

The Politics of Policy Instrument Choice

Richard C Feiock, Florida State University

Hongtao Yi, The Ohio State University

The literature on policy instrument selection typically describes a linear process by a set of rational policy makers (Weimer and Vining, 2004). What is omitted by this economic perspective is the political conflict that precedes and shapes the choice of policy instruments. Because policy instrument selection has consequences for the distribution of benefits and costs in society, it cannot be a politically neutral choice. The political factors that affect the initial choice of policy tools also shape the life cycle of these policies from design to implementation, continuation, modification, or termination (Peters, 2002).

Politics has been viewed as inextricably joined with the life-cycle of policy instruments in complex ways. Not only does politics shape the choice of policy and the specific instruments of government action, the policy arena and nature of the problems shape the politics (Peters 2002; Ostrom 1990). This important insight was first discussed by Ted Lowi through his argument that “policy causes politics” (Lowi, 1964). Regardless of the specific dynamics of the causal relationship between politics and policy instrument, political science scholars agree that politics should be considered an integral part of policy choice, and thus should be placed at the core of theoretical advancement (Yi and Feiock, 2012; 2014).

Building from this recognition of the importance of politics in studying choice of policy tools, theoretical and empirical studies have started to explicitly address “politics of instrument choice.” Peters (2002) and Howlett and Ramesh (1993) led this call for systematic study of the politics of instrument choice. This approach has characterized the studies of local development, sustainability and environmental policy (cf. Feiock et al. 2003; Lubell et al. 2009; Feiock et al. 2008; Yi and Feiock 2012, 2014; Feiock and Coutts, 2013; Kassekert and Feiock, 2009; Kwon et al. 2009). At the local level, empirical studies on the politics of environmental policy choices developed under the theoretical framework of political market (Feiock et al. 2003; 2008), which argues that the choices of policy instruments are influenced by political equilibrium as determined by the policy makers as suppliers and voters and organized interests as demanders in a political market. In this conception of a political market, local political institutions, the most important local manifestation of which is the form of local government, play a mediating role in shaping the policy instrument choices and the outcomes they produce.

This essay review of the literature on the politics of policy instrument at the local level building from the political market to advance a framework for instrument selection and bundling. The literature captures the political dynamics of policy instruments throughout their life cycle from the design and adoption of specific policy instruments, to bundling and interactions among multiple instruments in implementation, to decisions to continue or terminate use of an instrument. Directions for future research are discussed in conclusion.

Institutions, Transaction Costs and Instrument Choice

The political market approach extends transaction cost theories to instrument choice. Political transactions are characterized by elected official's efforts to deliver durable benefits to supporters. In a political market, transaction costs include bargaining costs, commitment costs, agency costs and information costs. First bargaining or opportunity costs result from the time and effort that needs to be expended in order to reach agreement on the details of policy instruments. Second, commitment problems result from the uncertainty of long-term benefit flows from policy decisions. Threats to durability of policy benefits result from the potential of future leaders to amend or repeal policy legislation, adversely influence policy administration, or reduce resources for enforcement. Third, agency costs result if administrators may not comply with the intentions of the enacting coalition in implementing the policy. Fourth, information costs reflect constituent uncertainty about the private benefits of costs of policy change (Horn 1997).

Transaction costs influence the efficiency of organizational forms and governance structures for producing outcomes. Constitutions and charters are incomplete contracts allowing for ex post manipulations, and long-lasting policy acts often have many of the characteristics of constitutional rules (Dixit 1996). The specifics of policy design create constituencies and have long-term effects and, once established, policies remain in equilibrium, changing only very slowly until some event upsets and shifts the equilibrium (Baumgartner and Jones 1993). If the distinction between constitutional and policy acts is one of degree, then transaction costs will be relevant to policy instrument choice. Government institutions operate under a number of constraints including difficulties in reaching agreement on policies, problems in implementation, and problems of durability. These constraints create the transaction costs associated with the overall execution of government policy.

Institutional analysis is about legislators, bureaucrats, and other relevant actors choosing among available tools. Policy instruments need to be interpreted in light of the real-world transaction costs that characterize particular exchange situations. In the private sector Williamson demonstrates that transaction costs associated with limited information (bounded rationality), ex post opportunism, and asset specificity can be reduced through specific types of contractual arrangements or governance structures (Williamson, 1985; Dyer, 1997). Certain institutional arrangements reduce uncertainties by replacing high power market incentives with lower power bureaucratic incentives that help secure the contract and reduce the transaction costs (Williamson 1985; Frant 1996). Several scholars extend this logic to examine local government constitutional provisions (Maser 1998; Feiock 2002).

Property rights theories argue that institutions emerge in response to scarcity and changes in relative prices (Libecap 1989; Alchian and Demsetz 1973; North 1990). Under this perspective, policy instrument choice result from a dynamic contracting process between the suppliers and demanders of policy, and policy supply will somehow automatically match the policy demand. In its simplest form the political market focuses on the exchange between elected officials and constituents or interest groups. Local government officials supply units of effective support for policies in exchange for in exchange for political resources (e.g., votes, financial resources, media exposure) from groups that benefit from those policies. Specific policy designs reflect the relative

political powers of the demanders, and the willingness of government authorities to supply favorable policies to various interests (Alston 1996). Thus, the political market supplements existing work by simultaneously considering policy demand, governmental policy supply and equilibrium policy outcomes under different institutional arrangements.

Policy Demand. Demands are driven by potential efficiency and distributive gains. Eggertsson (1990) uses the term “interest group theories of property rights” to account for the efforts of private interests to secure favorable outcomes in the political arena. Interest group policy demands are often driven by local economic changes. In return for political resources, elected officials will alter policy design in ways that affect the utility of different interests. Some interests are better at organizing for collective action than others, and therefore better able to articulate policy preferences and participate in political decision-making (Riker 1982; Eggertsson 1990).

Diverse interests demand specific policy instruments. Since additional support beyond that necessary to achieve supply of the desired policy is of less value, there is a decreasing marginal willingness to pay for the local government officials’ policy support. The medium of exchange provides political resources that can support reelection such as monetary and other contributions, political endorsements etc. Demanders face uncertainties and transaction costs in political exchange. Commitment problems result from the uncertainty of long-term benefit flows from policy decisions. Threats to durability of policy benefits result from the potential of future leaders to amend or repeal policy legislation (Horn 1997). Agency costs occur if administrators may not comply with the original intentions of the policymakers on the goals and contents of the policy instrument in the implementation process. Uncertainty about the durability of the stream of policy benefits results in demand for higher benefit levels (Horn 1997: 143).

Policy Supply. Political transactions are characterized by elected officials’ efforts to deliver durable benefits to supporters. Frant (1996) argues that this type of exchange is characterized by high power incentives--the public sector equivalent of market transactions (Williamson 1985). Electoral support is exchanged for the private benefits that result from a policy change. Opportunities for government officials to gain electoral support through these political exchanges are limited by several types of transaction costs. Governmental supply includes: the opportunity cost of time and effort to reach agreement on details of policy instrument design; psychic benefits or costs of supporting a particular instrument choice based on its consistency with the official’s own ideological beliefs; and benefits or costs resulting from the policies consistent with his or her constituents’ positions.

Since each elected official supply focuses on program design, individual supply functions combine to yield an aggregate supply function. A competitive equilibrium is given by the intersection between the aggregate policy-support supply function and the aggregation of relevant demands. Levels of support by individual local government officials are thus equivalent to the amounts they are willing to provide at the competitive equilibrium “price,” i.e. the points of intersection of their supply functions with the demand they face. Aggregate support is simply the sum of their individual levels of effective support. Thus instrument choice depends upon the relative degrees of support generated for various design alternatives.

Political Institutions. While economic approaches often treat political institutions as transparent to underlying economic or political forces driving change, the political market perspective adds political institutions as moderators of these political and economic forces by assigning a central role to structure of local government institutions as the arena in which political contracting occurs (Feiock 2002; Lubell et al. 2005, 2009). Political institutions combine with the structure of interest organization and the economics of a particular policy arena to determine policy instrument choice. Different political institutions will favor different types of interests, either enhancing or reducing their ability to influence policy design.

There are often multiple policy equilibria since each equilibrium distributes the costs and benefits of policy change in a different way. The aggregation of diverse policy demands is made complex by the possibilities of free-riding because of the nature of public goods. Specific institutions influence the barriers to collective action or advantage groups with specific types of resources to influence instrument choice.

Empirical work. Institutions such as local forms of government have been linked to adoption instruments to limit greenhouse gas emissions, energy use, and other activities. Krause (2013) found cities with mayor-council governments were less likely to adopt certain policy designs. Svava, Watt, and Jang (2013) examined the direct effect of form of government on the sustainability activities/programs adopted by cities and report greater instrument innovation in council-manager cities.

Non-environmental benefits are often important factors in explanations for why cities adopt sustainable development policy instruments (Rameriz de la Cruz 2009). Hawkins and Wang (2013) found form of government moderated business interest influence on the number of sustainable development policies instruments adopted. Traditional development instruments such as incentives financial incentives, expedited permit process, tax credits, loans, and fee waivers were directed to efforts to reduce energy consumption and minimize environmental effects (Hawkins and Wang 2013: 71) Business interests were more successful in getting governments to use these instruments in council-manager cities.

Feiock et al. linked development instrument choice to a political market (Feiock and Kim, 2000; Feiock, Jeong, and Kim, 2003). Recent studies of environmental sustainability emphasize the importance of the co-benefits of cost savings in explaining the motivations for local governments to pursue sustainability initiatives and focus on how the benefits of energy efficiency and other cost savings of sustainability initiatives are distributed. Bae and Feiock (2013) found that policy instruments targeted to promote energy efficiency in governmental operations align with the career incentives of professional managers.

Policy Instrument interactions

In addition to the literature focused on how politics shape policy instrument choices, a unique literature has developed that specifically address interactions between policy instruments (Yi and Feiock, 2012; Yi and Feiock, 2014; Kassekert and Feiock, 2009). This literature addresses political aspects omitted in studies of environmental policy instruments. Policy instrument studies have generally focused on adoptions of a policy instrument in isolation from previously adopted

tools. The classical approach that focuses on internal political, social and economic determinants as well as external factors has been repeated for multiple policy types and areas, including many of the literatures reviewed above. This approach ignores the fact that policy instrument choices are made in the context of existing tools that are already in place. The distinctions of “supply-side” and “demand-side” policy instruments lies at the center of both public choice and welfare economics theories (Weimer & Vining, 2004), but little attention is paid to interrelationships among supply and demand side policy instruments.

The concept "policy bundling" (Kassekert 2010) integrates literatures on policy instruments, policy diffusion, political markets and local sustainability. The study of policy innovations and diffusions has produced important insights but the simple framing of internal versus external determinants does not adequately capture the complexity of diffusion mechanisms that is essential for fully understanding policy innovations among state or local governments. Rather than relying on a single instrument, most policy arenas are characterized by multiple programs that can complement and positively influence the likelihood of other policy innovations being adopted, or require shifts of resources, personnel and expertise that reduce the likelihood of other policies being adopted. Policy diffusion research does not systematically incorporate multiple, codependent policies or separately model the four possible types of associations - independent, complementary, substitutes, and contingent. The political market framework combines supply and demand factors within local jurisdictions to explain policy choices.

Policy bundling can be the product of economic, political, or administrative incentives. Economic theory suggest that incentives could be bundled optimally to maximize economic gains. Local governments can then choose a mix of sustainability policies that are most cost-effective through trial and error or by observing other jurisdictions and learning from their experience. This explanation is appealing but oversimplified because it assumes a high degree of information and rationality. It also assumes that the unique effect of each incentive can be calculated for periodic evaluation.

Efficiency motivations also lead to efforts to attain economies of scale. The use of one policy instrument may lower the marginal cost of other policy instruments. Implementing numerous policies with similar structures may be a cheaper method of arranging economic incentives than plans that require a range of activities such as tax increment financing or grants. The economies of scale argument for bundling conforms with Mahajan and Peterson's (1985) concept of contingent policies because the marginal cost of an additional policy is based on the additional administrative cost of previous policies. Bundling based on economies of scale may be driven by the homogeneity among policies and not necessarily the cost-benefit analysis of the policy.

Policies may also be bundled to maximize political benefits to internal constituencies. Elected officials with narrow, short-term electoral interests may seek to use policies to target benefits to key constituencies (Clinger Mayer and Feiock 1995; Steinacker 2002). Policy tools can be used to cultivate political support, when these tools can be narrowly directed to neighborhoods or to individual residents. In this manner, incentives may be combined together to create politically

optimal policy bundles for officials even if the cost to society exceeds the benefit. District representation in particular is expected to lead to the support of narrow constituencies.

Professional public administrators have administrative and professional norms which may lead them to favor specific policies. One of the classic rationales for professional public management is to avoid the spoils system and the political favoritism it provides towards special interests. The professional norms associated with public administration serve as a deterrent to the adoption of possibly harmful politicized policies. Public managers' motives are not purely altruistic however, and professional advancement plays a role in policy decisions. City managers who adopt sustainability policies that improve the environmental and economic position of the community are able to advance their careers and enrich their professional reputation. Previous literature has demonstrated a pro-development bias in council-manager forms of government (Stein 1990; McCabe et al. 2008). Thus, professional management may shield administrative decisions from political intervention by elected officials and special interests (McCabe et al. 2008; Miller 2000).

Regardless of the motivations of local decision makers, path dependency plays an important role because once a policy tool is implemented, it becomes embedded in the political and bureaucratic structures of the political system. This is particularly the case with incentives created to retain businesses because these policies have natural local constituencies. Policies based on attracting new business are probably less likely to be implemented under the simple rationale that they were used previously unless the costs associated with transferring to a new incentive system are exorbitantly high.

A number of strategies can underlie policy bundling ranging from a purely random approach to incrementalism to strategies based on learning or desire to lead or lag in adding a policy tool. If governments apply an "everything and the kitchen sink" approach, then what appear to be bundles are not the result of strategic economic, political or administrative choices, but purely coincidental patterns. This could result regardless of actors' motivations where lack of information produces decision uncertainty.

Local governments are likely to make incremental changes to the bundle of instruments they offer over time (Lindblom, 1959) by dropping or adding policies based on prior experience or by learning from the experience of others. Explanations of policy bundling have not adequately addressed theory or modeling issues in a way that is useful to either academics or policy practitioners. Policy makers need to address interdependencies because even a policy instrument with minimal effects on its own can have significant impacts through interactions with other instruments. This possibility underscores the dangers of neglecting the big picture when studying policy with interactions. Possibly the greatest advantage to modeling policy tools in bundles is to move research to a more realistic unit of analysis. If the research leads to clearly defined policy bundles, then comparing groups of policies with one another would create more realistic comparisons and more meaningful results for practitioners. This would also open up new research into explaining the motivation behind choosing each basket of incentives and why those particular policies work in coordination.

Building upon the above theoretical insights, Yi and Feiock (2012) examined interrelationships between supply-side and demand-side policy instruments for renewable energy development at the state level in the US. Policies seeking to reduce carbon-based energy consumption are cast as either supply-side “supply-push” instruments, which influence the supply of renewable energy, or demand-side “demand-pull” instruments, which affect the size of the market for renewable energy (Enzensberger, Wietschel & Rentz, 2002; Jaffe, Newell & Stavins, 2005; Margolis, 2002). Yi and Feiock (2012) examined how various supply-side policies might increase or decrease the likelihood a state would adopt a demand-side policy instrument, drawing upon theories of path dependency (Pierson, 2000) and theories of policy innovation (Berry and Berry, 2007). The hypothesis was that the effects of supply-side policies on the adoption of demand-side tools will generally be positive, but when demand-side policy targeting energy generation imposes significant costs on utility companies, supply-side policy tools may be a substitute. In the case of renewable portfolio standards, this may be a function of the extent to which a state produces energy from in-state sources. Where states’ economies are dependent on carbon-based energy, supply-side policy instruments such as tax incentives and rebate programs act as substitutes, and reduce or reverse the positive effect on the likelihood of demand side policy adoption. They find that supply-side policies generally will have complementary effects that increase the likelihood of demand-side policy innovation.

A second and related study bases its argument upon the policy typology tradition of Lowi (1964) and Wilson (1980). Yi and Feiock (2014) have examined the influence of entrepreneurial, regulatory and interest group politics on the development of renewable energy in the U.S. states. Their argument is that politics affects policy outcomes through entrepreneurial, regulatory and interest group politics as defined by the typologies of policy tools, as well as through the choice of policy instruments. They argue that the effects of policy instruments should not be assessed independently, but instead, all instruments should be considered in assessing policy effectiveness. Estimating the impact of the renewable energy policy instruments as bundles of tools, Yi and Feiock (2014) found that renewable portfolio standards, coupled with green power options and tax incentives, are effective instruments in stimulating the deployment of renewables.

Policy Instrument Continuation or Termination

If we consider the politics of the policy instrument within the lifecycle of the policy process, the adoption of policy tool will be followed by its implementation, change or termination. Policy termination is a deliberate cessation of specific government policy actions. (Brewer & deLeon, 1983). It is more than the inverse of policy adoption. Several factors may account for termination decisions including political ideology and related interest group pressures, fiscal stress, and program ineffectiveness or inefficiency. Of these, political ideology is often deemed to be salient in determining a policy’s continuation or termination (deLeon, 1983, 2002; Volden, 2010). Whether at a program level or instrument choice termination, decisions combine objective assessment of program performance with values and ideologies (deLeon 2002). Although there is little evidence to date at the instrument level, studies of policy or agency termination found both performance and ideology are important. Programs or policies that are perceived as ineffective or inefficient are more likely to be abandoned (Turnhout, 2009; Volden 2010). Partisan ideology can trump performance. Lewis (2002) finds that political turnover drives the termination of U.S. federal programs. Likewise, Berry, Burden, and Howell (2010) find that federal programs are

more likely to be terminated when there are significant changes in the partisan composition of the legislature. Although there is some evidence of policy diffusion of termination, it is conditional on ideology (Volden 2010). At the local level, ideological differences in dominant interests groups is linked to termination. Stokan (2013), found business interests influence termination of industry tax incentives.

The dynamic surrounding the ending of policy instruments is under-examined at all levels of government, although perhaps most so at the local level where there are few empirical termination studies (Krause, Yi and Feiock, 2016). Krause, Yi and Feiock (2016) applied deLeon's termination theory (deLeon, 1978) to local climate protection initiatives and examines cities' withdrawal from the ICLEI membership, a dominant sustainability policy tool. Positioned in the literature on policy change, Krause et al. (2016) empirically test three hypotheses for why a substantial portion of cities ended their ICLEI membership and terminated the explicit climate protection objectives associated with it: political ideology and interest group pressure; fiscal constraints; and perceived program ineffectiveness.

While the study by Krause et al. (2016) are first strides in understanding the dynamics surround the termination of a local climate policy, ICLEI membership could be viewed as a program rather than a policy tool. At the local level, numerous policy tools have been adopted as a result of ICLEI membership. Therefore, it is theoretically intriguing to investigate whether the termination of ICLEI membership means the end of the local environmental policy instruments or not. In a second study, Yi, Krause and Feiock (2017) investigated the impact of ICLEI termination on the continuation of local environmental policy instruments, employing a series of difference-in-difference-models (DiD) that capture the dynamic impacts of program termination on the changes in policy instruments. They found termination of ICLEI does not discontinue use of many sustainability instruments.

This review of the politics of policy instrument choice in the context of environmental policy making offers a political framework to investigate the adoption, implementation, termination and interaction of policy instruments. While much effort has been made to study policy tool adoption and implementation, less attention has been paid to the study of policy tool termination and interactions. Future studies need to investigate the dynamic political processes underlying the adoption, implementation and termination of policy tools, as well as further examining the complex mechanism in policy tool interactions.

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