

## The power of instruments in governance

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Globally circulating templates for policy design are referred to as “instruments”. As such they guide and legitimate policy-making. This entails a delegation of agency from democratically regulated policy processes to the making of instruments. By pre-configuring options of policy-making instruments attain a specific power in governance.

With this article we open up the making of instruments for conceptual and empirical analysis. Starting from the question how instruments come into being we review relevant literature and come up with a proposal to investigate the making of instruments as innovation processes. A heuristic approach for researching case studies comprises critical tasks of innovation and a conceptual distinction between discourses on the design of universal policy instruments and situated processes of policy-making in different contexts. We propose the “realization of phantom instruments (theory-led)” and “rationalization of design practices (practice-led)” as two ideal-typical patterns of innovation and select “emissions trading” and “citizen panels” as two cases that appear to resemble these types.

Our study of the historical development of these two instruments reveals that theory- and practice led dynamics are closely entangled. In both cases we observe the formation of “instrument constituencies” as a result of the institutionalization of universal design discourses. Constituencies include specialized organisations and infrastructures which cater for the development of a particular policy instrument. In our two cases they show different degrees of institutionalization and dominance over policy-making. A further finding regards a specific momentum of instrument development emanating from a theoretical discourse of “means” decoupled from political ends and contextualized practices. For further research into the power of instruments we thus articulate basic problematics of a “techno-logy” of governance: First, the tendency of instruments to develop a life of their own, independent of policy problems and goals (“technology out of control”). Second, a disposition for unintended consequences due to a suspension of specific context conditions in devising universal designs (“second order problems”). Third, a displacement of politics from arenas of democratic decision-making to a discourse of experts (“technocracy”).

We conclude by characterizing the making of instruments for governance as a political process that has so far escaped the vision of social and political analysis. This has implications for empirical-analytical explanations of governance change, for critical-emancipatory concerns with the democratization of policy design, as well as for strategies to practically shape innovation in governance.

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