

THE
OXFORD
HANDBOOKS
OF
POLITICAL
SCIENCE

GENERAL EDITOR
ROBERT E. GOODIN

EDITED BY
MICHAEL
MORAN
MARTIN
REIN
ROBERT E.
GOODIN

≡ The Oxford Handbook of
PUBLIC POLICY

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

criteria for how disputes across competing interpretations might be resolved, while respecting a basic plurality of interpretations. The criteria can then be deployed to evaluate prevailing policy processes. For example, it is possible to criticize legal processes for their restrictions on the kinds of arguments that can be made. Kemp (1985) discusses legalistic public inquiries on nuclear power issues in the UK which ruled out arguments that questioned the economic benefits of nuclear energy while allowing economic arguments in favor, featured disparities in financial resources available to proponents and objectors, and allowed proponents to invoke the Official Secrets Act at key points to silence debate.

Critical policy analysis can also inform the design or creation of alternative processes. Such designs might range from Lasswell's decision seminar to more recent experiments in informed lay citizen deliberation—such as citizen's juries, consensus conferences, and deliberative opinion polls. Fung (2003) refers to such exercises as "recipes for public spheres," though each is just one moment in the life of a larger public sphere where public opinion is created. Discursive designs can also involve partisans rather than lay citizens in processes such as mediation, regulatory negotiation, impact assessment, and policy dialogues (Dryzek 1987*a*). Because they involve partisans, these sorts of processes can feature the exercise of power and strategic action; critical policy analysis can try to move them in a more communicative direction. A commitment to critique means that "design" should itself be a communicative process involving those who will participate in the institution in question and be the subjects of any decisions it reaches. Innes and Booher (2003, 49) show how participants in a discursive process for water management in California created new institutions and procedures that were more open and cooperative and so capable of responding more effectively to changing circumstances. Institutional design of this sort could never resemble engineering.

Participants in institutional reconstruction should also be alive to the degree seemingly discursive innovations can be introduced for thoroughly strategic reasons. For example, such designs have found favor in health policy in the United Kingdom. Their bureaucratic sponsors can present the recommendations of bodies such as citizens' panels as the true face of public opinion, and so circumvent troublesome lobby groups that also claim to represent public interests (Parkinson 2004). Yet such forums once established can escape and sometimes dismay their sponsors.

In its commitment to institutions that try to overcome power inequalities and engage citizens in effective dialogue, critical policy analysis joins recent democratic theory in its overarching commitment to deliberation. Democratic theory took a "deliberative turn" around 1990, under which legitimacy is located in the capacity and opportunity of those subject to a policy decision to participate in deliberation about its content (Chambers 2003). Thus can the Lasswellian aspiration of a "policy science of democracy" now be redeemed—if not quite in the way Lasswell himself saw the matter. Critical policy analysis looks beyond technocracy and thin liberal democracy to a deeper democracy where distinctions between citizens, representatives, and experts lose their force (deLeon 1997). Such a project can expect resistance

from both practitioners of technocratic policy analysis and powerful interests that have a stake in perpetuating the political-economic status quo. However, important actors may (as I have noted) sometimes find it expedient to sponsor discursive exercises, providing an opening for more authentic democratization.

7. FROM WEBERIAN HIERARCHY TO NETWORKED GOVERNANCE

Recognizing this institutional agenda, a technocratic policy analyst might accept its attractions in terms of democratic values, yet resist it on the grounds of the sheer complexity of policy problems in the contemporary world. The Weberian argument is that intelligence for complex problems has to be coordinated by the apex of a hierarchy that can organize expertise and coordinate responses across the aspects of a complex issue. The apex should divide complex problems into sets and subsets, each of which is allocated to a subordinate unit in an administrative organization chart. Weber himself believed that bureaucracy flourishes in the modern world precisely because it is the best organizational means for the resolution of complex social problems (though he was also alive to the pathologies of bureaucracy, and its suppression of the more congenial aspects of human society). Intelligent problem decomposition—and administrative organization—here means minimizing interactions across the sets and subsets into which complex problems are divided. The apex of the hierarchy can then piece together the parts provided by each of the subunits in order to craft overall solutions.

At a theoretical level, an anti-Weberian argument can be mustered to the effect that this approach works only for what Simon (1981) calls “near-decomposable” problems. Higher orders of complexity mean that the density of interactions across the boundaries of sets and subsets requires that no intelligent decomposition and bureaucratic division of labor exists, and so the coordinating capacities of the apex of the hierarchy are overwhelmed (Dryzek 1987*b*). Better, then, to accept these sorts of interactions rather than repress them, and promote decentralized communication across diverse competent individuals concerned with different aspects of an issue. While it is possible to adduce examples on both sides of this dispute, some recent developments in practice support the anti-Weberian side, particularly when it comes to “new governance” and networked problem solving (Rhodes 2000). Networks themselves are not necessarily democratic, and can indeed facilitate escape from accountability to a broader public by hiding power and responsibility. But whether or not they are democratic, networks are non-hierarchical, and often defended precisely for their capacity to handle complex problems. Critical policy analysis can remind proponents of new governance of the need for undistorted communication and

actor competence in networks (Hajer and Wagenaar 2003), and for resistance to the efforts of new public managers to control networks. This kind of critical analysis is at home in the network society, even as it must often struggle against anti-democratic and exclusionary tendencies in networks themselves. In contrast, technocratic policy analysis flounders in the network society, because its implicit audience is a system controller at the apex of a hierarchy. One defining feature of a network is the absence of any sovereign center; problem solving involves many actors in different jurisdictions. These actors might be politicians and bureaucrats; they might also be corporations, transnational organizations, lobby groups, social movements, and citizens. "Speaking truth to power," as Wildavsky (1979) characterizes the main task of policy analysis, becomes very different when power itself is dispersed and fluid (Hajer 2003, 182). Analysts become interlocutors in a multidirectional conversation, not whisperers in the ears of the sovereign.

8. TASKS FOR THE CRITICAL POLICY ANALYST

The foregoing discussion suggests the following tasks for the analyst under the general heading of critique:

- Explication of dominant meanings in policy content and process.
- Uncovering suppressed or marginalized meanings.
- Identification of what Lindblom (1990) calls "agents of impairment" that suppress alternative meanings. These agents might include ideologies, dominant discourses, lack of information, lack of education, bureaucratic obfuscation, restrictions on the admissibility of particular kinds of evidence and communication, and processes designed to baffle rather than enlighten.
- Identification of the ways in which the communicative capacities of policy actors might be equalized.
- Evaluation of institutions in terms of communicative standards.
- Participation in the design of institutions that might do better.
- Criticism of technocratic policy analysis. Even ostensibly useless technocratic policy analysis draws on and reinforces a discourse of disempowerment of those who are not either experts or members of the policy-making elite. The cumulative weight of such analysis may reinforce the idea that public policy is only for experts and elites (Edelman 1977; Dryzek 1990, 116–17).

To what extent can these tasks be addressed in policy studies curriculum design? One reason for the persistence of technocratic policy analysis is that its techniques

can be taught as items in a tool kit. Once analysts find themselves in policy-making processes they can display this tool kit as a badge of professional respectability. But what analysts actually do in practice is often more consistent with the communicative image that is one starting point of critical policy analysis. They ask questions, draw attention to particular issues, investigate and develop stories, make arguments, and use rhetoric to convince others of particular meanings (Forester 1983). So curriculum design for critical policy analysis might begin with specifying that analysts preach what they practice.

Critical policy analysis too has its techniques and logics, not least interpretative, narrative, and discourse analysis. These too can be taught, as can logics of policy evaluation that retain a critical awareness of different sorts of values and world-views that can be brought to bear (Fischer 1995). However, critical analysts also need to reflect on what tools should be used in what circumstances, and to what effect. Analysts should be aware of the context to which they contribute—and help constitute (Torgerson 1986, 41). Forester (1981) recommends a code of communicative ethics for all policy actors, including analysts, that forbids manipulation, hiding and distorting information, deflecting attention from important questions, and the displacement of debate by the exercise of power or claims to expertise. These requirements are inconsistent with the way professions often work—especially when it comes to forsaking the mystique which is one source of professional power (Torgerson 1985, 254–5).

9. CONCLUSION

Critical policy analysis is, then, a demanding vocation. Its practitioners cannot easily seek professional advancement on the basis of their privileged mastery of a set of tools. Their craft promises to make life difficult for occupants of established centers of power. But despite the forces that stand in its way, policy analysis as critique can draw comfort from the fact that, unlike its technocratic opposite, it fits readily into an emerging network society of decentralized problem solving. And in a democratic world, it can draw strength from its capacity to help realize the idea of a policy science of democracy.

REFERENCES

- BERNSTEIN, R. J. 1983. *Beyond Objectivism and Relativism*. Philadelphia: University of Pennsylvania Press.
- BOBROW, D. B., and DRYZEK, J. S. 1987. *Policy Analysis by Design*. Pittsburgh, Pa.: University of Pittsburgh Press.

- BULMER, M. 1983. The British tradition of social administration: moral concerns at the expense of scientific rigor. Pp. 161–85 in *Ethics, the Social Sciences, and Policy Analysis*, ed. D. Callahan and B. Jennings. New York: Plenum.
- CHAMBERS, S. 2003. Deliberative democratic theory. *Annual Review of Political Science*, 6: 307–26.
- DELEON, P. 1997. *Democracy and the Policy Sciences*. Albany: State University of New York Press.
- DRYZEK, J. S. 1987a. Discursive designs: critical theory and political institutions. *American Journal of Political Science*, 31: 656–79.
- 1987b. Complexity and rationality in public life. *Political Studies*, 35: 424–42.
1990. *Discursive Democracy: Politics, Policy and Political Science*. New York: Cambridge University Press.
2000. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press.
- DURNING, D. 1999. The transition from traditional to postpositivist policy analysis: a role for Q methodology. *Journal of Policy Analysis and Management*, 18: 389–410.
- EDELMAN, M. 1977. *Political Language: Words That Succeed and Policies That Fail*. New York: Academic.
- FAY, B. 1987. *Critical Social Science: Liberation and its Limits*. Ithaca, NY: Cornell University Press.
- FISCHER, F. 1980. *Politics, Values, and Public Policy: The Problem of Methodology*. Boulder, Colo.: Westview.
1995. *Evaluating Public Policy*. Chicago: Nelson Hall.
2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford: Oxford University Press.
- and FORESTER, J. (eds.) 1993. *The Argumentative Turn in Policy Analysis and Planning*. Durham, NC: Duke University Press.
- FORESTER, J. 1981. Questioning and organizing attention: toward a critical theory of planning and administrative practice. *Administration and Society*, 13: 161–205.
1983. What analysts do. Pp. 47–62 in *Values, Ethics, and the Practice of Policy Analysis*, ed. W. N. Dunn. Lexington, Mass.: Lexington Books.
- FUNG, A. 2003. Recipes for public spheres: eight institutional design choices and their consequences. *Journal of Political Philosophy*, 11: 338–67.
- HABERMAS, J. 1984. *The Theory of Communicative Action I: Reason and the Rationalization of Society*. Boston: Beacon Press.
- HAJER, M. A. 1995. *The Politics of Environmental Discourse: Ecological Modernization and the Policy Process*. Oxford: Oxford University Press.
2003. Policy without polity? Policy analysis and the institutional void. *Policy Sciences*, 36: 175–95.
- and WAGENAAR, H. (eds.) 2003. *Deliberative Policy Analysis: Understanding Governance in the Network Society*. Cambridge: Cambridge University Press.
- HEALEY, P. 1993. Planning through debate: the communicative turn in planning theory. Pp. 233–53 in *The Argumentative Turn in Policy Analysis and Planning*, ed. F. Fischer and J. Forester. Durham, NC: Duke University Press.
- HECLO, H., and WILDAVSKY, A. 1974. *The Private Government of Public Money*. London: Macmillan.
- HIRST, P., and THOMPSON, G. 1996. *Globalization in Question: The International Economy and the Possibilities of Governance*. Cambridge: Polity Press.

- INNES, J. E., and BOOHER, D. E. 2003. Collaborative policy making: government through dialogue. In Hajer and Wagenaar 2003, 33–59.
- KEMP, R. 1985. Planning, public hearings, and the politics of discourse. Pp. 177–201 in *Critical Theory and Public Life*, ed. J. Forester. Cambridge, Mass.: MIT Press.
- LASSWELL, H. D. 1941. The garrison state. *American Journal of Sociology*, 46: 455–68.
1948. *Power and Personality*. New York: Norton.
1965. *World Politics and Personal Insecurity*. New York: Free Press.
- LERNER, D., and LASSWELL, H. D. (eds.) 1951. *The Policy Sciences*. Stanford, Calif.: Stanford University Press.
- LINDBLOM, C. E. 1990. *Inquiry and Change: The Troubled Attempt to Understand and Shape Society*. New Haven, Conn.: Yale University Press.
- LYNN, L. E., Jr. 1999. A place at the table: policy analysis, its postpositive critics, and the future of practice. *Journal of Policy Analysis and Management*, 18: 411–24.
- MAJONE, G. 1989. *Evidence, Argument, and Persuasion in the Policy Process*. New Haven, Conn.: Yale University Press.
- MELTSNER, A. J. 1976. *Policy Analysts in the Bureaucracy*. Berkeley: University of California Press.
- MOUFFE, C. 1999. Deliberative democracy or agonistic pluralism? *Social Research*, 66: 745–58.
- PALUMBO, D. J., and NACHMIAS, D. 1983. The preconditions for successful evaluation: is there an ideal paradigm? *Policy Sciences*, 16: 67–79.
- PARKINSON, J. 2004. Why deliberate? The encounter between deliberation and new public managers. *Public Administration*, 82: 377–95.
- RHODES, R. A. W. 2000. Governance and public administration. Pp. 54–90 in *Debating Governance*, ed. J. Pierre. Oxford: Oxford University Press.
- ROE, E. 1994. *Narrative Policy Analysis*. Durham, NC: Duke University Press.
- SIMON, H. A. 1981. *The Sciences of the Artificial*, 2nd edn. Cambridge, Mass.: MIT Press.
- STOKEY, E., and ZECKHAUSER, R. 1978. *A Primer for Policy Analysis*. New York: Norton.
- TORGERSON, D. 1985. Contextual orientation in policy analysis: the contribution of H. D. Lasswell. *Policy Sciences*, 18: 241–61.
1986. Between knowledge and politics: three faces of policy analysis. *Policy Sciences*, 19: 33–59.
- WILDAVSKY, A. 1974. *The Politics of the Budgetary Process*, 2nd edn. Boston: Little, Brown.
1979. *Speaking Truth to Power: The Art and Craft of Policy Analysis*. Boston: Little, Brown.
- YANOW, D. 1996. *How Does a Policy Mean? Interpreting Policy and Organizational Actions*. Washington, DC: Georgetown University Press.
2003. Accessing local knowledge. In Hajer and Wagenaar 2003, 228–46.
- YOUNG, I. M. 1996. Communication and the other: beyond deliberative democracy. Pp. 120–35 in *Democracy and Difference*, ed. S. Benhabib. Princeton, NJ: Princeton University Press.

P A R T I V

PRODUCING PUBLIC
POLICY

CHAPTER 10

THE ORIGINS OF POLICY

EDWARD C. PAGE

1. POLICY, DIVERSITY, AND HIERARCHY

Where do policies come from? Take the 1889 *Invaliditäts- und Altersversicherungsgesetz*, one of the key pieces of Bismarck's social legislation. We might say that it "originated" in the Imperial Office of the Interior. We might seek its origins in its antecedents such as in earlier voluntary schemes of insurance, in the reforms set in train earlier by the 1883 *Krankenversicherungsgesetz*, in Bismarck's state-building strategy, in the Kaiser's notion of a "social emperorship," or even in a longer tradition of social responsibility among German monarchs found in Frederick the Great among others. The measure can be explained as part of a wider strategy of heading off working-class discontent and thus viewed as a product of capitalism in general, as the consequences of a particular transition from a pre-industrial to an industrial society (Moore 1967), or as a response to emerging socialism. We may even agree with Dawson (1912, 1) that it is "impossible to assign the origins of the German insurance legislation, definitely to any one set of conditions or even to a precise period." None of these answers is clearly right or wrong (for a discussion of the novelty of Bismarck's social legislation, see Tampke 1981; for a comparative discussion, see Heidenheimer, Hecló, and Adams 1990). They appear to be answers to slightly different questions.

Insofar as they arise from conscious reflection and deliberation, policies may reflect a variety of intentions and ideas: some vague, some specific, some conflicting, some unarticulated. They can, as we will see, even be the unintended or undeliberated consequences of professional practices or bureaucratic routines. Such intentions, practices, and ideas can in turn be shaped by a vast array of different environmental circumstances, ranging from an immediate specific cue or impetus to