

PUBLIC POLICY AND IDEATION: THE CASE OF PAKISTAN

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Public policy as a concept is as old as the notion of ‘government.’ The scholarly quest of how and why public policies evolve and their outcomes arrive is also at least two centuries old. Yet, there is no unifying theory of public policy. The ones that exist either implicitly subscribe to the basic features of American pluralism or are limited by their origins in high-income democratic settings.¹ There is hardly anything contributed towards understanding the politics and environment of policymaking in countries of the global south. Part of this problem is the complexity and multifaceted nature of the public policy process. The process often does not follow any standardized procedures or routinized approaches and has many actors and variables whose relationships span across time and issues.² As a result, existing theories of public policy present only some of the facets, but not all, of this process and its outcomes. Greenberg et al elucidates on this point and write, “Although the theories [of public policy] seemed perfectly applicable to the few cases used by their authors to illustrate them originally, the propositions did not fit so neatly when applied to a number of examples not expressly chosen for explanation and illustration.”³ Existing theories of public policy derived from developed countries are of limited scope in the context of countries of the

¹ See, for instance: Nelson, Barbara I., “Public Policy and Administration: An Overview,” in Robert E. Goodin and Hans-Dieter Klingemann (eds.), *A New Handbook on Political Science* (Oxford: Oxford University Press, 1998): p. 553; Osman, Ferdous, A., “Public Policy Making: Theories and their Implications in Developing Countries,” *Asian Affairs*, Vol. 24, No. 3 (2002): p. 37; Smith, Katherine, E. and Ketikireddi, Srinivasa V., “A Glossary of Theories for Understanding Policymaking,” *Journal of Epidemiology and Community Health*, Vol. 67, No. 2: (2013): p. 201

² See, for instance: Cairney, P., *Understanding Public Policy: Theories and Issues* (London: Palgrave MacMillan, 2012): p. 12; John, P., “Is there Life After Policy Streams, Advocacy Coalitions and Punctuations: Using Evolutionary Theory to Explain Policy Change,” *The Policy Studies Journal* Vol. 31, No. 4 (2003): p. 481; McCool, Daniel C., *Public Policy, Theories, Models and Concepts: An Anthology* (New Jersey: Prentice Hall, 1995): p. 398

³ Greenberg, George D., Miller, Jeffrey A., Mohr, Lawrence B. and Vladeck, Bruce C., “Developing Public Policy Theory: Perspectives from Empirical Research,” *American Political Science Association*, Vol. 71, No. 4 (1977): 1532

global south due to their inability to transcend beyond any given structural and contextual variations in political system and societal conditions.

In the last two decades, however, advances in the institutional perspective have come to take a central place in understanding of political decision. It combines insights from across disciplines and accepts the multidimensional nature of the inquiry. This has been loosely dubbed as new institutionalism. The ideational turn in new institutionalism is by far the most recent and has the potential to examine public policy decisions regardless of political, societal and socio-economic conditions. By giving supremacy to ideas in institutional analysis, it is contended that institutionalists can now investigate both the path of institutional change and the origins of change itself. It is claimed that the ideational institutionalism has the capacity to inform an endogenous account of complex institutional evolution, continuation, adaptation, and innovation. In order to gauge the strength of this claim, three social legislations from Pakistan are studied to assess whether ideas, conceived as the basis for policy decisions, have an affect on the course of the policy process, the public policy solutions and the eventual policy outcome.

1. The Ideational Turn in New Institutionalism:

New institutionalism lacks a unified body of thought. There is, however, some degree of consensus that the new institutionalism falls into three broad categories of rational choice, historical and sociological institutionalisms. The three schools-of-thought have developed quite independently to each other. But they all have in common their discontent with the behavioral perspectives of 60s and 70s. At the same time, while all three approaches agree that institutions matter but they disagree over the extent to which they matter. Rational-

choice institutionalists, with Douglass C. North as one of their torchbearers, consider institutions to be only an intervening variable affecting individuals' choices and actions while their strategic calculation remains the central pillar. They concede that institutions set parameters to individuals' actions but they are also the creation of utility-maximizing rationalists in order to overcome unpredictability.⁴ Rational-choice institutionalists, therefore, see institutions as a system of rules and incentives created by rational profit-maximization decisions. Historical institutionalists consider institutions to have a determinant role in individuals' actions as their preferences are formed by institutional context in which they calculate their interests. Interests, therefore, are the product of interaction among various groups, ideas, and institutional structures. Institutions, for historical institutionalists, are thus continuities and path-dependence. For sociologists, individuals' interests are a product of a broader institutional setting where culture, society, and organizational identity are all a contributing factor and where even institutions themselves are dependent on society and culture. For sociologists, institutions are a web of interrelated formal and informal norms that shape parameters of choice and where actors are 'embedded' in a network of personal relationships which serves as an evaluation framework for their choices.⁵ This effectively translates, for all three established new institutionalisms, an ontological standpoint where institutions are seen in stable equilibria, whether with fixed rationalist preferences, self-reinforcing historical paths, or all-defining cultural norms, that serve as constraints on agents' actions. This deterministic view of institutions has led to difficulties for new institutionalists in explaining how do such institutions get changed.⁶ This predicament in new institutionalism explains the turn to ideas, applied as more of a corrective measure and even implying a tacit

⁴ Koelble, T., "The New Institutionalism in Political Science and Sociology," *Comparative Politics*, Vol. 27, No. 2 (1995): 232

⁵ Nee, V. and Ingram, P., "Embeddedness and Beyond: Institutions, Exchange, and Social Structure," in Marcy C. Brinton and Victor Nee (eds.) *The New Institutionalism in Sociology* (New York: Russell Sage Foundation, 1998): 40

⁶ Bell, S., "Do We Really Need a New 'Constructivist Institutionalism' to Explain Institutional Change?" *British Journal of Political Science*, Vol. 41, No. 4 (2011): 883

acknowledgement of their theoretical limitation in explaining institutional change.⁷ Blyth calls this initial interest in ideas among the new institutionalists as “an ad hoc attempt to account for theoretical problems,”⁸ This instrumental and functional treatment of ideas and an attempt to grapple with questions of institutional change served as an origin of a distinct body of scholarship within new institutionalism referred here as ideational institutionalism.⁹ At around the same time when the three new institutionalisms come to be recognized, there started an increasing impetus on bringing these three established schools-of-thought under comparative lenses. Ideas, on the one hand, became the bridge amongst different schools-of-thought within new institutionalism through which they sought commonalities and, on the other hand resulted in erecting a distinct theoretical body – ideational institutionalism – in its own right.

Initially, the study of ideas in the work of new institutionalism was seen less optimistically. Subsequent work on the role of ideas in explaining political change in the context of new institutionalism is now dubbed as the “fourth new institutionalism,” and in some latest compendiums on new institutionalist scholarship the ideational school is now given a distinct space and recognition. The importance of ideational process in policymaking and to the understanding of institutional change and continuity has now formed a distinct identity of its own. Different adjectives have been used to distinct it from the three established new institutionalism, i.e. ideational, discursive, and constructivist institutionalism. Here, the term ideational is preferred over other adjectives as the focus is on the role of ideas rather than the means, i.e. interpretive or interactive processes, through which institutions are created,

⁷ Schmidt, Vivien A., “Discursive Institutionalism: The Explanatory Power of Ideas and Discourse,” *Annual Review of Political Science*, Vol. 11 (2008): 884

⁸ Blyth, Mark M., “Any More Bright Ideas? The Ideational Turn of Comparative Political Economy,” *Comparative Politics*, Vol. 29, No. 2 (1997): 229

⁹ See: Schmidt, Vivien A., “Institutionalism and the State,” in C. Hay, M. Lister, and D. Marsh (eds.) *The State: Theories and Issues* (Basingstoke: Palgrave, 2006)

sustained and changed and policies are influenced, contested and shaped. Regardless of the use of any adjective, what is common is the interest in the role of ideas and ontologically considering policymaking a more dynamic process than a result of an equilibrium-focused outcome in a static institutional setting. Its origination is in the desire to capture, describe and interrogate institutional disequilibrium. Before an attempt could be made to define ‘institution’ within the ambit of ideational institutionalism, it is essential to first delineate what is meant by ‘ideas.’

2. Defining Ideas

In the institutional literature, there seems to be no general convergence among authors on what ideas is and what does it constitute. Understanding of ideas is greatly influenced by one's ontological standpoint. For instance, the rational-choice institutionalists ascribe to the understanding where they see ideas secondary to interests and as justification, rationalization, and instrument of persuasion.¹⁰ Those who subscribe to historical institutionalism consider ideas to be purposes and projects defining roles of individuals in relation to their institutional environment and constitutive of the self, and also of the concepts of rationality, preferences, and interests.¹¹ More recent definitions of ideas, however, are tending to be minimalist in their application. Such as of Lieberman who considers ideas to be a “medium by which people can imagine...and such imaginings spur them to act to try and make changes.”¹² Similarly, Hay understands ideas as perceptions comprising desires, preferences and

¹⁰ See: Fiorina, M., “Rational Choice and the New (?) Institutionalism,” *Polity*, Vol. 28, No. 1 (1995): 107 - 115

¹¹ Smith, Rogers, M., “Ideas, Institutions, and Strategic Choices,” *Polity*, Vol. 28, No. 1 (1995): 136

¹² Lieberman, Robert C., “Ideas, Institutions and Political Order: Explaining Political Change,” *The American Political Science Review*, Vol. 96, No. 4 (2002): 698

motivations that reflect a normative orientation.¹³ These various conceptions of ideas stem from a particular ontological standpoint and explore the concept from within the limits of their school-of-thought, except, to some degree, for the advancements undertaken by John Campbell and Vivien Schmidt.

Building upon the work of Peter Hall on policy paradigms, Campbell gives, for the first time, an elaborate conception of ideas as providing specific solutions to policy problems, constraining the cognitive and normative range of solutions that policymakers are likely to consider, and constituting symbols and concepts that enable actors to construct frames with which to legitimize their policy proposals.¹⁴ Campbell here considers ideas to be serving as constraining structures on actors, in line with the argument of the three established new institutionalisms. In a later article, Campbell gives a more wholesome definition of ideas calling them “theories, conceptual models, norms, world views frames, principled beliefs and the like, rather than self-interests, affect policy making.”¹⁵ In this case, Campbell clearly distinguishes ideas from interests and treats them as two distinctive concepts. Vivien Schmidt is the most revolutionary of ideational institutionalists and is among the forerunners of giving this particular offshoot in institutionalist debate a distinct identity. She writes of ideas as of “simultaneously constraining structures and enabling constructs of meaning which are internal to ‘sentient’ (thinking and speaking) agents whose “background ideational abilities” explain how they create and maintain institutions at the same time that their “foreground discursive abilities” enable them to communicate critically about those institutions, to change

¹³ Hay, C., “Constructivist Institutionalism,” (56 – 74) in R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman (eds.) *The Oxford Handbook of Political Institutions* (Oxford: Oxford University Press, 2006): 63

¹⁴ Campbell, John L., “Institutional Analysis and the Role of Ideas in Political Economy,” *Theory and Society*, Vol. 27, No. 3 (1998): 398

¹⁵ Campbell, John L., “Ideas, Politics, and Public Policy,” *Annual Review of Sociology*, Vol. 28 (2002): 21

(or maintain) them.¹⁶ Schmidt, while tallying different definitions and conceptions of ideas, also provides a functional understanding and distinguishes ideas as per its level of generality, i.e. specific to a particular policy, encompassing a wider program or constituting an underlying philosophy, and in terms of its appeal, i.e. cognitive for constituting interests and normative to appeal to values and norms.¹⁷ Rather than bridging gaps and aiming to build a more holistic understanding of the term in order to connect different schools-of-thought in new institutionalism, Schmidt, as she herself states, believes in the distinctiveness of ideas.¹⁸ The understanding of ideas constructed by Schmidt in contrast to that of Campbell is revolutionary on two accounts. First, Schmidt does not consider ideas and interests to be two distinct concepts but rather the former constituting the later. Second, ideas for Schmidt are both constraining structures as well as enabling constructs, and thereby she implies a much more dynamic understanding of the term than of Campbell. However, Schmidt's understanding of ideas as cognitive [what is and what to do] and normative [what is good or bad in light of what one ought to do] falls short of fully appreciating the subjective dimension of constituting interests [what is one's gain or loss in view of what is], though she herself infers "interests are subjective and norm-driven."¹⁹ The notion of ideas as frames is comparatively a more wholesome conception then, which merits potential with its ability to link cognition to norms and understanding to action.²⁰

In a 1989 essay, Bruno Jobert talks of ideas as in "frame of reference" and links it to the cognitive, instrumental and normative dimensions of policymaking.²¹ He explains cognitive dimension as a "common intellectual interpretative framework" through which policymakers

¹⁶ Schmidt, Vivien A., 2010: 3

¹⁷ Schmidt, Vivien A., 2008: 321

¹⁸ Ibid, 304

¹⁹ Ibid, 306 and 318

²⁰ Gooby-Taylor, P., "Ideas and Policy Change," (1 – 11) in Peter Taylor-Gooby (ed.) *Ideas and Welfare State Reform in Western Europe* (New York, Palgrave Macmillan, 2005): 4

²¹ Jobert, B., "The Normative Framework of Public Policy," *Political Studies*, Vol. 37 (1989): 377

evaluate probable effects of their actions. Instrumental dimension provides “set of recipes” or the policy instruments available to carryout intended action, and he describes the normative dimension comprising political culture and values.²² Together with Surel, Muller further elaborates this understanding of referential as “arrangements of intellectual, normative or cognitive frames that simultaneously determine the tools through which societies can work on themselves and the arena of meaning within which social groups will interact.”²³ Jobert and Muller also use the term of ‘mediator,’ somewhat similar to the concept of ‘epistemic community’ of Hass or of ‘advocacy coalition framework’ of Paul Sabatier and Hank Jenkins-Smith but more broad-based in its membership, that produces the referential and comprises “the actor, as a group or an individual...considered as the truth at a specific moment.”²⁴ This implies cognitive frames as constructions from outside that are then used as intellectual and normative references by the policymaker to determine tools for problem solving. For this, they need access to the political agenda and be diffused in policy circles to become a reference for actions. This comprehension carries two limitations. First, it becomes overtly prescriptive focusing less on the creations and change of institutions and more on the instrumental dimension of ideas. Second, it shuts itself from the possibility of policy behaviors of an individual or a group of individuals acting in pursuit of their own interests using ideas to build incentive structures and to reduce uncertainties.

Nevertheless, understanding ideas as a “frame of reference” takes distinction over other conceptions of the term in the three established new institutionalisms as, on the one hand, it not only constrains actors’ decisions making but also becomes “a tool to shape and modify

²² Ibid, 377-78

²³ Muller, P. and Surel, Y. *L’analyse des Politiques Publiques* (Paris: Editions Montchrestien, 1998): 11

²⁴ Jobert, B. and Muller, P., *L’Etat en Action* (Paris: PUF, 1987); Haas describes ‘epistemic community’ compose of experts that produce shared understanding on how problems are perceived and their solutions are considered in: Hass, P. “Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control,” *International Organization*, Vol. 43, No. 3 (1989): 377 – 403

reality.”²⁵ It also differs in a sense that it implies a reciprocal relationship between ideas and public policy influencing the construction of each other than the univocal relationship as described in rational-choice, historical or sociological institutionalisms.²⁶ Seeing ideas as a “frame of reference” to a public-policy outcome is particularly useful considering policymakers usually operate at various levels, cognitive, normative and subjective interpretations of interests, for evaluation of their decisions. It is in this context the term ‘ideas’ is conceived as the basis for policy decisions, central to how policymakers conceive and evaluate their options and how and what they decide. Its construction is the result of exogenous factors, i.e. culture, norms, or scripts, or endogenous to organization, i.e. rule-like qualities, structure action and regularized practices, or internal to actors as in subjective calculus of interests, intellectual determination of optimal course of action or assumptions of public sentiments, or a mix of thereof.

3. Institutions in Ideational Institutionalism

In ideational institutionalism literature, there have been only a handful of attempts to define institutions and its relationship with ideas and even that gives alternative accounts of what institutions are and what do they constitute. Schmidt, who is among the pioneers of brining ideational dimension in new institutionalism, defines institution as “meaning structures and constructs” that are “internal to agents whose “background ideational abilities” and “foreground discursive abilities” make for a dynamic, agent-centered approach to institutional change.”²⁷ In ideational context, and as Schmidt elaborates, “institutions are

²⁵ Simoulin, V., “Emission, médiation, réception... Les opérations constitutives d’une réforme par imprégnation,” *Revue Française de Science Politique*, Vol. 50, No. 2 (2000): 334

²⁶ Musselin, C., “The role of Ideas in the Emergence of Convergent Higher Education Policies in Europe: The Case of France,” *Working Paper Series No. 73, Center for European Studies* (2000): 22

²⁷ Schmidt, Vivien A., “Discursive Institutionalism: The Explanatory Power of Ideas and Discourse,” *Annual Review of Political Science*, Vol. 11 (2008): pp. 303 – 26

therefore internal to the actors, serving both as structures that constrain actors and as constructs created and changed by those actors.”²⁸ Schmidt further explains that in ideational institutionalism, “Agents’ background ideational abilities [what goes on in individuals’ minds as they come up with new ideas] enable them to act in any given meaning context to create and maintain institutions while their foreground discursive abilities [to reason, debate] enable them to communicate critically about those institutions and so to change or maintain them.”²⁹ This is why Schmidt prefers to call this as discursive institutionalism, instead of ideational or constructivist, where ideas serve as substantive content of discourse and discourse is needed for an interactive process to convey ideas. She argues that in ideational context, institutions are not only given but are also contingent upon agents and therefore they are “internal to the actors.”³⁰ On the other hand, Schmidt does not rule out the possibility of “agents to think, speak, and act outside their institutions even as they are inside them, to deliberate about institutional rules even as they use them, and to persuade one another to change those institutions or to maintain them.”³¹ Schmidt continues to make the case for the necessity of ‘discourse’ for an ideational understanding to hold that “an interactive process is what enables agent to change institutions, because the deliberative nature of discourse allows them to conceive of and talk about institutions as objects at a distance, and to dissociate themselves from them even as they continue to use them.”³²

Colin Hay, who prefers to call himself a constructivist institutionalist, argues somewhat on similar lines as Schmidt but does not talk of institutions as internal and rather considers them

²⁸ *ibid*, p. 314

²⁹ *ibid*, p. 322

³⁰ *ibid*, p. 314

³¹ *ibid*

³² *ibid*, p. 316

to be “codified systems of ideas and the practices they sustain.”³³ Hay, in contrast to historical institutionalism, talks of ‘ideational path dependence’ whereby he argues “it is not just institutions, but the very ideas on which they are predicated and which inform their design and development, that exert constraints on political autonomy.” He continues that actors “perception about what is feasible, legitimate, possible and desirable are shaped both by the institutional environment in which they find themselves and by existing policy paradigms and world-views. It is through such cognitive filters that strategic conduct is conceptualized and ultimately assessed.”³⁴

Mark Blyth, also among the influential ideational institutionalists, is mainly interested in the role of ideas in determining policy choice and those too especially in crisis situation with a goal to decipher relationship between institutions, interest and ideas. For Blyth, ideas serve as blueprints for the design of new institutions and “to reduce uncertainty, propose a particular solution to a moment of crisis and empower agents to resolve that crisis by constructing new institutions in line with these new ideas [emphasis added].”³⁵ While Blyth does not subscribe to any particular adjective to distinguish himself, he is quite critical of instrumental and functional treatment of ideas in the three established new institutionalisms and contends “ideas have to be taken as more than an addendum to institutions,” he writes and continues, “they must be conceptualized apart from pre-existing categories and epistemological commitments and treated as an object of investigation in their own right.”³⁶

³³ Hay, C., “Constructivist Institutionalism,” (56 – 74) in R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman (eds.) *The Oxford Handbook of Political Institutions* (Oxford: Oxford University Press, 2006): p. 58

³⁴ *ibid*, p. 65

³⁵ Blyth, Mark M., *Great Transformation: Economic Ideas and Institutional Change in the Twentieth Century* (Cambridge, UK: Cambridge University Press, 2002): pp. 10 – 11

³⁶ Blyth, Mark M., “Any More Bright Ideas? The Ideational Turn of Comparative Political Economy,” *Comparative Politics*, Vol. 29, No. 2 (1997): p. 246

While still maturing, ideational scholarship is not without criticism, which is inflicted from theorists inside as well as from outside institutionalist scholarship. The most formidable of this comes from a fellow neo-institutionalist Stephen Bell, who sums up differences in ideational discourse as varying “from postmodern accounts, where ideas, inter-subjective meanings and discourse are primitive and wholly define or constitute social and institutional life, to more ontological realist accounts, which admit that institutions and wider structures can have real effects.”³⁷ Bell argues that Schmidt in her thesis “perceives only one dimension of the two-way dialectical interaction between agents and institutions,” the latter he argues is “ontologically prior to the individuals who populate them at any given time.”³⁸ Bell is right in pointing out the weakness in Schmidt’s analysis but therein also highlights the key difference between ideational institutionalism and the three established new institutionalisms. In ideational institutionalism, it is neither institution nor ideas that are conceived ontologically prior to one or another rather the design and development of institutions is based on ideas which once developed effect their subsequent development as well as actors’ perceptions about what is feasible, legitimate, possible and desirable. In his defense of historical institutionalism, Bell conceives agents, institutions, structures and ideas to be mutually constitutive in a dialectical manner. In ideational institutionalism, however, ideas are the blueprint of a dialectical relationship among agents in a manner of becoming their cognitive filters to interpret environmental signals, institutions being built upon ideational foundation and structures serving as constraints shaping options and strategies once formed but yet dependent on agent for its sustenance and continuity. Bell’s third criticism is on the mechanism and origin of ideas in ideational scholarship as he writes, “ideas do not operate in a vacuum but are instead ‘embedded in a historical context and need institutional support to

³⁷ Bell, S., “Do We Really Need a New ‘Constructivist Institutionalism’ to Explain Institutional Change?” *British Journal of Political Science*, Vol. 41, No. 4 (2011): p. 889

³⁸ *ibid*, p. 891

be effective.”³⁹ This criticism holds ground in a sense that there is only scanty written material either on the origin or the mechanism of ideas through which they operate, a subject taken in more detail in subsequent section. Though limited in number, substantial work does exist in discourse analysis on which origin and mechanism of ideas can be operationalized.

How are we then to define institutions in ideational institutionalism? The answer may lie in looking for commonalities among ideational theorists. With slightly differing accounts, the main commonalities among ideational institutionalists and their divergences from the three established new institutionalisms are primarily three. Firstly, ideational institutionalists imply a dynamic understanding of the relationship between institutions and agents in contrast to what Schmidt calls “sticky” definition of the same by the three established new institutionalisms with its deterministic influence either through fixed rationalist preferences, self-reinforcing historical paths or all defining cultural norms. Secondly, and related to the first difference, the three established new institutionalisms treat institutions as given within which agents actions are dictated and therefore they serve mainly a constraining role conforming to a rule-following logic. One of the main reasons why the three established schools in new institutionalism have been better able to explain continuity but run into trouble in explaining policy change and resort to explanation of exogenous shocks, dramatic events or crises situation. In ideational understanding, and as Schmidt argues, institutions are not only constraining structures but also enabling constructs. Furthermore and as Hay elaborates, “institutions are built on ideational foundations which exert an independent path dependent effect on their subsequent development.”⁴⁰ Finally, actors in ideational understanding are both strategic and socialized making their actions more flexible as their desires, preferences and motivations are not a contextually given fact rather ideational

³⁹ *ibid*

⁴⁰ Hay, C., 2006: 65

towards the context in which they are to be realized. In the words of Blyth then it is ‘ideas’ that makes interests actionable. Or as Schmidt argues that interests neither objective nor material as they are subjective ideas. Within this context, institutions are thus defined as an interrelated collection of ideational constructs that is itself affected by its institutional environment for its subsequent design and development. Such constructs are internal to sentient agents that enable them to evolve, adopt and innovate but together they constitute external structures serving primarily as constraints. For example, they may be thought to embed history and political thought and to reflect, therefore, a set of traditions and practices, whether written or unwritten. Institutions thus can be interpreted as reflecting habits and norms, more likely to be evolved than to be created. But institutions also may be seen as architecture and as rules that determine opportunities and incentives for behavior, inclusion and exclusion of potential players, and structuring the relative ease or difficulty of inducing change, and the mechanisms through which change may be facilitated or denied. In contrast with rational-choice institutionalism where rational actors pursue preferences following a ‘logic of calculation,’ or in historical institutionalism in which regularized patterns and routines are the result of agents acting according to ‘logic of path-dependence,’ or in sociological institutionalism where actions are response to socially constituted and culturally framed actions as outcomes of ‘logic of appropriateness,’ agents in ideational institutionalism are salient and socialized who devise, deliberate and legitimize their actions according to the ‘logic of discourse.’

4. Ideational Framework of Public Policy

John Campbell has made important advancements in studying the effects of ideas on policymaking outcomes. In his first major publication on the subject, Campbell sharpens the

concept of ideas and their effect on policymaking building upon the work of Peter Hall. He compares existing insights on ideas in historical institutionalism and organisational institutionalism to create a typology of ideas based on structural dimensions of normative and cognitive levels, which he considers operate both explicitly in the foreground and as underlying assumptions in the background of policy debates. Campbell's typology consists of four distinct types of ideas, namely programs operating at the foreground and paradigms, in contrast, functioning in the background at the cognitive level and frames in the foreground as apposed to public sentiments in the background at the normative level of public-policy making. Campbell defines programmatic ideas, which locate at the foreground of policy debates, as concrete solutions "that specify cause-and-effect relationships and prescribe course of policy action."⁴¹ Ideas as paradigms, which also operate at the cognitive level, reside in the background of policy debate and are the "underlying theoretical and ontological assumptions about how the world works."⁴² At the normative level of the policy debate, ideas as public sentiment "consists of broad-based attitudes and normative assumptions about what is desirable or not," that work at the background.⁴³ Ideas as frames are "symbols and concepts" also normative in their orientation but residing at the foreground of the policy debate through which policymakers "appropriate and manipulate public sentiments for their own purpose."⁴⁴ Through empirical cases from the United States, Campbell then makes a case that different types of ideas, as identified by their structural features, have different effects on policy making.

⁴¹ Campbell, John L., "Institutional Analysis and the Role of Ideas in Political Economy," *Theory and Society* Vol. 27, No. 3 (1998): p. 386

⁴² Ibid, 389

⁴³ Ibid, 392

⁴⁴ Ibid, 394

Campbell's work provides a passionate analysis of what do we mean by ideas and how they affect policymaking outcomes. It also advances the argument that ideas, as apposed to historical institutionalism, are not just constraints on actors limiting their possibilities for action but are also enabling factors that generate solutions for problems.⁴⁵ Campbell also advances historical institutionalism in its approach of treating ideas through normative lenses only and brings insights from the organisational institutionalism to add a cognitive dimension offering a more dynamic theory of action.⁴⁶ Importantly and in contrast to Peter Hall and more generally to new institutionalism's inability to appreciate agency [who said what to whom] over structures [what is said, or where and how], Campbell has put considerable credence to actors, as is the case in ideational institutionalism, and their ability to "self-consciously devise solutions to their problems by deliberately manipulating explicit, culturally given concepts that reside in the cognitive foreground."⁴⁷ However, Campbell sees ideas and interests distinctively and is interested in the interaction of the two rather than seeing one shaping the other.⁴⁸ In a subsequent article in 2002, Campbell endorses another type of idea to its existing typology of ideas and calls it world culture.⁴⁹ He explains it as either cognitive paradigm or normative framework or a combination thereof with its ability to be diffused around the world and homogenising national political institutions and policy-making apparatuses.⁵⁰ Campbell's typology of ideas and theoretical framework, which brings back agent and agency into institutional scholarship, are important contributions in delineating mechanism through which ideas affect policymaking outcomes as well as in terms of bringing overall conceptual clarity. In his more recent article on ideas and its

⁴⁵ Ibid, 382

⁴⁶ Ibid, 383

⁴⁷ Ibid

⁴⁸ See: Campbell, John L. *Institutional Change and Globalization* (Princeton: Princeton University Press, 2004)

⁴⁹ Campbell, John L., "Ideas, Politics, and Public Policy," *Annual Review of Sociology*, Vol. 28 (2002): 21 – 38

⁵⁰ Ibid, 25

influence on policymaking, Campbell agrees, “Interests are just another type of idea,” which is “rooted in people’s perceptions of their material situations.”⁵¹ This is an important concession and one that constructivists have been emphasising in their ideational analysis. Hay writes, “[Actors] desires, preferences, and motivations are not a contextually given fact – a reflection of material or even social circumstances – but are irredeemably ideational, reflecting a normative orientation towards the context in which they will have to be realised.”⁵² Interests therefore, whether public or private, are social constructions.

While constructing discursive institutionalism, Vivien Schmidt combines the work of Peter Hall and John Campbell and sees ideas to exist at three levels – policies, programmes and philosophies – and categorise them, at each level, into two types of ideas – cognitive [constitutive of interests] and normative [which appeal to values].⁵³ She does not ascribe to particular titles for the two types of ideas at three levels and, rather, provides their descriptive understanding. She talks of cognitive ideas at policy level to offer solutions to the problem at hand, at the programmatic level to define the problem to be solved and identify the methods by which to solve them and finally at the philosophical level to mesh solution and definition of problems with deeper core of principles and norms of relevant scientific disciplines or technical practice. Similarly, normative ideas at the policy and programme levels meet the aspiration and ideals of the general public and at the philosophical level resonate with a deeper core of principles and norms of public life.⁵⁴ Instead of seeing ideas in the background of policy debates or located in the foreground as Campbell distinguishes them in his typology, Schmidt instead talks of “background ideational abilities” that are internal to agents for creating and maintaining institutions and “foreground discursive abilities” for

⁵¹ Campbell, John L., 2008

⁵² Hay, C., 2006: 64

⁵³ Schmidt, Vivian A., 2008: 303, 321

⁵⁴ Ibid, 307

communicating to change or persist with those institutions. The synthesis provided by Schmidt on different types and levels of ideas combines distinctions that are rarely contested in study of ideas and their effect on public policy outcomes.⁵⁵ More so, Schmidt's typology does not discount the role of interests as she sees agent's ideas also as response to "material (and not so material) realities, which affect them including material events and pressures."⁵⁶ Rather than making a distinction between the two, Schmidt's typology mixes the instrumental and material dimensions of ideas and writes cognitive ideas to "provide the recipes, guidelines, and maps for political action and serve to justify policies and programs by speaking to their interest-based logic and necessity." This does little in bringing clarity to different types of ideas when cognitive ideas are seen to "provide robust solutions" as well as be "constitutive of interests." This essentially implies advancing the agenda beyond its typical distinction between normative and cognitive ideas and clearly distinguishing instrumental, material and values dimensions of ideas from one and other.

Referring back to Campbell's typology with this belief that ideas create interests, a material dimension could be added in addition to the two levels of normative and cognitive ideas. Campbell's first dimension consists of cognitive ideas that specify causal relationships and the second dimension is of normative ideas, which specifies how things ought to be. The second dimension composed of locus of the debate, whether it is at the foreground or in the background of the policy debate. Campbell concedes that there is slippage between cognitive and normative ideas and between foreground and background ideas and those in the

⁵⁵ Wentzel, J., *An Imperative to Adjust: Skill Formation in England and Germany* (Heidelberg: Springer, 2011): 33; Allmendinger, P., *New Labour and Planning: From New Right to New Left* (Abingdon, Oxon: Routledge, 2011): 46

⁵⁶ Schmidt, Vivian A., "Discursive Institutionalism," in Frank Fischer and Herbert Gottweis (eds.) *The Argumentative Turn Revisited: Public Policy as Communicative Practice* (Durham: Duke University press, 2012): 86–7

background may shift into the foreground over time.⁵⁷ He further argues, “The two dimensions from which the four types are derived are probably more akin to continua than to rigid dichotomies.” Building on these lines, another dimension – material – is added to Campbell’s typology. The material level at the foreground of the policy debate will be composed of ‘contested interests’ as social and political constructions, which give legitimacy to certain actions over others, and constituted of ‘private interests’ in the background, which are conceptions of self-interests when policies are conceived and decided upon (see table).

Table: Ideational Framework of Public Policy: Types of Ideas and their Effect on Policy Making		
	Types of Ideas in the foreground of the policy formulation	Types of Ideas in the background of the policy formulation
Cognitive level	Programmatic Ideas: Ideas as elite policy prescriptions that help policymakers to chart a clear and specific course of policy action	Paradigmatic ideas: Ideas as elite assumptions that constrain the cognitive range of useful solutions available to policy makers
Normative level	Public notions: Ideas as public notions of ideal public policy solutions that specify policy actions for policy makers or on the basis of which they legitimise proposed policy action	Public sentiments: Ideas as assumptions of public sentiments that constrain the normative range of legitimate solutions available to policy makers
Material level	Contest-interested ideas: Ideas as outcomes of politics of interests between contending interest groups	Self-interested ideas: Ideas as subjective interpretation of self-interest by which policy makers evaluates the relative merits of contending potential course of actions
Reformulation of Campbell’s typology of ideas ⁵⁸		

⁵⁷ Campbell, John L., “What do we Know – Or Not – About Ideas or Politics?” (pp: 157-76) in Peter Nedergaard and John L. Campbell (eds.) *Politics and Institutions* (Copenhagen: DJOEF, 2008): p. 167

⁵⁸ Campbell, John L., 1998: 385

5. Policy as Discourse:

The fundamental claim of ideational institutionalism and also its point of departure from the three established schools of new institutionalism is that actors' desires, preferences and motivations are not predetermined through rationalist preferences, historical paths or cultural norms but are irredeemably ideational reflecting subjective orientation towards the context in which they will have to be realised. This is also the focus of the 'policy-as-discourse' theorists whose starting place for policy analysis is not the 'problem' but problematisation.⁵⁹ In Goodwin's words, in policy-as-discourse approach, policies are not framed in response to existing conditions and problems, "but more as a discourse in which both problems and solutions are created".⁶⁰ This is also a key objective of discourse theory to elucidate carefully problematised objects of study by seeking their description, understanding and interpretation. This implies that the types of ideas, as described in the ideational framework, not only affect the course of the policy process but also are the basis of proposed public policy solutions and eventual outcomes.

Institutions, in ideational institutionalism, are internal to sentient agents that serve both as structures that constrain action as well as constructs created and changed by those actors. These sentient agents are strategic who favours certain strategies over others while seeking to realise their policy goals. Actors' orientation towards their environment, therefore, is based on their perception of the context in which they seek to realise their policy goals. Change in ideational institutionalism, as argued by Hay and Wincott, "is seen as the consequence (whether intended or unintended) of strategic action (whether intuitive or instrumental),

⁵⁹ Kritzman, L. D., (ed.) *M. Foucault: Politics, Philosophy, Culture: Interviews and Other Writings 1977–1984* (New York: Routledge, 1988): 257

⁶⁰ Goodwin, N., "Governmentality in the Queensland Department of Education: Policies and the Management of Schools," *Discourse*, Vol. 17, No. 1 (1996): 67

filtered through perceptions (however informed or misinformed) of an institutional context that favours certain strategies, actors perceptions over others.”⁶¹ These perceptions serve as ‘cognitive filters’ through which actors conceptualise and assess potential merits and demerits of contending course of policy actions as to what is feasible, legitimise, possible and desirable.⁶² Béland argues that such ‘cognitive filters’ concern “both self-perceptions and the framing processes that actors use to convince others that it is in their interest to mobilise with them in order to reach shared goals and have an impact on outcomes.”⁶³ This is one of the central contentions of ideational institutionalism that “ideas shape how we understand political problems, give definition to our goals and strategies, and are the currency we use to communicate about politics.”⁶⁴ Béland and Cox argue that ideas “embrace thoughts, emotions, desires, as well as interests, all in delicate and fluid balance with one another.”⁶⁵ It is also postulated that it is not just a rational pursuit of actors for maximising their self-interest, or dictation of their actions through symbolic systems, cognitive scripts or moral templates, or even their dependency on enduring legacies but essentially an interplay of myriad of ideas that have cognitive, normative and material characteristics. This distinction of ideas, their interaction with one another and the stable system they form together to serve as criteria for evaluation for different course of policy actions is aptly summed up by Corina Barbaros when she distinguishes between three types of ideas as those that have “primarily, a cognitive character being descriptions of social political, economic situations and tools for understanding how things work... a normative nature which consists in ideals, values and norms that define what is good or bad...[and] a third category of ideas that regards the

⁶¹ Hay, C., and Wincott, D., “Structure, Agency and Historical Institutionalism,” *Political Studies*, Vol. 46 (1998): 955

⁶² Ibid, 956

⁶³ Béland, D., 2010: 148

⁶⁴ Béland, D., and Cox, Robert H., “Ideas and Politics,” in Daniel Béland and Robert H. Cox (eds.) *Ideas and Politics in Social Science Research* (Oxford: Oxford University Press, 2011): 3

⁶⁵ Ibid, 15

desires that form people's preferences.⁶⁶ She further asserts that "it is important to distinguish between these three types of ideas, but they are different just in analytical sense, in discursive and perceptual reality they not only interact but form stable systems."⁶⁷

These basic claims about the affect of ideas on the process and outcome of public policy can be ascertained with the help of the methodological approach of policy-as-discourse. Carol Bacchi, one of the frontrunners to have taken up this approach to policy analysis, asserts that with such an understanding the implication is "that no one stands outside discourse."⁶⁸ This particular viewpoint is based on the rejection of neo-positivist and realist explanation that correspond to objective realities 'out there' in the world.⁶⁹ The roots of the approach 'policy-as-discourse' are connected with post-empiricism, whose own theoretical development has been outside of policy studies, in particular social constructionism, critical theory, and post-structuralism.⁷⁰ Its premise is based on the understanding, as Bacchi explains, that "problems are 'created' or 'given shape' in the very policy proposal that are offered as 'responses.'⁷¹ The approach 'policy-as-discourse' starts from the assumption, writes Goodwin, that "all actions, objects and practices are socially meaningful and that the interpretation of meaning is shaped by the social and political struggle in specific socio-political context."⁷² Thus, both the policy process and its outcomes are cultural products and context specific. Theorists who subscribe to analysing 'policy-as-discourse' draw on the work of Michel Foucault on the

⁶⁶ Barbaros, C., "Do Issues Decide? Thematic and Partisan Ideational Strategies in Electoral Debates," *Argumentum Journal*, Vol. 10, No. 1 (2012): 114

⁶⁷ Ibid

⁶⁸ Bacchi, C., "Policy as Discourse: What does it mean? Where does it get us?" *Discourse: Studies in the Cultural Politics of Education*, Vol. 21, No. 1 (2000): 45

⁶⁹ Fischer, F., *Reframing Public Policy: Discursive Politics and Deliberative Practices* (Oxford: Oxford University Press, 2003): 21

⁷⁰ Ibid, 21

⁷¹ Bacchi, C., 2000: 48

⁷² Goodwin, S., "Women, Policy and Politics: Recasting Policy Studies," in Angelique Bletsas, Chris Beasley (eds.) *Engaging with Carol Bacchi: Strategic Interventions and Exchanges* (Adelaide: University of Adelaide Press, 2012): 29

conceptualisation of discourse and apply it to policy.⁷³ In Foucault's conception, discourse entails "practices that systematically form the objects of which they speak; they do not justify objects, they constitute them and in the practice of doing so conceal their own invention."⁷⁴

In policy studies, the aim of discourse analysis is to show how actions and objects come to be socially constructed and what they mean for social organisation and interaction. A 'policy-as-discourse' approach can then be understood as an attempt to understand the means by which social processes and interactions shape different realities.⁷⁵ It enables researchers, practitioners and implementers of policy decisions to see how discourses in policy construct legitimise certain possibilities for thinking and acting while tacitly excluding others. It is argued that conceptualising policy-as-discourse offers opportunities for those with a vested interest in policy to reach the parts that other theories and methods can't reach.⁷⁶ Daugherty and Ecclestone argue that the notion of 'policy-as-discourse' enables researchers to see how discourses in policy construct legitimise certain possibilities for thinking and acting while tacitly excluding others."⁷⁷ The analytic focus on 'policy as discourse' can "enable deconstruction of the apparent neutrality and objectivity of the stories that sustain policies and the explicit or implicit rules that validate them."⁷⁸ To view 'policy as discourse' is essentially seeing policies as product of *ideas*. If *ideas* are understood as the basis for policy

⁷³ Grebe, C., *Reconciliation Policy in Germany 1998-2008: Constructing the Problem of the*

⁷⁴ Foucault, M., *The archaeology of knowledge*, A. M. Sheridan-Smith, (trans.) (London: Tavistock, 1972): 49

⁷⁵ Shaw, Sara E., "Reaching the Parts that other Theories and Methods Can't Reach: How and Why a Policy-as-Discourse Approach Can Inform Health-related Policy," *Health* Vol. 14, No. 2 (2010): 200

⁷⁶ *Ibid*, 196

⁷⁷ Daugherty, R. and Ecclestone, K., "Constructing Assessment for Learning in the UK Policy Environment," in John Gardner (ed.) *Assessment and Learning* (London: Sage, 2006): 153; also see: Daugherty, R., "Mediating Academic Research: The Assessment Reform Group Experience," in John Furlong and Alis Oancea (eds.) *Assessing Quality in Applied and Practice-based Research in Education* (Abingdon, Oxon: Routledge, 2008): 24

⁷⁸ Phoenix, A., "Enabling Research? Silencing and recognition in social research," in Jerome Satterthwaite, Heather Piper and Pat Sikes (eds.) *Power in the Academy* (London: Trentham Books, 2009): 65

decisions, they themselves are the product of discourse, which also serves as the communicative and coordinative vehicle for framing particular set of policy solutions above others. The distinctive aspect of ‘policy-as-discourse’ approach is that it can both be understood as a research method and a political activity.

The ideational framework of public policy presented in the previous section allows categorisation of different types of ideas as per their influence on the policy process and its outcomes. With application of the policy-as-discourse approach, the analysis of public policy process and its outcomes would focus on three interrelated facets that constitute institutions and form the basis of ideas, namely ‘text,’ ‘agency’ and the ‘structural context.’ Analysis of the text [what is said] will provide interpretation of ideas as in social and inter-subjective production of meaning whereas agency [who said what to whom] will inform us of interactively acquired or constituted identities of different actors involved in the decision-making process. Inquiry into the structural context [where, when, how and why it was said] will explore processes by which meaning is assigned and disseminated and the ability of the actors in constructing agenda, conceptualising problems and rendering the uncertain certain. Structural context will also look into the processes and its dispersion in construction of meaning and identities and configuration of power. On the ideational framework of public policy, analysis of text helps us determining the value dimension of decision-making and analysis of relationships between language and power and of language, thought and knowledge within the structural context enables us positioning public policy outcomes on the material and instrumental dimensions respectively. The analysis of structural context informs us of the degree of politics of interests or contestation whereas study of actors’ identities helps us in contrasting public policy outcomes between different dimensions of the ideational framework.

6. Ideational Policymaking in Pakistan:

Policy-as-discourse, as with other forms of discourse analysis, involves exploring the process of meaning creation. Fischer writes, “A policy-as-discourse analysis incorporates qualitative methods to illuminate the processes whereby reality comes into being.”⁷⁹ Russell et al argue the same and assert, “Making visible the role of language, argument and discourse in policy discussions has the potential to play an emancipatory role in giving policymakers new insights into their work, and increasing awareness of the conditions that shape their actions and choices.”⁸⁰ For Russell et al, “policy-making in practice depends crucially on what is said, by whom, and on whether others find their arguments persuasive,” and therefore, “require a framework of *ideas* that addresses the role of language, argument and discourse [italic added].”⁸¹ Their basic thesis calls for analysing policy problems qualitatively and in their social and political context.

The basic claims of ideational institutionalism are tested on three social-sector policies made in Pakistan during the five-year tenure of the Thirteenth National Assembly from 2008 to 2013. The selected policies are the Protection Against Harassment of Women at the Workplace Act, 2010, the Transplantation of Human Organs and Tissues Act, 2009, and the Right to Free and Compulsory Education Act, 2012. The selection of the Thirteenth National Assembly for the purpose of this research is based on the fact that it was the first to have completed its five-year constitutional tenure in the history of Pakistan and thus allowing a

⁷⁹ See: Fischer, F., *Reframing Public Policy: Discursive Politics and Deliberative Practices* (Oxford: Oxford University Press, 2003); Yanow, D., *Conducting Interpretative Policy Analysis* (London, Sage, 2000)

⁸⁰ Russell, J., Greenhalgh, T., Byrne, E. and McDonnell, J., “Recognizing Rhetoric in Health Care Policy Analysis,” *Journal of Health Sciences Research and Policy*, Vol. 13, No. 1 (2008): 45

⁸¹ *Ibid*, 41

comprehensive legislative analysis. Also the three social legislations studied are the only ones enacted as separate acts of the parliament during the five-year tenure, in contrast to an amendment to existing legislation or the Penal Code. The selection of social legislations is to further challenge the theoretical premise used for this research to explore all three dimensions of *ideational* policy making, namely cognitive, normative and material. Discourse analysis is used to position the three selected legislations on three dimensions of the *ideational* framework, namely cognitive, normative and maternal dimensions of decision-making.

The analysis of ideational forces in all three legislations, both globally and in the perspective of Pakistan, reveal that actors orientation to policy issues, i.e. the right of children to free and compulsory education, the right of women to work and their right against discriminatory practice, and the right of human dignity, were not contextually given facts but constructed over many years and were irredeemably *ideational*. In this respect, the Universal Declaration of Human Rights and subsequent international conventions, treaties and covenants have played a pivotal role. Specifically, in the case of the Pakistan the insertion of Article 25A in the Constitution of Pakistan on free and compulsory education can be traced back to Country's colonial past and its constitutional history, while the Free and Compulsory Education Act, 2012 itself originated only after the insertion of Article 25A. The Protection Against Harassment of Women at Workplace Act, 2010 originated from the creation of a local advocacy group called 'Alliance Against Sexual Harassment,' that not only defined the problem but also provided the solution in form of the proposed legislation. The Transplantation of Human Organ and Tissue Act, 2009 has its roots when the renal transplantation started in Pakistan in 1979 and when by 1990s the practice of organ transplantation in neighbouring India was fast becoming commercialised. This is also the focus of the 'policy-as-discourse' theorists who see policies not being framed in response to

existing conditions and problems, “but more as a discourse in which both problems and solutions are created”.⁸²

The cases confirm that both the actors outside the formal legislative arenas and those tasked with the legislation were strategic and relied upon multiple levels of criteria for strategising policymaking. In case of the Protection against Harassment of Women at the Workplace Act, 2010, Dr. Fauzia Saeed, who formed Alliance Against Sexual Harassment that advocated for policy reforms to address the issue of sexual harassment, herself had been a victim of sexual harassment. Already well-established *ideational* foundation on rights of women and against discriminatory practices against women in employment also helped AASHA and to only press for legislation when there is increasing women representation in the legislature, together with strong women personalities in key ministries and parliamentary committees further helped their cause. For the Transplantation of Human Organ and Tissues Act, 2009, the orientation of the medical community, led by Professor Dr. Adibul Hassan Rizvi, was primarily through their exposure to international best practices and ethical expectations, the reason why Sindh Institute of Urology and Transplantation (SIUT) prohibited unrelated commercial transplants and ‘transplant tourism. However, in order to rally popular support to bring an end to commercial organ transplantation, SIUT and Transplantation Society relied heavily on the use of media to generate political pressure and to raise public awareness by holding several seminars, symposia and press conferences that highlighted the exploitation of paid donors and called on the government to enact a transplantation law. In academic debates, it was essentially the absence of a deceased donor program coupled with shortage of organs in Pakistan, greater efficacy of transplantation from a related living donor of related donor, i.e. better match and improved graft survival rate and improvement in transplant

⁸² Goodwin, N., “Governmentality in the Queensland Department of Education: Policies and the Management of Schools,” *Discourse*, Vol. 17, No. 1 (1996): 67

expertise that had led to unrelated commercial transplants. Finally, in case of the Right to Free and Compulsory Education Act, 2012, in build-up to the legislation, the reporting requirements of a number of international treaties, instruments and national policies and plans of actions highlighting the need for policy action had build up considerable pressure on the government. This coincided with the visit of former British Prime Minister in the capacity of United Nations Special Envoy on Education who was asked to specifically press upon the need for visible actions on part of Pakistan to show that education is a right of everyone and not a privilege for a few. The insertion of Article 25A further provided impetus to the international community, especially UNICEF and UNESCO, to demand from the state of Pakistan to translate their constitutional obligations into actionable policies.

The analysis show that dominant *ideational* construct in the public domain in all three legislative policies is based on the normative dimension but the timing, which defined the ‘last significant controversy’, is based on the material dimension. In case of the Protection Against Harassment of Women at the Workplace Act, 2010, the timing of the bill was defined by the expectation attached to the third term of the Pakistan Peoples Party as pro-women as well as the sizeable and unprecedented representation of women in the legislature expected to take up women issues. As a result, the Minister for Women Development, who herself was a member of a strong women caucus, agreed to present the proposed legislations as a government bill, which was steered and drafted by a civil society movement. In case of the Transplantation of Human Organs and Tissues Act, 2009, it was because of the suo motu notice taken by the Supreme Court of Pakistan advising the Government to regulate the organ transplantation that compelled President General Musharraf to promulgate an ordinance in this effect, and again referral of a total of 34 ordinances enacted by President General Pervez Musharraf, including the one on organ transplantation, to the civilian government for

revalidation in 120 days. As for the Right to Free Compulsory Education Act, 2012, the visit of Gordon Brown to Pakistan and the subsequent visit of President Asif Ali Zardari to the United Kingdom, together with the demand of visible action on part of the Government of Pakistan on universalisation of education for release of funds, played a pivotal role.

The temporal dimension from the ‘first significant controversy to the ‘last significant controversy’ in case of the Right to Free and Compulsory Education Act, 2012 is the smallest but roots of its *ideational* construct are the farthest as compared to the other two legislation. In contrast, the temporal dimension of the Transplantation of Human Organs and Tissues Act, 2009 is the longest but its *ideational* constructs are the youngest and originated when the practice of organ transplantation successfully started in late 70s in Pakistan. Similarly, the temporal dimension of the Protection Against Harassment of Women at the Workplace Act, 2010 falls in the middle of the other two legislations, as does origin of its *ideational* constructs and the temporal dimension. This implies that policy issues whose *ideational* constructs are well entrenched are justifiable for proposed solutions in lesser time than those whose *ideational* constructs have not yet taken firm roots.

In all three legislative cases studied for this research, both the problematisation of the policy and its prescription originated and defined outside the legislature. In case of the Free and Compulsory Education Act, 2012, UNESCO had provided the technical assistance in drafting the legislation and presented as a private member bill in the Senate. The legislative package on the Protection Against Harassment of Women at the Workplace Act, 2010, was drafted by AASHA. Similarly, SIUT was closely involved in drafting the Transplantation of Human Organs and Tissues Act, 2009 with the first draft already prepared by Professor Dr. Adibul Hassan Rizvi. Also, in all three cases, the drafting of the legislation took references from

similar legislative work, especially from India and other countries of the region. Importantly, normative roots of *ideational* constructs of all three legislative pieces originated from outside Pakistan.

In the three legislative cases, the stronger the *ideational* roots the lesser the contestation is and more close the law is from the original policy goals. The legislation on the Right to Free and Compulsory Education Act, 2012 met with the least resistance and the proposed bill was passed in its entirety. The *idea* that education is a right, which should be available to all children free of cost and compulsory, was generally agreed. In contrast, the legislation on the Transplantation of Human Organs and Tissues Act, 2009 met with a stiff resistance from anti-bill lobby. This not only prolonged the legislative process but also resulted in creating certain loopholes vulnerable for exploitation by the anti-bill lobby. In the case of the Protection Against Harassment of Women at the Workplace Act, 2010, the contestation was managed by omission of certain words and inclusion of men also as a likely victim of harassment at the workplace. However, unlike the bill on transplantation, this legislation was not challenged in the Federal Shariat Court, though there was opposition from the religious political parties.

In case of the Free and Compulsory Education Act, 2012, both the instrument, the piece of legislation, and the *idea* originated from outside the locale of actors engaged in this legislation. Not only this legislation was least discussed, its implications were not fully considered. As a result, the legislation still remains a law on papers without any implementation. In contrast, while the bill on Transplantation of Human Organs and Tissues aided from similar legislative initiatives in other countries of the region, its *ideation* process had primarily originated from within and engaged a range of actors from both the opposing

and supporting sides. Similarly, the *ideation* process of the Protection Against Harassment of Women at the Workplace Act, 2012 originated from within and had engaged a range of actors from both sides of the spectrum. This also aided heavily on the women's rights movement in general and women's right to work in particular. In terms of the instrument, all the three cases studied for this research referred to similar legislations elsewhere in the region and in developed countries to draft the law.

Policy-as-discourse analyses, in above three cases, confirms public policy process and its outcomes to be embedded in a web of social meanings produced and reproduced through discursive practices and shaped through socially interpreted understandings and meanings. This has involved complex ideational processes whereby policymakers assembled and assessed information and constructed pictures of reality.

7. Concluding Thoughts:

One of the main purposes of this research was to advance the scholarship in policy studies with an interest in *ideas* and discourse for overcoming theoretical shortcomings. More specifically this research looked into as to what constitutes public policy process and how its outcomes are arrived, changed, stay stable or vary from sector to sector or from one region to another. For this purpose, this paper made a basic claim that *ideational institutionalism* has the capacity to inform an endogenous account of complex institutional evolution, continuation, adaptation, and innovation. In the three legislative cases studied, not only *ideational* process was able to inform how *institutions*, i.e. right to education, right to work or right to be free from any form exploitation, had evolved and continued over time and how in the context of Pakistan they were adapted and innovated, if at all. Unlike other three

established schools in *new institutionalism*, the analysis confirms that actors involved in the policy process were oriented subjectively, through the *ideation* process to which they were exposed to and later expand it further, rather their desires, preferences and motivations being contextually given facts. The findings further confirm that actors in the policy process are strategic and they rely on multiple criteria for favouring certain strategies over others. The criteria, as per the proposed *ideational* framework, can be categorised into three levels, namely material, normative and cognitive. Lastly, the research shows that *ideas* at the normative level have mostly been used in the foreground of the policy formulation for justification of proposed policy prescriptions. Also, in the three cases studied, *ideas* at the cognitive level have been used in the foreground of policy formulation and were essentially policy prescriptions from subject experts outside the policymaking helm to help policymakers in taking specific course of policy actions. The material dimension, interestingly, appeared more forcefully at the moment of ‘last significant controversy,’ essentially meaning when a particular pieces of legislation has to be passed and, as expected, is in the background of the policy formulation in form of *self-interested ideas*. Another basic contention laid out in theorising was that in contrast to the three established *new institutionalisms*, agents in *ideational* understanding are sentient who not just operate or adapt to existing institutions but can also create and maintain new institutions through their *ideational* abilities. It is contended that if an *ideational institution* is such where, for instance, free and compulsory education is seen as a right of every child, it could only be changed if a new set of *ideational* constructs are created not only refuting this existing premise but also establishing new ones, i.e. education is essentially a service that need to be procured like any other service available in the market.

This paper has contributed to a growing body of literature on the role of *ideas* in public

policy and institutional change. While much of the scholarship is in nascent stage, the paper has examined some of the basic claims of *ideational institutionalism* through post-empirical analysis of three social-sector legislations in Pakistan. These analyses are primarily descriptive with an effort to depict the essential features of policymaking in countries of global-south, regardless of their political structure. The research has helped lay out essential features of *ideational institutionalism* by introducing and applying an *ideational framework of public policy*, which combines cognitive, normative and material dimensions behind a policy decision.

In contrast to the dominant influence of economics and its positivist scientific methodologies, the development of the field of policy studies, and its theorisation, requires a multidisciplinary methodological perspective. By considering interests as just another type of *ideas*, the *ideational* framework of public policy is an effort to specify the relationship between *ideas* and interests. Positivist methodologies are inadequate to deal with the complexity and subjectivity of policymaking process. Their quest for a single objective reality is neglectful of politics, which is primarily an interpretive and value driven exercise. This research reiterates post-positivists agenda for future research to study into the role of ideas in shaping expectations of policy actors and influencing policy process.