Foresight: A Link Between Policy Intents and Management Reforms

Benoît Bernard, Anne Drumaux and Jan Mattijs

Both policy implementation and administrative reforms have increasingly come to rely on “instrumental” management methods that fail to treat adequately cognitive biases, bureaucratic ritualism, co-ordination issues and political sensitivities. This paper explores the potential of exploratory, participative foresight as an alternative to instrumental methods, based on a research carried out in the Belgian penal justice system. The results illustrate possible contributions to policy coordination, organizational learning, strategic exploration and leadership.
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FORESIGHT: A LINK BETWEEN POLICY INTENTS AND MANAGEMENT REFORMS

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How does public policy convert into action? What is the path from policy intent to actual reform? These questions, at once theoretical and very practical, continue the work on the implementation of public policies that has inspired political, social and also management scientists since the seminal work of Pressman and Wildavsky (1984).

This contribution is in three parts. Part one discusses the characteristics of the implementation of public policies that lead to the hypothesis of the inadequacy of instrumental managerial approaches. Part two shows that a prospective participatory (or 'foresight') approach can produce real reflection on organizational issues, while linking this reflection to policy issues. Part three focuses on a case study on criminal justice and its organizations in Belgium that illustrates the potential of such a foresight approach) A conclusion is presented in part four.

1. THE INSTRUMENTALITY OF THE IMPLEMENTATION OF PUBLIC REFORMS

In principle, correctly matching the perceptions of the players involved and the future development of the organization lies at the very heart of strategic management. However, a
series of characteristics of strategic management practice, particularly in public organizations, get in the way of this matching process:

1. Cognitive biases affect the quality of thinking and of strategic decision-making;
2. Bureaucratic formalism pervades strategic management, especially planning, especially in the public sector;
3. Public policies involve multiple organizations and the fragmentation of implementation location represents a challenge for strategy coordination;
4. These difficulties are complicated by the political nature of collective public choices.

The sum of all these factors makes an instrumental approach inadequate. It is this approach, however, which dominates the management methods most widely disseminated in public organizations.

1.1. COGNITIVE BIASES

A series of cognitive biases may occur in the very process of strategy formulation. Whether in identifying the problem, searching for solutions or evaluating a chosen solution, these biases take different forms as defined in Table 1, all of which result in solutions that are disconnected from reality.

<table>
<thead>
<tr>
<th>Table 1: Cognitive biases in strategic decision stages (from Schwenk (1984), p.115)</th>
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<tr>
<td>Stage I</td>
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<tr>
<td>Goal formulation/problem identification</td>
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<tr>
<td>Process</td>
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<td>Effect</td>
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<tr>
<td>Prior hypothesis bias</td>
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<td>Adjustments and anchoring</td>
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<td>Escalating commitment</td>
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<td>Reasoning by analogy</td>
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<td>Inaccurate prediction of consequences of alternatives</td>
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These biases are the manifestation of a broader phenomenon: that of decoupling between the range of potential course of action and the action choices actually made, the latter being constrained by organizational culture, past choices, and simply by routine... The various elements of this framework end up creating a genuine ‘cognitive cage’ (Weber 1904), which,
while necessary for the routine operation of any organization, can totally block any change. The metaphor of the cognitive cage highlights the ‘imprisonment’ of organizational players in mechanisms, routines or ways of thinking (Bernard 2008).

1.2. THE FORMALISM OF PLANNING AND ACCOUNTABILITY

In the public sector, strategic planning and accountability systems are essentially formalistic, in that they pursue objectives of public scrutiny and legitimation. They rely on ascribing well-defined actions to well-defined organs and persons. This requires that agents, judgment criteria and processes are known in advance and committed – in short, formalized.

The US Government Performance and Results Act of 1993 (GPRA) is a case in point as far as performance budgeting and reporting is concerned. Lynn (1999) had already pointed to the bureaucratic inflation resulting from the GPRA, and Roberts (2000) makes the link between the GPRA and its underlying ‘synoptic’ strategic management model. Halachmi (2002) discusses in detail the possible contradiction between accountability and performance improvement, considered as mutually exclusive in performance budgeting and reporting legislation like the GPRA. In reference to Mintzberg (1994), he reminds his readers of the difference between strategic thinking that involves the use of tacit knowledge, soft data and synthesis and on the other hand strategic planning involving rational, systematic analysis using hard data. For him the notion of strategic planning is consistent with establishing accountability (set of intentions into steps, formalizing these steps, etc.). Halachmi concludes that strategic planning is conductive to the way mechanistic (bureaucratic) organizations operate. In that perspective, GPRA-like systems may help accountability but discourage mid-course corrections, innovation, experimentation and proactive steps. The same pattern can be seen in France since the introduction of the LOLF performance budgeting and reporting system, according to its own main promoters (Lambert & Migaud 2006).

Does this argument apply to the same extent for strategic planning processes as for performance budgeting and reporting processes? After all, strategic plans are devised at the agency level where they should be tools with no direct bearing on accountability. It turns out that formalism tends to extend to these plans that become an element of the reporting and accountability process too. First of all, the distinction between agencies’ strategic plans and their mandates (e.g. performance contracts) are not always clear; they have to be actively held apart, and many institutions do not. Second, the plans are also used internally to align the agencies’ divisions with the corporate strategy, therefore creating very much the same requirements for formalism as in external accountability documents. The European
Commission reform illustrates the confusion between strategic management and accountability processes. When analysing the European Commission’s reformed management system, different authors (Kassim 2004; Bauer 2008; Schön-Quinlivan 2008) explicitly raise the concern that thorough management happens at the expense of entrepreneurship and innovation.

The upshot is that public sector strategic management is biased towards formalization because of specific accountability pressures, not precluding possible other (e.g. cultural) explanations. Casual observation of the cases above and various country experiences (Drumaux & Gotehals 2007; Cepiku, Corvo & Bonomi, 2010) show the reduction of strategic management to bureaucratic planning or even to mere cosmetic rituals. There can be benefits in the form of better accountability and strategic consistency (alignment), but there is a price to pay: administrative overhead and lack of innovation in risk-adverse public administrations. This worsens an already well-documented frailty in generic strategic management practice (Liedtka 1998).

1.3. STRATEGY COORDINATION

Distinct organizations pursuing different strategies find it difficult to coordinate. The effects of institutional fragmentation on policy coherence are nothing new, as in the case of competing police forces, fragmented health inspectorates or multi-headed military commands. This fragmentation has already led to episodic restructurings of certain services throughout the 20th century (Pollitt 2003).

Almost all recent administrative reforms have called for greater autonomy and for 'agencification', but this has made the problem of coordination only even more acute. Thus, the United Kingdom, an effort has been made since the late 1990s to develop and implement 'joined-up' policies:

[joined-up government] is best viewed as a group of responses to the perception that services had become fragmented and that this fragmentation was preventing the achievement of important goals of public policy. (Ling 2002, p. 616)

In other countries too we find attempts to reintegrate the activities of autonomous agencies, as in Norway (Christensen & Laegreid, 2007), New Zealand and Australia (Halligan 2007; Gregory 2006). These attempts at reintegration, however, run into structural problems, such as policy sectorization (Davies 2009), cultural differences (Pollitt 2003, pp. 40-41), or the complexity of accountability and governance (as for example in the case of local public services in the UK: Audit Commission 2005, ODPM 2006).
This issue of increasing fragmentation is not equally acute in all European countries. In France or Belgium, the issue of policy coordination stems from the steady implementation of policies and not from intensive agencification. In an initial stage, the creation of new agencies by merger of existing ones would appear to represent a response to fragmented policies.

However, the problem of coordination of strategies into coherent policies arises even without any reform designed to increase autonomy. The case of the Belgian criminal justice system, which is discussed below, is exemplary in this respect: here the interdependence of agencies in achieving coherence within the criminal justice system remains a serious and challenging issue.

1.4. THE CHANGING RELATIONSHIP BETWEEN POLITICS AND ADMINISTRATION

It is now well recognized that the Wilsonian model of the neutral implementation of policy by the administration is outdated. However, the identification of an alternative form of relationship is far from obvious. Politics and government administration are two separate worlds, each with its own ways of thinking, concepts and enforcement mechanisms. The introduction of management into government administration has contradictory effects on the relationship with politics. On the one hand, both are 'target-oriented'. This permits the partial – political mobilization of the managerial toolkit (Campbell 2001). On the other hand, the recognition of management autonomy shifts the boundary lines of political accountability (in the direction of politicization and increased responsiveness in Canada, see Aucoin 2006; in the opposite direction of strengthening the autonomy of the upper echelons of the civil service through management, see Beutel & Plamp-Menzel, 2007; Van Looy, 2007).

The transformation of the dialogue between elected politicians and senior civil servants, with discussions focused more on results and less on means and procedures, presupposes certain reorganizations, including greater analytical skills and coordination for the administration, a reduced operational role for politicians and their entourage, and the introduction of a control system. But it also requires new ways of structuring the dialogue around management issues that are of interest to political players. The formal relationship between the two groups has traditionally taken the shape of legislation, which has been the historical way of achieving and establishing a compromise between these two worlds. But

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1 We can cite for example the creation of the 'pole emploi' in France on the example of the 'job centre plus' in the United Kingdom, or again the creation of the Federal Agency for the Safety of the Food Chain in Belgium following a food contamination scandal (dioxin) in Belgium. Apart from these particular cases, contractualization in both Belgium and France mainly applies to already historically autonomous entities. In Belgium, only the Flemish region has systematized autonomization through contractualization.
legislation, even if it is becoming more procedure-oriented and more managerial and is leaving more room for effects (Caillosse 2000; Lenoble 2003), remains inherently structuring and not open to dialogue. Nor does the legislative process per se (Lascoumes 1993) contain a method for reconciling political and administrative logics, taking place as it does outside the administrative sphere.

The search for new modes of politico-administrative relationships highlights the need, at the interface, for a ‘translation’ that can both convert ‘policy’ objectives into concrete management objectives and transform the results into issues that make sense in political terms, with all that this implies in terms of negotiation and compromise between stakeholders (Schedler & Proeller 2010, p.52).

These are complex projects that are running into obstacles in many countries, and not just on account of the transformation of power relations that is inherent in any change (Hondegem et al. 2005), but also because managerial reforms as such are inadequate to re-anchor public action when contested, or to substitute for political deliberation. While certain elements of democracy inherent in new modes of service delivery and improvement of services should help to re-legitimized public action (de Leon 2005), this is not enough, as is demonstrated by the way certain reforms become blocked or run out of steam (Plamp-Mentzel & Beutel 2007, Schick 2001). Public affairs are also a subject of debate and deliberation; yet the means of building this public debate as close as possible to actual implementation remain inadequate, despite the introduction of certain systems (Bherer, Gauthier & Simard 2011). These advances in public debate have no counterpart in political-administrative debate: here the mechanisms of contracting, strategic planning and accountability are inherently limited by their formalism.

1.5. A WORKING HYPOTHESIS: THE INADEQUACY OF INSTRUMENTAL APPROACHES

The four factors which have been briefly discussed above result in chronic implementational defects in public organizations. Even in those cases where planning and control tools have been implemented with some success, the risk remains long-term of loss of meaning or blindness to certain issues. All these difficulties can be linked to the 'instrumental' character of the strategic 'tools' that are used. We can define instrumental behaviour as:

- A search for ready-made 'solutions', external to the situation;
- Starting from an a priori or, in any case predefined, perception of the 'problem';
- Without questioning the meaning, i.e. the ethical and identity-producing value of either the problem or the solution, at either individual or collective level.
The instrumental use of management tools is not to be dismissed per se. These may be effective and have a real legitimacy in stabilized situations where consensus has been reached between the stakeholders on the evaluation criteria. The external conventional and recognized character of some tools may even be an absolute condition of their effectiveness; typically, this applies to accounting methods or quality standards (Segrestin 1996), and this objectivizing role can also apply to strategy tools (Fenton 2007).

However, instrumental behaviour reduces the ability of organizations to accommodate to social change, and to support the individual development of their members. It promotes 'exploitation', that is routine optimization, to the detriment of 'exploration' (March 1991). Or, what is worse, reform can be considered as a sufficient answer in itself to a profound deficit of societal and political legitimacy, or at least as a way of cultivating hope (Brunsson 2006). However, purely managerial reforms cannot compensate, by a simple display of activity, for a lack of reflection on meaning. The use of instruments in order to solve problems of legitimacy is akin to the confusion between illness and symptom (Bernard 2010). What can reforms of instruments accomplish without giving proper thought to the underlying missions? The substitution of meaning is a possibility, but we must also consider the possible contradictions between managerial and political ends.

To promote a better balance between exploration and exploitation, March envisaged essentially changing the characteristics of organizations’ staff, including staff rotation. One can, however, also consider the endogenous development of exploration rather than simply the use of external diversity (Rodan, 2005; Liedtka 1998). To improve the politico-administrative interaction (1.4), to promote policy coordination among organizations (1.3), to escape bureaucratic planning-reporting (1.2), to escape certain cognitive biases (1.1), there is room for developing new ways of interacting in management. Foresight has this potential.

2. THE CONTRIBUTION OF FORESIGHT

Being rooted in the use of scenarios to explore potential futures, foresight permits precisely this articulation of policy and management. On the one hand, confronting a public policy with a limited number of potential scenarios is one way to evaluate the relevance and consistency of this policy before actually implementing it. Does a policy, the implementation and effects of which may have long-term repercussions, take sufficient account of social phenomena that are right now at the seed stage? Are the regulatory and organizational systems involved coherent with these potential changes? On the other hand, it may be useful
to use scenarios along the way in order to adjust the content or the borderlines of a policy. In so doing we approximate to a watch system, which feeds information for adapting the conduct of public action.

We will explore in turn the potential of Foresight for addressing cognitive bias, for serving change and organizational learning, and for ensuring adequate coupling with the environment. This will lead us to propose a prospective, participative approach using exploratory scenarios that can best realize this potential.

2.1. Projecting a vision by escaping from cognitive frames and reconstructing them

Foresight is something other than a machine which we use to construct abstract scenarios. By exploring potential futures, foresight in the form of exploratory scenarios aims to open up discussion on alternative ways of understanding and handling a problem. A prospective approach makes it possible to escape the existing cognitive frames and thus, in principle, to limit strategic bias. It aims to integrate disruptive elements (wild cards) and amplify the weak signals (Ansoff 1975) of the seeds of future changes in order to anticipate their effects. The appropriate method needs therefore to open up the cognitive cage that an organization represents and to permit a search for choices free from inherited mental or structural constraints. Contrary to forecasting methods with their essentially quantitative vocation, this approach may leave room for the subjectivity of the players on the ground if a qualitative method is chosen. What we are not out to do here is estimate the probability of one future rather than another.

This approach places interpretation at the heart of the strategic process. Foresight plays an intermediary role here, namely that of mediator of perception between information and representations. A stock of information can be converted into a system of representations only by the perception that players can have of it. It is here that the notion of frame becomes seriously relevant. Goffman speaks in this sense of 'experience frames' that allow players to "locate, perceive, identify and classify" the events in their environment, their experience and the world (Goffman 1974).

Frames are necessary in order to discover shared ideas or interests and to make choices. As such they are indispensable to action. But on the other hand, by definition they involve a delimitation of interpretative capacities and, ultimately, a limitation of organizational performance: there is "social construction of reality" (Berger & Luckmann 1986), the formation of a boundary within which the meaning and content of a stock of information are
perceived as self-evident by protagonists. The outcome is prioritization of operation at the expense of exploration, in the terms of March (1991) discussed above.

Getting out of a frame implies an effort of perception and it is here that foresight comes into its own. The scenarios produced in this way are ‘re-presentations’ (Durand 2008), or the building blocks of new frames. The mediation operated by foresight is similar to a process of 'framing-overflow' (Callon 1998): the frames provide structure by the perception they give of the organization and its environment, and at the same time they are a source of evolution because it is easier to change scenarios than to change people's perception of reality (Fuller & Loogma 2009). Foresight and the resultant scenario offer a framework of interpretation to work from, while reducing the risk of being imprisoned by it, and offer images of the future that stimulate the change in organizational culture (Korte & Chermack 2007).

2.2. BUILDING A COLLECTIVE KNOWLEDGE BY PROVIDING COUPLINGS

The transformation of cognitive frames must also be envisaged in its collective and structural dimension. A proper matching between players' perceptions and structural requirements is necessary: not only must a project adjust to the specific context and to the available resources, but a common definition of problems is a precondition for collective action. Successful strategic management should enable the organization to be consistent with its surroundings. This can be considered as a task of coupling at two levels:

\- Between player and structure, raising in particular the issue of organizational learning;
\- Between the organization and its environment, raising the issue of the legitimacy of the ideas and actions;

2.2.1. The player-structure coupling or thinking through implementation over time

A high level of appropriation by a large proportion of players in the organization is critical to turning a scenario into shared and action-inspiring knowledge. A desired organizational change implies the existence of a conscious link between individual action and the collective path, here called player-structure coupling. This sharing of purpose is an obligatory precondition for coordinated action. The motivation and commitment of the players is dependent on what we have previously qualified as the strategic framing of representations. For this reason the process of scenario-building is just as important, if not more, than their actual content. Not only does their content need to be formulated in an attractive and instructive manner, but the involvement of grass-roots stakeholders offers even more opportunities for appropriation.
The coupling of players and structure can be thought of in terms of the processing and transfer of knowledge within the organization. Members of any organization know more than what they say about it: what can be codified and transmitted is explicit, but remains somewhat retrospective and focused on the routine of the organization. Knowledge that is relevant to understanding change is more personal, hard to formalize and generally acquired through action: it is tacit (Polanyi 1966). A deficit in the explicitation of new tacit knowledge is likely to occur if the organization fails to introduce virtuous mechanisms that enable this transformation. This ability to create knowledge collectively can be broken down into several stages which form a spiral of knowledge creation (Nonaka 1994):

- ‘socialization’: the creation of tacit knowledge through shared experiences, or knowledge gained by relying on observation and imitation.
- ‘externalizing’: the conversion of tacit knowledge into explicit knowledge, through documentation but also by the use of analogies or metaphors as a method of association of concepts.
- ‘combination’: the creation of explicit knowledge which is exchanged using various mechanisms such as meetings, information systems or project groups;
- ‘internalization’: close to what is traditionally called learning that transforms explicit knowledge into tacit knowledge.

This socialization - externalizing - combination - internalization cycle can go round in circles if, in the externalization phase, there is no room to bring into the open the tacit changes in practice. For the cycle to become truly a spiral, possible bifurcations are required: that is alternatives need to be evoked in the form of various scenarios. In this way we arrive at scenarios that translate tacit knowledge into explicit knowledge. On top of this it is necessary to select, among this diversity of possibilities, what should be shared? and what should be prioritized. During the combination phase, the selected scenarios become 'conventional supports' (Dodier 1993) or 'boundary objects' (Fenton 2007). Note, however, the need to avoid freezing scenarios. First, because of the already-mentioned risk of cognitive bias and, second, because of the self-fulfilling prophecy power of a scenario that is accepted as the real future situation: by virtue of the principle that belief creates the situation, the representations related to a scenario would take on the value of truth through the behaviours that these representations induce. Scenarios are useful in facilitating combinations and in helping players internalize or learn their roles, their jobs and their organization, and it is only after a deliberate process of selection that a scenario becomes a strategy.
2.2.2. *Organization-environment coupling or thinking through legitimacy*

In generic approaches to management, the question of the legitimacy of the enterprise or organization is analysed solely in terms of its adaptation to its environment. Starting from an exogenously conceived demand, a strategy can be defined (Porter 1985). Based on its expertise and its resources, the organization has the capacity to respond to the demands coming from its environment through the quality of services it offers (Prahalad & Hamel 1990). We are in the sphere of action: timeliness, quality of procedures, consolidation of skills, etc.

However, these approaches consider the organization fundamentally as an instrument of strategy. The organization is viewed as an entity having specific characteristics that confer advantages in selected environments, and even as an infinitely flexible entity that can adapt transparently to a positioning in a market. These strategic approaches do indeed include a questioning of the identity of the organization in terms of its purpose, and as such they are not purely instrumental. But the underlying assumption here is that the organization is a legitimate instrument because it is profitable on a market.

But the fact is that public institutions, and to some extent private companies too, have an institutional existence and need to respond to conflicting demands from their environment, which in turn raises the question of their legitimacy. Here it is the sphere of ideas which predominates, the challenge being to satisfy these demands by coming up with a definition of the problems that is satisfactory to all stakeholders. These two spheres, of ideas and of action, are not always reconcilable. Ideas and actions articulate in diverse ways: either, logically, the ideas lie at the origin of the action; or they have little to do with the action, then there is autonomy of action; or else the ideas justify an action already carried out, the meaning of which is found retrospectively; or, finally, ideas and actions can complement each other but respond to different requirements: "Organizations may reflect inconsistent norms by systematically creating inconsistencies between talk, decisions and products." (Brunsson 1986, p. 171).

However, in the case of a public structure, legitimacy has traditionally been long since gained based on this ability to find compromises on the definition of problems and less on the introduction of solutions, this latter case falling rather into the political register. From this viewpoint of political legitimacy, an organization's longevity would be proof of its success, but also, it has to be said, of a certain inefficiency or at least of little interest in questions of management and implementation. But today, the legitimacy of public action depends on the success of policies, programmes or reforms (Duran 1999). Coherence between discourse,
decisions and actions is becoming increasingly important, even if this demand for coherence does not in itself resolve the problems of collective action.

It is in this perspective that foresight offers added value. Alternative scenarios can bring to the light internal consistencies or inconsistencies. A coherent scenario may seem *a priori* less tainted by hypocrisy and as such more legitimate, at least in the sphere of action. However, hypocrisy can be functional if it reflects collective preferences that are difficult to reconcile: in this case incoherence becomes more legitimate because ambiguity is one way of managing dissent within the sphere of ideas.

2.3. EXPLORATORY AND INTERACTIVE FORESIGHT

The approach proposed here gives preference to exploratory rather than normative (desired or feared) scenarios. The vocation of exploratory scenarios is not to define indisputable standards of evolution, but to bring to the surface diverse, and frequently conflicting, visions. Exploratory scenarios seek to improve players' capacity to prepare for a possible future but also to question their perception of reality that is their cognitive frames (Schoemaker 1993; Lesourne 1995). Scenarios are not the future reality but a means of representing it. In this context, foresight operates therefore as a strategy and policy tool, changing the framing and creating new knowledge and couplings.

To achieve these effects it is important that the scenarios be relevant, coherent, credible, significant and transparent (Chermack 2007). This means they must represent something that could really happen, they must be internally consistent, they must represent a situation that is plausible and important enough to be distinguishable and finally they must clearly and plainly express a possible reality. In other words they must represent situations that are plausible, internally consistent and distinct.

The approach is therefore directed towards building common representations of risks, and of organizational, human or technical needs using a system of communication and exchange between players on the ground and experts (Roubelat-Marchais & Roubelat, 2008). The number of scenarios can never be exhaustive. Scenarios must above all be potentially meaningful and make sense in their diversity. Produced mainly in brainstorming with players, they reflect shared representations, each of which is specific enough to give distinctive outcomes. Following Hatchuel (2000), we can define foresight as "*a process of collective production of knowledge, relating to the future of a group, whose learning mechanisms are made possible by a form of governance.*"

Ultimately, the foresight initiated in this research is based on the following principles:
Foresight is a *made-to-measure* process. The technical aspects of the approach are subordinate to the decision-making or communication objectives pursued;

- The elaboration of scenarios and final images is no more important than the process leading to it. The process is as important as the outcome itself;
- More than the exploration of an object, foresight is aimed in the long run at the transformation of a subject, of a collective player;
- The collective knowledge produced depends therefore on the governance format in which the prospective work is done.

3. **The case of prospective scenarios for the Belgian criminal justice system**

    The goals of the foresighting exercise as discussed above and the context of criminal justice, which will be outlined below, make an original forecasting method necessary. This study (Bernard, Drumaux & Mattijs 2011) involved a number of innovations compared to usual methods (Godet 2001; Barbieri Masini, 2000; Hatem, 1996). Its main specificities will be presented in turn:

    1. a focus on implementation that builds on individual and organizational perceptions;
    2. a qualitative and formative process for identifying the most relevant issues to structure the forecasting process;
    3. a participative scenario design.

    Traditionally, a foresighting approach based on scenarios consists of three stages: constructing the base, scanning the field of possibilities and finally developing the scenarios. In the case of the foresighting work conducted on the criminal justice system, these stages unfold as follows:
3.1. A FOCUS ON IMPLEMENTATION

Unlike some of the previous futures work on the judiciary, the evolution of crime or other macro-social trends are not starting points as such in our approach. We have not considered alternatives to criminal justice with regard to projections on the nature and effects of what is / will be defined as a crime at a given time, or on other exogenous social conditions. Our focus has been on the system’s organization and management: first at the level of professions (role of a public prosecutor, of a policeman…), then for the level of organizations and finally looking holistically at the whole criminal justice system.

As can be seen from the Figure 1 above, this bottom-up process was iterated: first when identifying and clustering the issues, and then when constructing the scenarios. This initial methodological choice of increasing levels of aggregation (and of generality) obviously allows a ‘bottom-up’ approach that is well perceived by the players. It has the advantage of taking into account the relative autonomy of the work of the penal system with respect to the social demand\(^2\). It does have the possible drawback of yielding a limited exploration of the environment.

\[\text{\textsuperscript{2} Of course, this autonomy or even loss of connection with social demand is a recurring feature of many public policy implementation situations, but it is explicitly institutionalized in the judicial and penal system because of the requirement of judicial independence and the strong professional culture in this sector.}\]
A mixed involvement by players from the field and researchers can mitigate this risk. As will be explained below, the initial exploration of issues was, in this case, carried out entirely by the research team. This interdisciplinary research project had the opportunity of collaborating with a team of criminologists. We could rely on their previous output and on repeated interaction with them to get a sufficient knowledge of the field.

The phase of scenario design, then, was done with players from the field, except for the last stage of policy scenarios. This last stage could in principle also have been done with field players, but proved difficult because of the lack of capacity and of political sponsorship to sustain the exercise. A different mix could have been used, but the principle of a bottom-up process involving both field participants and researchers who accompany the process is useful to bring the implementation focus to its full fruition.

3.1. ISSUE IDENTIFICATION AND CLUSTERING INTO KEY VARIABLES

Starting out from a set of criminological literature, it was necessary to move away from the epistemological approach of criminology involving detailed, case-grounded representations of the issues affecting the institutions within the criminal justice system (the police, the public prosecutor’s office, the courts, prisons and the “maisons de justice”\(^3\)). Instead, we needed an overview of how these are managed, based on a more stylized representation of how the institutions function. A qualitative method was necessary in order for the researchers to acquire sufficient knowledge of the sector; this could not have been achieved through text analysis software or statistical correlation of variables. The aim was to define a limited number of incontrovertible public management issues common to the whole criminal justice system: the key foresighting variables. This could not be achieved by listing all the common issues as a catalogue but involved a second round of aggregation, through a qualitative clustering method.

The issue identification can therefore be compared to a filter system in three stages. Two grids (managerial and organizational) sifted out findings specific to each criminal justice institution, then the summary filters compiled them, providing an initial level of aggregation by identifying organizational and management issues common to the five institutions observed. At the end of the process of clustering, four key foresighting variables emerged upon which the initial scenarios were subsequently built:

- the roles and functions of the institution,

\(^3\) The "maisons de justice" (“houses of justice”) are local services offering probation services, mediation and help to offenders and their victims.
− their internal organization,
− how they adapt to the socio-political environment,
− interdependency and cooperation within the criminal justice system.

This drastic reduction in complexity yielded a tractable, four-dimensional grid (Figure 2) to structure questions and issues in the next phase.

Figure 2: the four-dimensional grid of key strategic variables, with positions for the public prosecutor's office displayed.

3.2. A PARTICIPATORY DESIGN SCENARIO

The actual construction of the scenarios was done in foresight workshops. This use of brainstorming had the advantage being a counterpart to the more conceptual phase of identifying issues, allowing a return to the field. Moreover the use of workshops reflected the choice of a process of interaction and knowledge dissemination.

Five foresight workshops were held, each dedicated to one organization. These focus groups were composed, according to the organization, of 6 to 10 resource persons. In each these were on-the-ground players and/or experts from the particular organization. The choice of participants was guided by their ability to formulate diagnoses of their organizations and to project the future of their professions and their organizations in the medium and long term. In
total, some 45 resource persons\textsuperscript{4} were mobilized for the whole process. The workshops were held from October 2008 to May 2009. Each workshop met on three occasions, each time for a half-day session.

3.2.1. Micro or professional scenarios

Each member was given a methodological guide comprising a scenario writing support setting out the four directions: for each dimension, the participant was asked to come up with a number of micro-scenarios (at least four) in response to the question: "What will my job consist of in 2020?"

The only constraint on the thinking process was the structuring of the resulting reflections by the four key variables. To offset the risk of incomparable scenarios, an identical construction was prescribed for each organization.

The professional scenarios level was therefore the level closest to participant's day-to-day experience. These scenarios were therefore built up in response to the question of how and in what form participants’ professional reality could change. This resulted in about 15 professional micro-scenarios for each of the 5 agencies. The micro- and meso-scenarios will be presented here for the public prosecutor's office, because of its pivotal role in the criminal justice chain and its representativeness with regard to the transformation sweeping through the criminal justice world. Figure 3 shows the "Roles and functions" variable of the micro-scenarios for the public prosecutor's office.

\textsuperscript{4} More fundamentally, participants were selected more for the diversity (both professional and hierarchical) of past or present experiences than for their strict representativeness. Both professional and hierarchical diversity. Hierarchical position in the organization was not a criterion for either inclusion or exclusion: only pragmatic considerations were pursued.
In this way the set of micro-scenarios for the foresight variables took the form of brief synopses which, once formalized, were re-discussed with participants ('fine tuning') in the light of their original proposals. Both the spontaneous and the more carefully elaborated scenarios were the outcome of a group dynamic, which was by definition contingent and specific.

3.2.2. Meso or organizational scenarios

The next step was to look for links of coherence between the micro-scenarios, that is combining the four variables at the level of the particular organization under investigation. Using the same participatory principle, workshop participants were invited to establish links of coherence between the previously developed and validated professional scenarios. These linkages could be logical and rational by nature, but they could also reflect an a priori paradoxical or antagonistic relationship. Thus, a meso-scenario or organizational scenario could describe both a homogenous evolution tendency - where the constituent factors (key

Figure 3: example of micro-scenarios for the public prosecutor's office, "Roles and functions" variable.

- **Marshalling yard**: the public prosecutor's office is seen as the body that allocates dossiers to the different justice players. Compared to the classical scheme in which the public prosecutor's office is identified with prosecution, this scenario presents the examining magistrate as someone who chooses and supervises the most appropriate channels for the optimal outcome of a case. Thus, downstream, the public prosecutor's office is involved in the execution of sentences in which it monitors. Upstream, the public prosecutor's office remains the central player in the development of policy on crime. Ultimately, in terms of workflow management, the public prosecutor's office has a triple role of direction-giving, management and control.

- **Enforcement - Penalty**: this scenario illustrates the growing role of politics and, as a corollary, the reducing independence of public prosecutors. As an executive agent, the prosecutor's office has little influence on the development of policy on crime (at the risk of a proliferation of priorities) and demonstrates little ability to direct dossiers at the level of the individual examining magistrates. The role of the public prosecutor's office is essentially a sanctioning and repressive one, systematizing the legal response based on the equation "crime + suspect = prosecution". Consideration of the victims takes place elsewhere in the system.

- **Repairing the damage**: subordinate to the directions defined by policy on crime, the public prosecutor's office is concerned to show itself vigilant in respect of compensation, the damage caused to the victim being central to the decision to prosecute. The public prosecutor's office, in seeking social peace and avoidance of re-offending, develops various forms of alternative justice (reparation, etc.). This scenario implies a redefinition of public action.
variables) evolved in the same direction – or a paradoxical evolution tendency, where constituent factors evolved in opposite directions.

The objective was to identify different articulations of professional scenarios that structure the potential changes to the organization looked at in 2020. What was wanted was not so much all the possible connections, but rather the most contrasting ones, that is the most mutually distinct scenarios, each reflecting an image that cannot be confused with another. Each organizational scenario was presented using the same model and answered the question of how the articulation of the four prospective variables could decisively impact the shape of the organization.

Table 2: the four meso-scenarios of the public prosecutor's office

<table>
<thead>
<tr>
<th>The public prosecutor's office as orchestra conductor - synopsis</th>
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<tbody>
<tr>
<td>The public prosecutor's office occupies a central place within the criminal justice system. The centrality of the public prosecutor's office is asserted in judicial processes. Closely integrated into their social environments, public prosecutors operate the judicial and para-judicial services and actively manage criminal investigations, even when these are delegated. Autonomous in this task of directing the system and motivated by the desire to find the most appropriate means depending on the specifics of the particular case, public prosecutors diversify the types of response of the criminal justice system.</td>
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<th>Strengthened tradition - synopsis</th>
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<tr>
<td>We are seeing a pause in the desire for change within the institution, expressed by a strengthening or reappearance of a traditional public prosecutor's office. Within this pyramid, roles are clearly defined but players are often compartmentalized. The public prosecutor's office, which is closer to the executive than to the judiciary, profiles itself as an enforcement and sanction-producing body that does not impinge on the other parts of the criminal justice system.</td>
</tr>
</tbody>
</table>
The law of the victim - synopsis

Consideration of the victim and the search for the reparation of damage incurred appear to lie at the heart of social expectations. Too high priority to these social demands, however, could reduce a public prosecutor's independence. The legitimacy of his or her action would then be measured by its response to the issues of the day as identified by the media. The filter effect of the latter produces a constraint that weighs on the prosecution service via the activity of the police. According to another hypothesis, constructing a victim figure could equally produce a discourse that would make it possible to address cases previously filed without further action and thus extend the criminal justice network.

The territorial extension - synopsis

The individual public prosecutors' offices are being regrouped and aggregated into larger entities. These expanded action territories gain in terms of management autonomy, but at the same time risk being subject to a criminal policy that is defined by a central level and distancing themselves from the local level.

3.2.3. Macro or policy scenarios

The last step is the final writing of the macro-scenarios. The scenarios, coming at the end of the methodological process, are intended to provide foresight on criminal justice policy. The principle of the construction of global scenarios is identical to the method developed so far: links are identified on the basis of logical and rational, but also paradoxical or antagonistic relationships, which are of course, consistent with the detailed content of each professional or organizational scenario.

The strength of a policy scenario is measured by the extent to which it permits the interrelating of not only organizational but also professional scenarios. The exercise consisted of identifying a particularly salient or symptomatic organizational scenario of one or two organizations, to which were associated the organizational scenarios from other organizations. Various logics were applied to help fine-tune the policy scenarios. The first of these was elimination: certain scenarios were eliminated owing to their inability to meet the quality criteria (see above page 12). Another was to merge two scenarios into a third one making it possible to aggregate the proposals and provide a broader view on the partial phenomena identified. A third logic was duplication. Unlike the previous case, here it proved necessary to
pinpoint a new scenario starting from another one, based on similar characteristics but resulting from a profoundly different policy dynamic.

As with organizational scenarios, the goal is not to formulate all possible connections by degree of certainty but to identify the most contrasting - the policy scenarios most distinct from each other – so as to reflect a strong image of criminal justice in 2020. In this way each policy scenario brings together a set of elements forming a system and bringing a stylized understanding of an evolution.

These scenarios are exploratory and therefore devoid of any prescriptive intention. The ultimate purpose is to obtain emblematic scenarios covering a reasonable range of possibilities, incorporating extreme situations but also evolutions that are latent or already evident (‘at the surface' scenario). Six scenarios were identified:

1. *A differentiated evolution*
2. *An adaptation of criminal justice responses*
3. *A criminal justice system oriented towards punishment*
4. *The law and order choice*
5. *Extra-judicial systems of reference*
6. *Victim justice*

Each of these scenarios was described by means of a brief synopsis and comments. Here, for example, are the synopses of two contrasting scenarios:

**Differentiated evolution – synopsis**

The criminal justice system is in tatters, with different organizations pursuing specific directions in response to their own particular issues. Organizations take options that do not allow an optimal adjustment of criminal justice activity. The fragmented character of the criminal justice chain prevents judicial players from understanding the constraints of other organizations and thinking in terms of an integrated criminal policy. The autonomy gained by each protagonist is exacerbated into a functioning directed towards its own priorities, far away from any systemic view of the criminal justice system. Treatment of suspects and accused persons varies from one level of authority or local culture to another. At the level of the criminal justice system as a whole, we encounter a proliferation of informal, local and personal arrangements between judicial players aimed at overcoming the inevitable contradictions. Justice is built from the bottom up and is balanced around action territories.
that each organization tends to defend or expand: it is the power relationships between the different bodies that define each player's competences and roles.

**Victim justice – a synopsis**

Within each criminal justice organization, central attention is paid to victims, with victims' feelings having force of law. The entire criminal justice system revolves round the retribution of crime under a 'tariff' of punishment and reparation that become the yardstick of good justice. More than just simple concern for the victim, this focus leads to the instrumentalization of the victim in order to strengthen the criminal justice network. The condemned criminal is required to meet this demand for reparation and is held responsible for his or her own rehabilitation. This brings us close to a civil justice founded on opposition of interests, but on a model based on the call for empathy and the power of affective reactions. The criminal justice system tends to split into two, upstream and downstream. The upstream judicial players, close to the victims, are able to speak for them and gain in autonomy and in ability to format the content of a criminal case. At the same time, downstream players find their decisions becoming more standardized, and directed by the upstream players.

Table 3 shows the six global scenarios (left hand column) and their meso-scenarios constituent parts from the five organisations in the system.
Table 3: Compatibilities between scenarios in terms of organizations and the criminal justice system

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<thead>
<tr>
<th>Criminal Justice</th>
<th>Organizations</th>
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<tr>
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<td>Police</td>
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<tr>
<td>Differentiated evolution</td>
<td>Exacerbated specialization</td>
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<td>Adaptation of criminal justice responses</td>
<td>Autonomization</td>
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<td>Punishment-oriented system</td>
<td>State Police</td>
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<td>Law and order choice</td>
<td>State Police</td>
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<tr>
<td>Extra-judicial systems of reference</td>
<td>Techno bureaucracy</td>
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<td>Victim justice</td>
<td>Autonomization</td>
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<tr>
<td>Differentiated evolution</td>
<td>Territorial extension</td>
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<tr>
<td>Adaptation of criminal justice responses</td>
<td>Orchestra conductor</td>
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<tr>
<td>Punishment-oriented system</td>
<td>Reinforced tradition</td>
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<td>Law and order choice</td>
<td>Victim law</td>
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<tr>
<td>Extra-judicial systems of reference</td>
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<td>Victim justice</td>
<td>Victim law</td>
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<th>Courts</th>
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<td>Differentiated evolution</td>
<td>Poorly adapted tools</td>
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<tr>
<td>Adaptation of criminal justice responses</td>
<td>Search for meaning</td>
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<td>Punishment-oriented system</td>
<td>Internal tension</td>
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<tr>
<td>Law and order choice</td>
<td>Automation of decision-making</td>
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<tr>
<td>Extra-judicial systems of reference</td>
<td>'Good management'</td>
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<td>Victim justice</td>
<td>Automation of decision-making</td>
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<th>Prisons</th>
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<td>Differentiated evolution</td>
<td>Technicist alibi</td>
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<tr>
<td>Adaptation of criminal justice responses</td>
<td>Governed prison</td>
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<td>Punishment-oriented system</td>
<td>Turned in on itself</td>
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<tr>
<td>Law and order choice</td>
<td>Turned in on itself</td>
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<tr>
<td>Extra-judicial systems of reference</td>
<td>Technicist alibi</td>
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<td>Victim justice</td>
<td>Law above everything</td>
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<th>Justice houses</th>
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<tr>
<td>Differentiated evolution</td>
<td>Equity of service</td>
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<td>Adaptation of criminal justice responses</td>
<td>High value accorded to social work</td>
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<tr>
<td>Punishment-oriented system</td>
<td>Preponderance of control</td>
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<td>Law and order choice</td>
<td>Preponderance of control</td>
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<td>Extra-judicial systems of reference</td>
<td>Commodification of justice</td>
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<td>Victim justice</td>
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4. CONCLUSIONS

Can foresighting, in the particular shape exposed here, help to overcome instrumental behavior in policy implementation and strategic management? The case of criminal justice has been discussed giving a detailed perspective with various scenarios at the level of professions, organizations and criminal justice. The advantages of foresighting have been proposed: frame building and envisioning, the couplings between players, organizations and the environment. The feasibility of the exercise has been demonstrated and results shown. Nevertheless, a method is not a magic wand and the question remains as to what extent this exploratory and participative exercise allows strategic insight linking various levels in public policy. A remaining important question is the capacity of the administrative (and political) system to take up the existing results and carry them forward, thereby testing its potential. This casts the present results in the somewhat different light of leadership.

Leadership and management have often been contrasted: management is said to be about continuity and incremental optimization, while leadership fosters change and innovation (Kotter 1990). In his review on leadership, Van Wart (2003) nuances this opposition: the assimilation of leadership with change and innovation has to be, at least, qualified by the type
of leadership that is meant. Other contributions have since emphasized how management can in fact contribute to leadership (Horton 2007), and under what conditions this may or may not happen (Trottier, Van Wart & Wang 2008; Wright & Pandey 2010).

In our introductory part, we have seen that instrumental behavior with respect to management methods biases toward specific outcomes and values. Specifically, instrumental management is very much compatible with customary, transactional leadership. The question is whether some management methods may or may not contribute to transformational leadership. While some strategic management methods are claimed to be able to contribute (Nutt & Backoff, 1992), transformational leadership is criticized because the value set it proposes is restricted (Currie & Lockett 2007).

In this context, exploratory, participative scenarios can support transformational leadership by opening up organizations’ cognitive cages and grasp both professional and organizational issues and external challenges.

5. References


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