

STRATEGIC ISSUES SERIES

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“THERE OUGHT TO BE A LAW!”  
Instrument Choice: An Overview of  
the Issues

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*The views in this discussion paper are those of the author and do not represent the views or positions of the Department of Justice, Canada. The paper was commissioned as an opinion piece to stimulate research and discussion.*



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## Biography

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## 1.0 Introduction

Most people confronted with objectionable behaviour will mumble some version of the phrase “there ought to be a law.” But if law is seen as a policy instrument - as one way in which government tackles public problems and establishes public norms - is it always the best instrument? The CRTC, for example, recently announced that it *would not* regulate new media services on the Internet. Though the CRTC offered several rationales for its decision, the most interesting was that “The Commission does not believe that regulation of the new media would further the objectives of the Broadcasting Act.” The Commission claimed that it was one of the first such bodies to clarify its position on the Internet. Its position was to do nothing, but more precisely, not to use legal instruments to regulate.

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If we move from this technical field to potential problems that manifest themselves on our streets, such as panhandling, we find that more is at stake than the rational calculation of the utility of legal regulation. Issues include:

- How would you define “aggressive” and “panhandling”? How is “aggressive panhandling” different from telemarketing by charities?
- Would you outlaw it entirely, or regulate it?
- If you regulate, how would you design the regulations and attendant license conditions?
- How would the law be enforced? How much would it cost?
- Would there likely be litigation by panhandlers, probably backed by anti-poverty groups and Charter advocates?
- Would the very act of passing a law either prohibiting or regulating panhandling actually stimulate the claim that there is a *right* to panhandle grounded in the Charter?
- Might panhandlers invite being incarcerated in order to get food and shelter, and might a law actually increase the incidence of the activity?

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The point is that too often these sorts of questions about instrument choice are not asked. Justice officials and politicians often reach for a law because it is a primary instrument of government, and because it makes intuitive sense to influence behaviour and situations by making rules. As well, public opinion or groups may press for law as a way to make a moral statement or demonstrate concern. This begs some fundamental questions (as opposed to the practical ones above):

- If a rule or law is appropriate, what type of rule - primary legislation, regulation, voluntary code, guidelines?
- If it is not appropriate, are there other ways to influence behaviour - taxes, grants, subsidies, services, information?
- Is direct behaviour really the key target, or is it something more fundamental like character, or culture, or social context?
- To what extent should government be getting involved at all, or is it a matter of working with social and private sector groups to build *their* capacity to deal with problems?

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This paper will put the legal instrument in context, and examine some core issues of instrument choice. Public policy instruments are the means by which policy objectives are pursued. A sensible process of instrument choice would require, at minimum, knowing: i) the inventory of possible instruments and their rationales; and, ii) the criteria by which those instruments can be viewed. Beyond that, instrument choice will always depend on a complex chemistry consisting of the nature of the problem, public opinion, and political priorities.



## 2.0 Policy Instruments: An Inventory

What is it that government seeks to do with its policy instruments? This is, to put it mildly, too complicated to discuss in detail here, but we need some bearings for what follows. If we assume that governments are trying to achieve certain outcomes as a result of policy, what are the primary targets or the subjects upon which they can operate to achieve those outcomes?

- Behaviour of individuals: The actions of individuals, though not their underlying rationales (panhandling: the act of begging on the streets, not the belief that it is acceptable or efficacious behaviour).
- Norms: The beliefs that underpin behaviour (panhandling: the belief that it is acceptable or efficacious to beg).
- Processes: The interaction of behaviours and norms, or of various interests (panhandling: the interaction of panhandlers and those who give them money, and between them and merchants outside whose stores the panhandling takes place).

*Stipulating rules about behaviour, about norms, or about processes seems a reasonable way to proceed in trying to achieve certain outcomes. There are several considerations however, which while fundamental, are often taken for granted.*

### 2.1 Law as a Policy Instrument

Most of what government does gets embodied in law in one way or another. The issue here is the use of law or rules themselves to achieve policy objectives, that is, to efficiently affect behaviour, norms, or processes. Stipulating rules about behaviour, about norms, or about processes seems a reasonable way to proceed in trying to achieve certain outcomes. There are several considerations however, which while fundamental, are often taken for granted.

The first is that there are different types of legal instruments. It is possible to distinguish among:

- legislation or statute (including delegated legislation based on statute);
- decisions (legal ones about what a statute means);
- contracts (applicable to the parties, but legally binding);
- quasi-legislation (issued by administrative authorities in the form of internal or non-binding rules, policies and guidelines); and,
- incorporation by reference (bringing another instrument such as a code of conduct into a statute and giving it the force of law).

*Quasi-legislation has no binding legal effect generally -- but bulletins etc. interpreting the meaning of legislation can have practical effect and can be authoritative to the degree that they are accepted by the courts.*

Distinctions can be made among these in terms of their (i) legal effect and (ii) the procedures used to formulate them. Legal effect has two dimensions: generality (number of people it is directed to) and degree of binding (imposition of some threat or sanction). Statutes affect large numbers of people and are binding. This is also true of delegated legislation, but there is a constraint in that courts will demand a clear legal authority for making it. Decisions are instruments that apply law, not make it. They are specific rather than general. Contracts are even narrower, binding only on the parties to the contract. Quasi-legislation has no binding legal effect generally -- but bulletins etc. interpreting the meaning of legislation can have practical effect and can be authoritative to the degree that they are accepted by the courts. Finally, incorporation by reference is quite a powerful and flexible form of rule-making because it can combine instruments that would otherwise stand separate and give them the force of law. A statute that incorporates a regulatory code of conduct developed by an industry association, for example, takes the privately developed code and gives it the force of law. Moreover, depending on drafting, the incorporation can be dynamic in the sense that any amendments made to the code subsequent to the passage of the legislation also automatically get reflected in the legal instrument (there is, for obvious reasons, some debate over this). The law without the code is one instrument, and the code without the law is another. Combined, they form a hybrid that is more than the sum of its parts.

*The logic is that the wider the legal effect and more binding the nature of the rule, the closer one gets to authoritative and generally representative institutions such as Parliament.*

The type of instrument can be linked to the procedure for making it. The reason is that the characteristics of the body making a legal instrument determines how well suited it is to making it. For example, strong compliance with a rule usually depends on people knowing and accepting it, and this knowledge and acceptance improves when people have a chance to participate in the making of the rule. Some types of decision-making bodies are better at involving certain groups of people than others. The logic is that the wider the legal effect and more binding the nature of the rule, the closer one gets to authoritative and generally representative institutions such as Parliament. Delegated





legislation and quasi-legislation usually do not bring people into the decision-making process as effectively as Parliament potentially can. The narrower the legal effect, and the more valued consensus is among a small group of participants, the more one will rely on forms of rules approaching the quasi-legislative, or discretionary end of the continuum.

The main reasons for the use of quasi-legislation are always the same: flexibility and lack of technicality. Flexibility means that rules can be changed easily and quickly. Of course, what appears as flexibility and simplicity from one perspective can seem like “back-door legislation” and confusion from another. Persuasion and consensus are the bedrock for quasi-legislation, since the rules are typically non-binding in some ultimate legal sense. Acceptance and the mechanisms for achieving acceptance are therefore central features of the processes associated with quasi-legislation.

*Another distinction is between rules that stipulate or prohibit behaviours and those that establish norms, rights, and obligations.*

Another distinction is between rules that stipulate or prohibit behaviours and those that establish norms, rights, and obligations. Norms can be practical, such as driving on one side of the street or other, but even these cases, practical norms can take on the patina of “what is right” and hence develop a quasi-moral dimension. The Charter of Rights and Freedoms and provincial human rights codes obviously seek to establish moral norms and rights, but many types of legislation define categories of persons (e.g., spouse, status Indian, youth, resident, senior) and hence their entitlements and the sorts of claims they can make on others and on the government. Though governments can use legal instruments in this way to affect moral norms, there has to be some equilibrium with existing social norms, or a willingness to pay the price if those norms are narrowly but intensely held. At one time or another, governments that tried to change social norms on racial, gender, or ethnic equality have encountered resistance. On the other hand, over time, those norms have changed in part because of legislation.

If one key consideration is the type of rule, the other consideration is the cost of implementing those rules. To take the example once again of panhandling, a lot depends on how clearly the prohibited behaviour can be defined. If it cannot be clearly distinguished from other forms of charitable solicitation, it will run into enforcement problems. Even if it can, enforcement costs might be high depending on the incidence of panhandling and the intensity of those engaged in it.

*The notion that “there ought to be law” depends, therefore on what the law is supposed to be about, what kind of law and process is appropriate to that target, and what the costs of implementation and enforcement will be.*

The notion that “there ought to be law” depends, therefore on what the law is supposed to be about, what kind of law and process is appropriate to that target, and what the costs of implementation and enforcement will be. Some conclusions:

- Behaviours that are relatively uncomplicated and clearly defined are generally susceptible to what we have called laws with broad legal effect (wide generality and high degree of binding);
- The more complicated the behaviour and the narrower the constituency, the greater the reliance on quasi-legislation, interpretation, and enforcement;
- The success of rules to define norms will vary negatively with the intensity with which counter-norms are held, and positively with the willingness to use the coercive power of government to enforce those norms. Changing social norms through law usually takes a long time;
- Rules that try to control complex processes will themselves have to be very complex and will entail high enforcement cost;
- Rules backed by sanctions are often better at prohibiting behaviours than encouraging them - in the sense that it is easier to say “don't steal a cookie” than it is to say, “make a cookie.”

The use of the legal instrument is clearly limited in some circumstances, and sometimes costly and inefficient in others. What are the alternatives?

## 2.2 Complementing the Legal Instrument

Some alternative instruments are obvious - spending, for example. There is a vast literature on non-legal public policy instruments, and there is a modest consensus in this literature that core instrument categories appear to be (in addition to regulation, which was covered above), expenditures, taxes, some form of direct provision of services or goods, either by a government agency or a publicly owned entity, and the use of information or exhortation as a means of delivering policy (see Appendix for a summary).

### ***Static Response: Choosing to do Nothing***

Before tackling these categories, however, there is one that is virtually never discussed in the policy literature - doing nothing. The CRTC, as we noted earlier, decided to do nothing about regulating the Internet. The idea that “there ought to be law” assumes



that there must be a government response for every problem. But a rational approach to instrument choice should consider the option of deliberately doing nothing. Until recently, this has in fact been the position of most governments on the issue of panhandling. Leave it alone.

“Declining to intervene” may appear as a “non-decision”, which indeed it is if it has no rationale beyond either ennui or a simple desire to remain unengaged. But there can be several good rationales for declining to intervene. We will coin a term and categorize these rationales as “static response.” Together they comprise a coherent set of considerations that should be part of any systematic process of instrument choice. In reading through the following, apply the rationales to the panhandling example:

- Problem related rationales: there is either no problem after all, or a problem that is not within the government's priorities or its jurisdiction;
- Resource related rationales: the government does not wish to allocate resources for this problem;
- Precedent rationales: a policy intervention might set a precedent that could place unmanageable demands on government;
- Self-corrective system rationales: while there may be a problem, there is also a coherent system (social, cultural, religious, economic) at work that over time may correct it.

### ***Information***

The focus of this instrument is primarily on behaviour and on norms. By changing the information at the disposal of individuals, or their normative views, the behaviour founded on this information and these norms may change as well. It assumes that people have incentives to change their behaviour based on the information. Compared to law, the use of information is based on voluntary response. Insofar as it changes norms and attitudes over time, however, it may be more effective than coercion. Examples include codes, food and health guidelines, logos such as the EcoLogo of Environment Canada.

An information campaign on panhandling might be aimed at panhandlers themselves, at those who give to them, or at the wider public (an example of trying to change norms).

### ***Expenditure***

All government activity involves some expenditure, but the usual definition here is of monies in the form of grants, subsidies, transfers or even vouchers that lower the costs of some desired behaviour or outcome. The focus is on behaviour and to some extent on altering market processes to change the calculus of costs and benefits. It might also include property transfers (e.g., land grants) that reduce the cost of something to zero.

Expenditures aimed at panhandling would try to lower the cost of foregoing begging through increased income (welfare payments).

### ***Taxation***

As opposed to the simple raising of revenue, the focus of taxation as a policy instrument is to increase or reduce (if taxes are foregone - hence tax expenditure) the cost of certain behaviours. Like expenditures, the focus is on behaviour and on altering market processes to some degree. User fees, cost-recovery, and fines can be included in this category.

Taxes and fees require income to pay them in the first place, and so this instrument is limited in the panhandling case. However, by increasing tax deductions for donations to institutions, government might discourage spontaneous giving to panhandlers.

### ***Service Delivery/Organization of Government***

When governments want certain outcomes, they can aim at the processes *that allocate resources*, and which in turn affect behaviour. If a certain level of health is the desired outcome, governments can aim at the processes that allocate health resources, and either provide that allocation themselves through government services, or intervene in other market and institutional processes in various ways to achieve those outcomes.

The model of direct allocation of resources through government has been criticized in the last decade, and has often yielded to privatization, commercialization, contracting out, or some form of partnerships. Some of this shades off into the next category, below. The key point is that direct service delivery is always one option, but the more complex the resources being allocated, the more challenging the direct service model is.

With respect to panhandling, the option here would be to try to provide services such as shelter and food that would affect behaviour and hence the incidence of panhandling.

### ***Capacity and Institution-Building***

*Ultimately the role of government is geared to facilitating the development of norms and processes in partnership with other social actors. It takes a more "organic" view of society as consisting not just of interacting individuals, but of collective entities and institutions which create contexts and supplementary norms within which people interact.*



This is an admittedly nebulous category, but it appears in most classification schemes. It focuses primarily on norms and processes, and incorporates many of the instrument categories listed above. The rationale is captured in the notion of “distributed governance” or “meta-governance,” which has several interpretations. One is that modern social processes are too complicated to be run in a command-and-control, rule-making fashion by government. Information is too widely dispersed, and processes and systems operate too rapidly and are too entangled. Another is that there is too much social diversity to allow tightly coupled norms to govern the entire system. Yet a third is that those closest to a problem or situation are best suited to dealing with it, though they may need help (the notion of subsidiarity).

Whatever rationale seems appropriate, it leads to the transfer of financial, informational, and organizational resources to third parties in order to build their capacity to achieve objectives which are both in their interest and in the policy-maker's interest. The development of voluntary codes with the help of government, for example, can be seen as a species of capacity building. So can agreements with First Nations to manage and deliver their own social services. Also included would be the creation/recognition of rights, which can then become the basis of claims that one can make - examples include the Charter, employment equity, and landlord/tenant acts. Ultimately the role of government is geared to facilitating the development of norms and processes in partnership with other social actors. It takes a more “organic” view of society as consisting not just of interacting individuals, but of collective entities and institutions which create contexts and supplementary norms within which people interact.

In the panhandling example, the approach would be to help community social service agencies, non-government organizations, the private sector, and the homeless themselves develop their capacities to deal with the problem. The role for government would not be to “solve” panhandling, but to facilitate and encourage social processes that would address the issue. An example of this approach is the federal Crime Prevention Initiative, which relies on grants and subsidies for local efforts at education and community building.

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Several points should be kept in mind in thinking about this list of instrument categories (we will return to some of these shortly):

- Instrument choice is not about selecting a single instrument to address a single problem. Problems come in complex matrixes, and policy responses usually consist of a matrix of instruments;
- These instruments may be chosen à la carte and not only table d'hôte. There are advantages and disadvantages to each, and they satisfy different criteria, but in some measure they may be substituted for each other (e.g., a tax may be lowered or a grant provided; information and partnership might be substituted for subsidies);
- Substitution of instruments is easiest when the instrument focus is roughly the same - behaviour, norms, or processes;
- The "drift" in the *rhetoric* of instrument choice over the last decade has clearly been away from expenditures, taxation, and direct service delivery, and indeed from regulation;
- Capacity and institution-building implies some degree of autonomy for third parties, to the point that they may make mistakes - but this in itself may increase capacity insofar as people learn from their mistakes.

### 3.0 Criteria for Instrument Choice

*At the end of the day, do we think about the full menu, and do we understand some of the basic constraints in the nature of instruments themselves and what we are trying to achieve?*

It is one thing to list an inventory of instruments, but another to decide on what grounds they should be considered. The preceding assumed a criterion of technical efficiency, that is, achieving the desired outcome at the least cost. But this is only one of three broad criteria than can be applied to thinking about instrument choice.

#### 3.1 Efficiency Criteria

Efficiency criteria have to do with the appropriateness of the instruments as well as costs and benefits. Most of the questions here are fairly obvious, but are unevenly applied in the process of instrument choice. The Federal Regulatory Policy and the Saskatchewan Regulatory Code of Conduct, for example, each lay out a detailed guide for posing questions of impact, efficiency, alternatives, cost, consultation and partnership in the selection of the regulatory instrument. Practice may vary, of course.



More importantly, this sort of discipline is rarely if ever imposed on the selection of alternative instruments, especially acts or statutes. The Federal Policy provides a useful approach to thinking about efficiency criteria.

- Description: outline regulation, define problem, justify proposal.
- Alternatives: examine all available, as well as alternative forms of regulation.
- Benefits and costs: quantify impact of proposal.
- Consultation: identify consultees and results.
- Compliance and enforcement: explain procedures and resources to be used to ensure effective implementation.

This could be more thoughtfully expanded, especially in consideration of the legal instrument, to include some of the points made earlier: the nature of the rule, the type of process most appropriate for developing it, and the basic policy target in terms of behaviour, norms, or processes.

It would be naïve to think that any discipline of this type, however rigorous, will ensure that only the “best” instrument is ever chosen. Political and organizational factors will always intervene. The point is to ask yourself: how much self-reflection goes on in our processes of instrument choice? At the end of the day, do we think about the full menu, and do we understand some of the basic constraints in the nature of instruments themselves and what we are trying to achieve?

### **3.2 Procedural Criteria**

The results of government decision-making are often hostages to their processes. The types of instruments selected, in short, will usually reflect the way in which the processes of instrument choice have evolved or been designed. Processes that do not encourage departments to talk to each other, for example, will encourage departments to concentrate on “their” instrument (e.g., justice officials like rules, finance officials like taxes).

Some procedural criteria that can enhance the process of instrument choice include:

- Transparency: make the costs and benefits of policy proposals and instrument choice as clear and public as possible;
- Accountability: make clear who is responsible for a specific policy choice, and ensure that accountability regimes permit sanctions in cases of blatant disregard for technical efficiency;
- Information: reduce imperfections of information as much as possible, both about policy costs and benefits and about other aspects of the policy process;
- Decision rules: broaden the range of interests involved in instrument choice as widely as feasible.

### 3.3 Legal Criteria

Justice officials can be relied upon to carefully consider whether a new law falls within the mandate or authority of government. But choosing other policy instruments does not obviate the need to consider their legal dimension. Basic criteria include:

- Jurisdiction;
- Consistency with other statutes;
- Consistency with Charter and other human rights obligations;
- Consistency with international obligations;
- Need for new legal authority, if any;
- Legal processes for the amendment or introduction of new legal instruments;
- Contracting capacity of partners;
- Legal liability of government agencies in regulatory context;
- Accountability and reporting requirements, if any;
- Legal scope for audits and performance assessments; and,
- Dispute resolution mechanisms.

### 4.0 Instrument Choice and Real Life

*It may be that many public debates in fact are proxies for discussions about instrument choice. And it also may be that the terms of public debate tend to pose the issues of instrument choice in more fundamental terms than those usually found in government circles.*

Ironically, though no one has conducted a careful analysis of the full stock of laws, regulations, and sundry rules, there is a widespread perception among most analysts and practitioners that, despite the alleged era of “smaller government,” the stock has been increasing.

This paper cast some light on the nature of the legal instrument, the range of alternative instruments, and some questions in considering the appropriate criteria of choice. The point is that the knee-jerk reflex that “there ought to be a law” needs to be more carefully thought through. However, as wonderful as it may be to develop lists and categories, how do they connect with current public issues and debate? Hardly anyone at the local Starbucks seems likely to be found earnestly debating the principles of instrument choice over a steaming cappuccino.

Or are they? It may be that many public debates in fact are proxies for discussions about instrument choice. And it also may be that the terms of public debate tend to pose the issues of instrument choice in more fundamental terms than those usually found in government circles.





## There Ought to be a Law

This paper suggested that instinct to pass a law as often misguided. But turn the lens around for a moment. The notion that “there ought to be a law” may reflect a sense that the basic, accepted, and often unarticulated norms that govern most social behaviour are gradually eroding. There has been widespread discussion in recent years about “social capital,” trust, the impact of TV on community bonds, and the decline of the family.

So, when people despair over youth crime, sexual morality and pornography, rap songs, Ali McBeal, spousal assault, road rage, guns, divorce, street crime, prostitution - the list is endless - they are actually despairing over the gradual erosion of many traditional institutions that provided order and social cohesion, from churches to traditional families. This may or may not be correct, but the instinct that “there ought to be a law” points up the increasingly important role for government in articulating and enforcing social norms. This is neither easy nor comfortable, but it is an important force that cuts directly opposite to the notions of smaller, leaner and meaner government that has been so popular in recent years.

The other dimension of this is simply that as society gets more diverse and complex, it requires more sophisticated steering mechanisms and better ways to referee complex and competing interests. At this stage, government may be the only game in town to do this, though probably not in the traditional format.

The fundamental instrument choice question then is not that there should be “less” law or fewer rules - these coffee shop conversations all point to sustained demand for laws, rules and regulations - but better and smarter ones, ones that leverage the influence of existing social institutions so that they can do their job better.

## The Role of Courts

*...(T)he balance between courts and legislatures is actually a “meta-debate” about instrument choice.*

A separate paper is addressing this theme, but from the point of view of public discussion, the balance between courts and legislatures is actually a “meta-debate” about instrument choice. How should norms be articulated and enforced? The irritation that many people feel with court-imposed norms surely stems from the point made earlier about the form of a rule (its legal bindingness and its scope) and the institutions that make those rules.

In thinking about rules and the legal instrument, officials cannot ignore the arenas in which rules are made and disputes resolved.

## Rules about Rule Making

It has become a truism that the public trusts government less today than in the past (though this is an exaggeration). This has become the foundation for the increasing development of “rules about rule making” - something that some observers have even called a new policy instrument. In this instance, the target of the instrument is not the public, but government itself. Quality standards, performance indicators, privacy and access to information, formal consultative procedures, audits, evaluations - there has been an explosion of these types of instruments in recent years. The connection with coffee shop conversation is that people appear to want greater transparency and accountability from their public institutions. This picks up to some degree on the procedural and legal criteria discussed above.

Even if the existing stock of rules and law is too great, it is unlikely that demands for rules about rule making in government will abate.

## Smaller Government

*... (R)ule making will focus on norms and on processes. In that sense, it will have to draw on a wider repertoire of instruments such as information, expenditures, regulation, and services, and weave them together in ways that cut across traditional ways of doing government business.*

People generally seem to accept that government should be smaller in some sense, but clearly are debating the role that government should play when they discuss re-configuration of services and re-balancing of jurisdictions. In terms of the earlier discussion in this paper, there seems to be an appetite for “distributed governance” of some sort that relies on partnerships among different levels of government, agencies, non-governmental organizations, the private sector, and the public at large.

None of this means less government, and it probably means just as many if not more rules. But the rule making will have to be different. Instead of focusing on behaviours, this type of rule making will focus on norms and on processes. In that sense, it will have to draw on a wider repertoire of instruments such as information, expenditures, regulation, and services, and weave them together in ways that cut across traditional ways of doing government business.



Let's close with the issue of aggressive panhandling. As a policy problem, it is clearly about more than just an objectionable behaviour. Aboriginal kids panhandle because of the erosion of First Nations cultural norms and communities, and all the usual baggage that comes along with that. Squeegee kids are often drop-outs who have left their (sometimes comfortably middle class) families to live on the street. Middle-aged men panhandle because they can 't get jobs. Some homeless men and women are mentally ill.

Complex norms and processes are at work here. So is a diversity of players, from local governments to churches, community groups, local businesses, police, anti-poverty advocates, health and social service agencies, families, and the courts.

Ought there to be a law?

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## Appendix: Summary of Instrument Inventories

Author(s)	Main Categories	Sub-Categories	Orientation
Kirschen	<ul style="list-style-type: none"><li>• public finance</li><li>• money and credit</li><li>• exchange rate</li><li>• direct control</li><li>• changes in institutional structure</li></ul>	62	economic; means by which government affects factors of production, market transactions, and distribution
Hood	<ul style="list-style-type: none"><li>• nodality</li><li>• authority</li><li>• treasure</li><li>• organization</li></ul>	25	cybernetic; effectors and detectors that both act upon environment and draw information from it
McDonnell and Elmore	<ul style="list-style-type: none"><li>• mandates</li><li>• inducements</li><li>• capacity building</li><li>• system changing</li></ul>	N/A	government as channeling social forces in particular directions; acting “at a distance” through capacity building
Linder and Peters	<ul style="list-style-type: none"><li>• direct provision</li><li>• subsidy</li><li>• tax</li><li>• contract</li><li>• authority</li><li>• regulation</li><li>• exhortation</li></ul>	24	inductive approach based on perceptions of policy makers themselves
Schneider and Ingram	<ul style="list-style-type: none"><li>• authority</li><li>• incentives</li><li>• capacity</li><li>• symbolic and hortatory</li><li>• learning</li></ul>	N/A	behavioural approach; effect on individuals’ incentives and capacities
Doern and Phidd	<ul style="list-style-type: none"><li>• self-regulation</li><li>• exhortation</li><li>• expenditure</li><li>• regulation</li><li>• public ownership</li></ul>	26	legislator’s perspective; sliding scale of coercion and link to larger system’s standards of legitimacy coercion