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CHAPTER 9

POLICY ANALYSIS AS CRITIQUE

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POLICY analysis encompasses a variety of activities concerned with the creation, compilation, and application of evidence, testimony, argument, and interpretation in order to examine, evaluate, and improve the content and process of public policy. This chapter will look at one such activity, that of critique. Critique is treated not just as one thing that policy analysts might choose to do, but as rightly basic to their whole enterprise. Public policy processes feature communication in context with practical effect, and such communication is always amenable to critique oriented to change for the better. Critical policy analysis therefore constitutes a program for the foundations of the field. All policy analysis should have a critical component, if only to establish that the social problem at hand is not defined in such a way as to advantage particular interests in indefensible ways.

1. CRITIQUE AND ITS OPPOSITES

The place of critical policy analysis can be approached through reference to two of its opposites: technocracy and accommodation.

The intent of technocratic policy analysis is to identify cause and effect relationships that can be manipulated by public policy under central and coordinated control. At its most ambitious, technocratic analysis could be allied to the nineteenth century positivism of Comte and Saint-Simon, who sought the establishment of a set

of causal laws of society that provided points of leverage for policy makers in pursuit of social perfection. Those dreams may be long dead, and positivism long rejected even by philosophers of natural science, but the terms “positivist” and “post-positivist” still animate disputes in the policy field (for example, Durning 1999; Lynn 1999). And the idea that policy analysis is about control of cause and effect lives on in optimizing techniques drawn from welfare economics and elsewhere (Stokey and Zeckhauser 1978), and policy evaluation that seeks only to identify the causal impact of policies. Technocratic analysis implicitly assumes an omniscient and benevolent decision maker untroubled by politics (Majone 1989 refers to “decisionism”). However, the viewpoint of analysis is not necessarily the same as that of any identifiable real-world decision maker, for two reasons. First, a single locus of decision making may not exist. Second, technocratic analysis often proceeds from its own frame of reference which may embody values different from those of policy makers. For example, cost–benefit analysis is committed to economic efficiency, a value generally held in poor regard by those steeped in the politics of public policy.

It should be stressed that technocratic analysis is not the same as quantitative and statistical analysis. Technocracy can use statistics—but so can critique. There is a long tradition of social reformers gathering statistics concerning poverty, malnutrition, and illness, which can then be presented to indict a social system (Bulmer 1983). Only hardline followers of Michel Foucault would condemn any gathering of social statistics as oppression, treating descriptive statistics as constitutive of the normalizing gaze of a state that constructs populations as objects to be managed.

Accommodative policy analysis seeks to attach itself to the frame of reference of the policy maker. As such it is a loyalist endeavor in which the successful policy analyst is one who adopts views about the definition of problems, goals, and acceptable solutions from his or her organizational environment. Within these constraints the analyst will still try to bring some distinctive expertise to bear. Explicit advocacy of this orientation is rare (but see Palumbo and Nachmias 1983), though it does capture aspects of the working life of many analysts (Meltsner 1976), and some of the activities of management consultants.

Critical policy analysis can be positioned in terms of explicit rejection of both technocratic and accommodative images (Bobrow and Dryzek 1987, 161–8).

2. CRITIQUE AND ITS POLITICS

For all their differences, technocratic and accommodative images of policy analysis both assume that the key contribution of analysis to improving the condition of the world is the enlightenment of those in positions of power so they can better manipulate social systems. In contrast, critical policy analysis specifies that the key task of analysis is enlightenment of those suffering at the hands of power in the

interests of action on their part to escape suffering. By definition, a critical theory is directed at an audience of sufferers in order to make plain to them the causes of their suffering. It is validated through reflective acceptance on the part of the audience, and, ultimately, action based on this acceptance (Fay 1987).

Many theories fall under this general critical conception. For example, the Marxist critique of capitalist political economy was directed at the emancipation of the working class, and unmasked ideological and material forces that oppressed the proletariat. When it comes to public policy, it is not hard to show that policies justified as being in the public interest often have benefits skewed toward dominant classes, be they tax cuts for the rich, subsidies for agribusiness, or public transport systems that serve wealthy suburbs while bypassing the urban poor. The Frankfurt School (Adorno, Horkheimer, and Marcuse) developed critical theories of modernity in its entirety, especially in terms of its rationality that destroys the more congenial aspects of human association. Feminist critique highlights the oppressive but often unnoticed effects of patriarchy. Though often a bit weak on how suffering might be overcome, the work of Michel Foucault showed how power could be pervasive and constitutive of oppressive discourses about criminality, health, madness, and sexuality. In radical environmental thought, attempts have been made to link the liberation of human and non-human nature. The critical legal studies movement in the United States has tried to show how ostensibly neutral laws, rules, and associated practices systematically oppress disadvantaged categories of people.

These examples might suggest that critical policy analysis is tied to a radical leftist agenda. Two responses are possible here. The first is that technocratic and accommodative policy analyses also have ideological associations. The center of gravity of technocratic analysis is center-left, in that much of it believes in the possibility of benign active government. Accommodation is center-right, in that it adjusts itself in conservative fashion to the prevailing distribution of political power, though this judgement would have to be qualified if a power center such as an elected government had leftist inclinations.

A second response is that the logical structure of critique is content free. Only when the content is filled in does it happen to be the case that particular critiques—or at least the kind of broad-gauge theories just mentioned—turn out to have radical left associations. At least one important—indeed, foundational—policy field application lacks any such association, and to this I now turn.

3. CRITIQUE IN THE ORIGINS OF THE POLICY SCIENCES

This foundational application can be found in the policy sciences movement that began in the 1940s, whose most important figure was Harold Lasswell (see especially Lerner and Lasswell 1951). Lasswell was committed to the idea of a “policy science of democracy.” But

he doubted that control by existing political elites, or indeed any political elites, could bring this about, because of the psychopathology he believed often accompanied individual pursuit of political power. Lasswell hoped that policy scientists could rise above this sort of motivation, and come to resemble psychological clinicians in their extraordinary self-understanding and commitment to a code of professional ethics (Lasswell 1965, 14). He explored innovations such as the decision seminar, a forum for social learning that would provide an information-rich and interactive environment transcending politics and policy as usual. The audience for Lasswellian critique ranged from existing policy elites to society as a whole. The substantive content was equally wide ranging; most famously, he warned about the need to act against development of a “garrison state” (1941), as alleged pursuit of national security led to restrictions on freedom and democracy. Such a warning is no less pertinent today than in the 1930s when Lasswell first made it. The garrison state would be forestalled by wide recognition of the validity of the warning, and resistance based on that knowledge.

In common with the critical theories already mentioned, Lasswell was concerned about some very large matters: the “progressive democratization of mankind” (1948, 221) versus the garrison state. However, policy analysis as critique can concern itself with more limited issues. The idea is to identify and uncover influences on policy content from dominant ideologies, discourses, or material forces. The policy in question could be (say) a matter of a nation’s economic strategy under sway of market liberalism, such that there appears to be no alternative to policies of deregulation, free trade, capital mobility, and privatization. Such influence might be a matter of material forces—if a government is punished for its deviation with capital flight, disinvestment, and attacks on its currency. Or it could be matter of the discourse of globalization: these material forces may not be especially powerful, but all key actors believe they are, and so act accordingly. Hirst and Thompson (1996) try to explode claims about both the novelty and material reality of globalization, treating globalization as more an ideological matter of imposing the market liberal “Washington Consensus” on the world. On their account governments in fact retain substantial scope for policies that pursue social justice, and can implement interventionist economic policies without the dire consequences predicted by economic globalization advocates. Alternatively, the influence of globalization on policy might plausibly come from some mixture of material and discursive forces, in which case the first task of the critical analysis is to ascertain the mix of the material and the discursive, and the processes through which they constitute one another.

4. THE LINGUISTIC TURN AND ITS CRITICAL TWIST

Policy making in large part involves the construction of meaning through language, and policy analysis is itself a symbolic activity. Fischer and Forester (1993) speak of an “argumentative turn” in policy analysis and planning. Logically prior is a “linguistic

turn” that recognizes the importance of language in constituting both policy analysis and policy making, because argument is just one specific kind of language. The language of policy might be highly formalized in (say) optimizing techniques; or it might be informal speech embodying only everyday experiential knowledge, or it might be some mix. At any rate, language is never a neutral medium. The idea of critical policy analysis fits well with this linguistic turn, and, with the waning of material critique of the kind that helped define Marxism, most critical policy analysis is today joined to this kind of linguistic orientation to the policy world. Marxists and others attuned to material critique might well bemoan this turn, just as they bemoan the preoccupation of the multicultural left (especially in the United States) with questions of recognition of oppressed minorities (including wealthy ones) to the exclusion of distribution.

In the wake of the linguistic turn, the first task of any piece of policy analysis is the explication of the meanings that are or were present in any particular policy setting. The task is primary because these meanings condition problem definition, which in turn determines (for example) the kind of data or evidence that is relevant. Often key meanings are submerged or taken for granted, and tracing their origins, interconnections with other meanings, and consequences can be quite demanding. A family of techniques covering interpretation, narrative analysis, and discourse analysis is available here.

Interpretive policy analysis (Yanow 1996) focuses most directly on meanings as constructed by participants in particular policy processes. Public policies themselves are not approached as means for the achievement of some goal, but, rather, “modes for the expression of human meaning” (Yanow 2003, 229). The approach can be anthropological, treating policy processes as cultural practice. Classic anthropology of British, and of US federal, budgeting can be found in the studies of Hecló and Wildavsky (1974) and Wildavsky (1974), who elucidate the informal understandings shared by participants that make the process work. Participants share all kinds of assumptions about baselines, the need to come in high but not too high when requesting funds, and so forth that violate the notionally rationalistic and goal-oriented aspects of budgeting. The way meanings are created in implementation can produce consequences not intended by policy makers. Yanow (2003, 241) points to the example of remedial educational programs that require teachers to line up and so identify children in need of help, thus highlighting and reinforcing the very categories of problematic family background and poverty whose consequences the policy was designed to combat.

Narrative analysis (Roe 1994) focuses mainly on stories that are told by participants in policy processes. The language of policy, in common with the language of many social settings, features the telling of stories much more than it features argument, deductive logic, or still less quantitative optimization. The effect of a good story is to convince its audience that an issue ought to be framed in a particular way. The facts never “speak for themselves.” For example, a story about rape and murder amid ethnic conflict could be told by a nationalist demagogue in terms of violated ethnic innocence and collective ethnic guilt of its perpetrators. The same

facts could also support a story of violation of basic human rights and universal principles of humanity. The action consequences of each story would be vastly different.

Discourse analysis focuses on larger systems of meaning in which stories are often embedded, and which condition policy content. For example, Hajer (1995) traces the emergence of a discourse of ecological modernization in Dutch environmental policy that sees pollution abatement as instrumental to economic development, and does not require conclusive scientific proof of a hazard before acting. He contrasts this with a “traditional-pragmatic” discourse that dominated British environmental policy, emphasizing end-of-pipe regulation rather than redesign of production processes, and requiring scientific proof of damage from a pollutant before policy action. In each case, analysis is needed to uncover dominant discourses, which may be so dominant as to be taken for granted by actors who treat them as natural, and are thus unaware of their existence.

The explication of meaning is a necessary but of itself insufficient step on the road to critique. If policy analysis is in large part concerned with evaluating and improving the content and process of policy, then interpretation, narrative, and discourse analysis of themselves fall short. They may indeed produce better descriptions and understandings of the way the world works, but they may also leave the world pretty much as they find it, even if their results are widely disseminated and accepted. For example, a discourse analysis might lay bare the dominant discourses in a policy area—but then conclude this dominance is immutable. This is quite a common position to hold in, for example, explications of the impact of discourses of globalization in economic policy, which provide little room for maneuver on the part of national governments. Some kinds of interpretative analysis may even support an accommodating image of policy analysis. This is a particular danger for analyses based on depth interviews of elites, which may end up reproducing the world view of these elites.

5. SOURCES OF CRITICAL STANDARDS

The impetus of critique is also toward evaluation and improvement, not just description and explication. Critical policy analysis in linguistic mode can hold up the results yielded by interpretation, narrative, and discourse analysis to critical standards. Where, then, might these standards come from? There are several possible answers, all of which begin from the fact that any meanings uncovered are likely to be contestable, if not actually contested (Fischer 2003, 46). The possibility of contestation arises from the identification of contingency in interpretation, narrative, and discourse. For contingency implies there is some alternative, however repressed or marginalized it might be by dominant understandings.

One standard can be found in the critical communications theory associated with Jürgen Habermas (1984). Habermas's own critical theory of society is grounded in the implicit claims to truth, sincerity, comprehensibility, and appropriateness attached to utterances in intersubjective communication. In this light, a social situation can be described as communicatively rational to the extent it is constituted by the reflective understanding of competent actors. Communication among them ought to be free from deception, self-deception, strategizing, and the exercise of power. The normative principles of communicative rationality can be applied to evaluate both the content of understandings that back a particular policy or position, and the process that produces policies (Healey 1993).

When it comes to the content of understandings, critical policy analysis deploying principles of communicative rationality is in a position to unmask ideological claims—ideology here being understood in the pejorative sense as the specification of false necessities. “Globalization” is often used in this ideological sense, as specifying a set of policies that governments must pursue unless they want to be left behind. Other ideological claims might be based on the inevitability of technological change that must be accepted rather than questioned, though this sort of ideology is weaker today than in the 1950s. On the other hand, the kind of ideology that legitimizes all kinds of repressive measures in the name of “war against terror” has grown stronger after 2001. Violations of communicative rationality can also come in more mundane form, operating through interest rather than ideology. For example, tobacco companies long denied the seriousness of the damage of their products to human health, suppressing results of their own studies in clear violation of the “sincerity” aspect of communicative rationality.

Communicative rationality is not problem free as a critical standard. Rigidly applied, it might rule out the tacit knowledge and common sense of ordinary people and policy actors, or the traditional, non-scientific understandings of indigenous peoples about their land. Young (1996) points out that seemingly neutral rules of dialogue can in practice discriminate against those not versed in the finer points of rational argument (though Young's point will not ring true to those who have actually observed communicative exercises involving lay participants). The solution here may be expansion of communicative rationality beyond Habermas's own narrow and unnecessary emphasis on argument to encompass other forms of communication such as Young's own trio of greeting, rhetoric, and storytelling, or beyond to gossip and jokes. All kinds of communication can be assessed in terms of their capacity to induce reflection, their non-coerciveness, and their ability to connect the particular experience of an interlocutor to some more general principle (Dryzek 2000, 68–71).

Communitarians would have a different problem, believing that communicative rationality is too open and ungrounded in the reality of particular societies. Communitarians would stress the particular standards embodied in a society's traditions—for example, the regime values embodied in the United States constitution. While conservative, this position does enable a kind of critique—for example of policies that violate the spirit of the constitution (this is of course the basis for legal

challenges to policy decisions, but it could also be the basis for policy analytic challenges). Communitarian standards and communicative rationality could be thought of as different levels of evaluation (Fischer 1980). Perhaps the regime values of one's society can sometimes be treated as unproblematic standards—but sometimes they too may be in need of critical scrutiny. For example, the US constitution originally sanctioned racism and slavery, eventually challenged on the basis of more universalistic principles (though those principles were derived from a variety of sources, including religious ones, so it was never just a matter of anything like communicative rationality being brought to bear).

A more hands-off approach to critical standards is also possible: one could let them emerge in the contestation of different understandings. For example, in criminal justice policy, the recent development of restorative justice approaches challenges more traditional understandings based on (respectively) the psychopathology of the criminal mind, the rational choices of criminals as they calculate the costs and benefits of particular crimes, and the miserable social conditions that drive some individuals into a life of crime. Restorative justice postulates community reintegration as both a core value in itself and instrumental to the rehabilitation of offenders and reduction of crime rates. This challenge has to be met by more traditional discourses of criminal justice; adherents of these discourses may on reflection choose to reject the challenge or modify their own normative stance in response to it, but they can hardly ignore it. From such contestation some degree of agreement on standards might emerge—or it might not. But even if it does, the conditions of emergence are crucial, and themselves need to be held up to some critical standard. So the hands-off approach is ultimately not quite sufficient.

Finally, an agonistic approach to the generation of critical standards would insist that opinions are different and will always remain so because they are grounded in different identities and experiences. Agonism's procedural standards specify a particular kind of respectful orientation that treats others as adversaries rather than enemies, and interaction with them as critical engagement rather than strategizing (Mouffe 1999). However, agonism as usually presented lacks connection to collective decision making of the sort that helps define the field of public policy, focusing instead on the nature of interpersonal and intergroup relationships.

6. CRITIQUE OF PROCESSES AND INSTITUTIONS

Irrespective of where one looks for its standards, critique need not stop at the content of policies and their underlying understandings, and can extend to questions of the procedure through which policies are produced. Communicative rationality in particular is readily applied in procedural terms (Bernstein 1983, 191–4), providing