *Measures* are the specific instruments that give effect to distinct policy lines: the legal requirements to be met by people entering the country with children not their own is one measure, inserting a new clause in the law prohibiting homosexuality as a barrier to adoption is another. Measures have attracted some attention in the literature as the tools of government (Hood 1983). They are not invariably laws. “Tools” include financial incentives, forms of exhortation or recommendation, or the direct deployment of public personnel—nodality, authority, treasure, and organization in Hood’s (1983) NATO scheme.

Practices are the behavior of officials normally expected to carry out policy measures. The term includes implementation in its narrow sense: how officials at ports of entry treat families returning to the UK and how adoption counselors change the way they place children. While this aspect of policy is treated as “implementation” of policy (see Pressman and Wildavsky 1973), practices are not invariably implementation in the sense that they are produced by the measures that seek to give effect to policy. In fact, a large part of the study of implementation looks at how a policy interacts with existing practices within an organization to shape its implementation. Indeed, in the original implementation study, the US Economic Development Administration’s general desire to spend its money shaped its plans to spend money aimed at increasing the employment of ethnic groups. Herbert Kaufman’s (1960) classic study of the forest ranger highlighted the fact that it was the set of norms and practices of the employees of the forestry service that shaped the character of the service, and these norms were not “implementing” any particular piece of legislation.

3. POLICY ORIGINS AND LEVELS OF ABSTRACTION

3.1 Overview

It is possible for the origins of policy to be discussed at each of these four levels of abstraction, and for some policies concentrating on one level offers a more plausible account of policy origins than concentrating on another. While we will examine this

proposition in detail, let us outline some initial justification for it. As regards *principle*, we might reasonably say that the range of initiatives adopted in the United States in the area of “workfare” after the 1980s suggests that the origins of policy can be reasonably sought in thought about the relationship between social welfare and the obligations of recipients. Of course, how and why that thought was taken up in federal and state legislation is an important part of the story, but since we are interested in origins, it is reasonable to start with principle as an important part of the origin (King 1999). Much of the work surrounding agenda setting concentrates on the origins of what I have termed *policy lines*—specific sets of intentions relating to a particular issue. Kingdon’s (1995) empirical analysis in his seminal book on the subject takes as its base policy lines such as proposals or federal funding of health maintenance organizations or the deregulation of freight transport.

Measures might at first appear as unlikely candidates for the origins of policy, but they are in fact common stimuli to developing policy—the specific measures developed in connection with some policies can lead to the development of different policies. This argument was given particular prominence in Wildavsky’s (1980, 62–85) elaboration of “policy as its own cause” according to which “policies tend to feed on each other: the more there are, the more there have to be to cope with the new circumstances, effects on other policies and unexpected consequences. New legislative amendments and new administrative regulations become a growth industry as each makes work for the other.” Elaborating on Wildavsky’s ideas, Hogwood and Peters (1983, 1) argue that true innovation in policy development is rare and that “most policy making is actually policy succession: the replacement of an existing policy, program or organization by another.” This is in part a result of the “crowding” of the “policy space,” by which they mean that increasing aspects of human interaction have become subject to some form of public policy. In consequence “the problem to be tackled by a ‘new’ policy proposal may not be the absence of a policy, but problems resulting from existing policies or unforeseen adverse consequences arising from the interaction of different programs” (Hogwood and Peters 1983, 3). Specific measures can initiate new policy lines or measures. The ill-fated poll tax had an impact on the British local government system long after it had gone: “The long term harm done to local government by the poll tax system is not in the poll tax itself, but in the raft of measures that accompanied its rise and fall. Three stand out in particular: the nationalization of the business rate, the enforcement of universal capping of councils’ spending and the establishment of the Local Government Commission” (Butler, Adonis, and Travers 1994) which led to the large-scale restructuring of local government. *Practices* may also be origins of policy, not least because the behavior of some officials or politicians can lead to the development of policies aimed at remedying them—the development of affirmative action and gender and minority employment programs can be seen in part as a response to the practices established in personnel recruitment in earlier times.

We may well find all four levels of abstraction as significant parts of the story of many “policies”—Pressman and Wildavsky’s (1973) discussion of the Economic Development Administration’s program for Oakland explains the policy as a mix

of principles, lines, measures, and actions. Moreover, it may be possible to construe almost any “policy” as involving all four levels; for example, increasing the cost of posting letters by 10 per cent might be seen as a reflection of the principle or even ideology that people should pay for services they receive as well as a measure designed to raise income. Yet for the purpose of offering an account of the *origins* of policies it is unlikely that all four levels will be helpful, although it cannot be stated in the abstract what determines how helpful any level or combination will be. Nevertheless, we can point to some distinctive features about each level as regards its role in the origin of policy.

3.2 Principles

Principles are generally easy to grasp: privatization, the reduction of the role of the state, the development of choice or even slightly lower-order principles such as the compilation of performance league tables and “naming and shaming” are ideas capable of application to a wide array of contexts and can be enacted in a wide variety of different types of measures. In what ways can principles be the origin of a policy? In many respects we might find that principles themselves are artefacts—*post hoc* labels or rationalizations given to an array of different practices, measures, or policy lines. For example, the development of “privatization” as a general doctrine after 1979 was shaped in the UK in part by the experience of one particular policy line—the sale of council houses—and became a progressively more generalized doctrine. Similarly, “new public management” as a general principle was a name applied to a variety of distinct emerging practices in public sector reform (Pollitt and Bouckaert 2000).

In the origins of policy, principles are particularly powerful as cross-sectoral and cross-national spreaders and generalizers of policy initiatives, possibly more than as actual originators. Cross-sectorally the popularity of policy principles can send powerful signals to policy makers and officials involved in developing policy that policy lines, measures, and practices consistent with such principles have political support. Even the most politically unappealing of policy lines can get additional support through its relationship to a government-supported principle—in Britain the land registration reforms of 2002 built on twenty years of attempts to change the system, but such reforms had found it hard to gain the support necessary to find parliamentary time and resources. The fact that the reform could be linked successfully to a New Labour theme of “modernization” (mainly through one particular policy line—putting land registration on the Web) was decisive in securing its place on the parliamentary timetable (see Page 2003). The favor with which measures are likely to be met by political leaders can also serve as a powerful cue for officials developing them much lower down in the hierarchy. In my study of delegated legislation in the United Kingdom, I showed how such officials took general signals that “deregulation” was good as cues to develop and shape particular measures to

relieve regulatory burdens. While, for example, the gambling industry is often assumed to be a powerful lobby, it was bureaucratic initiative rather than industry pressure that led Customs and Excise to reduce regulatory practices in the 1997 Gaming Duty Regulations (Page 2001, 71).

Borrowing from other jurisdictions is commonly argued to have become more important in recent decades as an explanation of policy origins (see Dolowitz and Marsh 1996 for an overview), and studies of borrowing and related concepts tend to underline the power of principles in the spread of policies. Hintze's (1962/1924, 216) suggestion that the turn of the nineteenth century marked the decisive break after which European countries started consciously to learn from each other might question the timing of this common argument, but it affirms the power of principles and ideas in the process since he goes on to say that the modern development of municipal government, for example, is "strongly, indeed decisively, influenced by theories as they emerged above all in France" among the enlightenment thinkers of the late eighteenth century. More recently Walker's (1969, 882) pioneering study of patterns of innovations in US states shows how *ideas* spread, "not the detailed characteristics of institutions created in each state to implement the policy" (see also Gray 1973; Collier and Messick 1975; for an overview of the "diffusion of innovation" literature see Rogers 2003).

The role of principles in the spread of policies is demonstrated especially strongly in studies of cross-national policy "transfer" or, more accurately, policy learning. As Rose (1993, 2005) shows, lesson drawing in public policy requires a precise understanding of how a policy works in another jurisdiction, a clear and rigorous definition of the lessons to be drawn, and a "prospective evaluation" of the requirements to make the policy work in the jurisdiction hoping to apply the lesson. Yet studies of cross-national policy borrowing in practice have tended to emphasize the importance of "labels" as what travels. Perhaps the clearest illustration of this feature of principles as the source of policy is found in Mossberger's (2000) study of the adoption of UK-style Enterprise Zones (EZs) in the United States. The idea of EZs was to remove taxation and regulatory burdens in particular geographic areas in order to stimulate firms to locate and/or start up there, inspired, in turn, by the notion of "freeports" as found in Hong Kong. What actually emerged in the UK was a system of rather limited tax exemptions and a simplification of regulatory procedures rather than more substantial liberalization. However, this did not prevent the idea attracting lots of attention in the United States and the EZ principle was applied in some form in most US states. But Mossberger found that different states had borrowed not a set of specific measures or even policy lines modeled on UK practice, but diverse sets of initiatives with "wide differences in program designs and goals." The idea of the EZ thus "represented a policy label, because it loosely categorized what was in reality a variety of policy solutions, and because it symbolized state intentions to assist distressed areas" (Mossberger 2000, 128).

Such "labels" are what tend to travel best—zero tolerance policing, workfare programs, "evidence-based policy," and "new public management" are examples of principles that have managed to start governments in one country developing

policies that appear to have originated in another. Even the injunctions from international organizations, such as the World Bank, which are argued to have an increasing role in shaping domestic policy, frequently on closer inspection contain broad labels rather than specific measures to be implemented. Walt, Lush, and Ogden (2004) highlight the difficulties for policies framed as anything other than general principles to travel. The Directly Observed Treatment Shortcourse (DOTS) was an effective intervention against tuberculosis. Conscious effort was put into simplifying DOTS as a “one size fits all” set of procedures pushed by the World Health Organization (WHO) that individual countries should adopt. The DOTS strategy was forced to reject the strict adherence to its procedures and became a more general principle of ensuring that drug treatments are administered under observation. The strategy gained greater acceptance once the WHO guidelines were loosened.

Domestically, we would expect principles to play a more consistent role in the development of public policy in systems of party government with a fusion of executive and legislative power, as found in many European countries but notably not in the United States. Certainly, general principles can be found at the heart of policy programmes in the USA since their domestic impact depends to a substantial degree on the ability to mobilize legislative and executive power in support of them. General principles can clearly be found to underpin policy development in the USA—the “New Deal,” the “Great Society,” and “New Federalism”—as well as in US foreign policy. Moreover, Kingdon’s (1995, 9–10) own study shows how agendas (as with deregulation) gain momentum and develop into principles applied to different policy areas. However, themed programmes of domestic legislative and other measures are more easily pursued by governments which, through parties, control the executive and legislative process.

3.3 Policy Lines

The development of policy lines is perhaps the level of abstraction for which our knowledge is most extensive, as much discussion of the policy agenda is at this level. The literature on policy agendas tends to present, based on the US example, a highly pluralistic model of how items come to be, from just one of countless issues in the “primeval soup,” something that “important people are talking about” (Kingdon 1995). Sometimes agendas might be shaped by routines (such as the budgetary cycle) or by other events very difficult if not impossible for policy makers to alter (such as requirements that laws be re-enacted after a specified time), so here we may concentrate on what Walker (1977) terms the “discretionary” parts of the agenda (see also Hogwood and Gunn 1984, 67). There is substantial agreement on the main features of the process of agenda setting and the things that help account for the creation of policy issues from nonentities. Accounts of agenda setting usually include as a significant variable *the skill of the policy activist or policy entrepreneur* in identifying and

exploiting opportunities for a policy. Thus, for example, the US Advisory Committee on Intergovernmental Relations in its mammoth 1980 study of the growth of government identified the “policy entrepreneur” as the main instigator of the growth of the federal role in the federal system. In one of its studies it identifies Senator Magnuson as one of the main reasons for the expansion of the federal involvement in fire prevention and firefighting in two laws in 1968 and 1974 (ACIR 1980, 75).

The character of the policy area—its intrinsic ability to engage the interest of wider audiences and publics—is a second variable accounting for the rise of an issue to the policy agenda. As Hogwood and Gunn (1984, 68) argue, features of a problem commonly argued to shape whether a new issue reaches the agenda include, as well as the magnitude of its effects, its “particularity,” referring to the degree to which a particular issue stands for a more general problem (in the way that, for example, saving the whale stands for saving the planet from ecological disaster), its emotional appeal (some problems, such as suffering endured by children, are traditionally more promising material from which to create a case for sympathy from publics and policy makers), and the ease with which it can be linked, either in substance or semantically, with other items already on the political agenda (see also Cobb and Elder 1977; see Nelson 1984, 127 for a discussion of child abuse policy and its links with civil rights, welfare rights, and the feminist agenda).

Chance and the impact of events is central to many discussions of the political agenda. Downs (1972) goes so far as to place a major event as *the* decisive factor in putting items on the political agenda. His “issue attention cycle” postulates that an issue moves from a *pre-problem stage* which “prevails when some highly undesirable social condition exists but has not yet captured much public attention, even though some experts or interest groups may already be alarmed by it” to *alarmed discovery and euphoric enthusiasm* when:

following some dramatic series of events (like the ghetto riots in 1965 to 1967) or for other reasons, the public suddenly becomes both aware of and alarmed about the evils of a particular problem. This alarmed discovery is invariably accompanied by euphoric enthusiasm about society’s ability to “solve this problem” or “do something effective” within a relatively short time. (Downs 1972, 39)

The subsequent stages stress fatalism (“realizing the cost of significant progress,” “gradual decline of intense public interest,” and “the post-problem stage”), but the model places events as the main method of placing items on the agenda. For Kingdon (1995, 94–100) such events are described as “focusing events” and are not the sole route by which items reach the policy agenda. Moreover he highlights the importance of the skills of the policy activist. However, his memorable analogy of policy activists as surfers with their surfboards at the ready to “ride the big wave” as it comes along (Kingdon 1995, 165) also points to the importance of features, like sea tides and conditions outside the control of individuals, as shaping what hits the political agenda. Ideas, issues, and events mingle to provide opportunities, “windows,” for policy action which need to be identified and handled skillfully by anyone who wants to shape public policy.

Such trajectories for policy lines becoming agenda items stress the competitiveness of the process. Chance plays a part, but the skill of entrepreneurs to seize the moment and persuade others, or maneuver their issue into prominence before the moment is lost, is also prominent in such accounts. However they might have to be modified somewhat in political systems where there is a stronger monopoly of political authority as found in systems of party government with a fused legislative and executive power. The United States is one of the few countries with a clear separation of legislative and executive power. Policy entrepreneurship in the USA might be accurately described as mobilizing the support of a diverse and internally differentiated legislature as well as executive. Moreover, it is possible to identify similar processes of interest groups struggling to place items on the agenda via contacts with the executive or even through private members' legislation in executive-dominated systems such as the UK (see Norton 1993; Richardson and Jordan 1979; Griffith 1974) or other European countries (see Richardson 1982). Yet entrepreneurship in such fused executive-legislative systems under party government generally means getting the support or acquiescence of leading figures within the governing party—an "executive mentality" permeates the system (Judge 1993, 212). As Mayntz and Scharpf (1975, 136–7) suggest, in Germany interest groups "rarely offer fullfledged program proposals or try to initiate policy. This may not hold for some ... but most interest organizations tend to react to the initiatives or proposals ... rather than tak[e] ... the initiative themselves." In the German "active policy making structure" the federal ministries "are the most important ... policy makers. ... [T]he federal bureaucracy also controls, collects and processes most of the information relevant to policy decisions" (Mayntz and Scharpf 1975, 131). This is not to suggest a monocratic "coordinated" central government. As Hayward and Wright (2002, 272) point out in the case of France, "governing from the centre(s) should not be confused with obsessively integrated government," even though the "core executive" (or as Hayward and Wright prefer, "core executives") is the prime arena for the "initiation, agenda-setting and formalization stages of decision making."

If we examine the development of one legislative initiative in the UK—the development of Anti-Social Behaviour Orders (ASBOs)—one can offer an example of a less competitive agenda process of the kind found commonly outside the United States. ASBOs allow courts to require individuals to submit to conditions (such as restricted movement) even though they may not be guilty of a criminal offence. As Burney (2002, 470) describes it, the idea arose from a series of publicized prosecutions which "created the paradigm of the neighbourhood blighted and terrorised by the outrageous behaviour of one or two families, groups or individuals, apparently beyond the reach of the law." The issue became Labour policy following a speech by Jack Straw (later to become Home Secretary) to the Labour Party Conference in 1996, and ASBOs were introduced in the Crime and Disorder Act 1998 soon after New Labour was elected in 1997.

In some senses it is possible to see the agenda-setting model in this development: a clear public concern, the activities of several groups (above all the Social Landlords' Crime and Nuisance Group). But this policy was maintained and driven by the party