

James E. Anderson

PUBLIC POLICY- MAKING

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PUBLIC POLICY- MAKING

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James E. Anderson

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Preface

In recent years the study of public policy has gained substantial currency and popularity among political scientists. Many now indicate an interest or involvement in such areas as policy studies, policy analysis, and comparative public policy. Schools and programs in public policy have been established. A Policy Studies Organization is thriving and new journals, such as *Policy Science*, *Policy Studies Journal*, *Policy Studies Review*, and the *Journal of Policy Analysis and Management*, are available to those interested in policy study.

In spite of all this interest in public policy, there is still no agreement on what policy is, how it should be studied, or even whether it is a legitimate concern for political scientists. Some still cling to the notion that process rather than policy is the proper province of political scientists. Most students—and it is for them that this book is intended—are not overly concerned with such controversies. I see no good reason why political scientists can not be concerned with both process and policy.

A policy approach to the study of politics is concerned with both. One starts with a policy problem, for example, inflation, equal employment opportunity, or relations with the Soviet Union, and is then concerned with determining what was done, how it was done, and to what effect. The roles of institutions, processes, and political elements (for example, public opinion) are all considered, as they help shape and determine what government does or does not do concerning some problem.

The focus of *Public Policy-Making* is on the processes of policy formation, implementation, and evaluation. It sets forth an approach to the analysis

of the policy process which I have found useful in organizing my thinking and inquiry and in seeking to untangle its complexities. No final answers are provided, no ultimate truths are proclaimed, no techniques for making "good" policy decisions are set forth. Nor is much said about the substance of public policies, although some aspects of them are considered in Chapter 5. The third edition has been generally updated to take account of recent developments in policy analysis and political practice. New material has been added on agenda formation, the Economic Recovery Tax Act, the budgeting process, cost-benefit analysis, and policy evaluation. If, after reading this book, the student has a better understanding of the complexities of public policy formation and can attempt analysis of future public policy, then the book has served its purpose.

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J.E.A.

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I

The Study of Public Policy

The social security program is a well-known, very popular public policy. Many millions of older Americans currently depend upon it for all or part of their incomes. Many millions more expect to draw pensions from the program within this decade. The program, however, is in "trouble." In early 1983 it was estimated that, as the social security program then stood, benefits would exceed program income by \$150 to \$200 billion through the rest of the decade. How should this policy problem be resolved? By increasing social security taxes? By financing the program partly from general revenues? By raising the retirement age? By restricting future benefit increases? These are only some of the alternatives that policy-makers confronted. How the problem is resolved will directly affect a large portion of the population.*

The urban American who sits and frets in a motor vehicle on a congested freeway during rush hour is currently feeling the effects of various government policies, which have emphasized highway construction, helped in the past to keep gasoline prices low, neglected the maintenance and development of mass transit systems, and generally encouraged urban sprawl. The question of whether other, different public policies would have produced a more satisfactory transportation system than the nation now has can be debated. The point is, however, that the current traffic congestion which

*In April, 1983, legislation was approved to deal with this problem. The statute increased social security taxes, delayed a scheduled benefit increase, extended coverage to include new federal employees, imposed a tax on some of the benefits of well-to-do retirees, and provided for eventually (by the year 2027) raising the retirement age to 67.

plagues many parts of urban America is not a "natural" outcome: It did not develop simply because events followed their natural course. Rather, public policies, intentionally and unintentionally, have done much to bring about our current urban condition.

These examples should help indicate that in our daily lives we are much affected by myriad public policies. In our references to public policy the term may be used quite broadly, as in "American foreign policy," "Soviet military policy," or the "Common Market's trade policy." Or we may use a more specific reference, as when we speak of the national government's policy on sugar prices, the policy of the state of Texas on bilingual education, or the rent-control policy of New York City. Although public policy may sometimes seem rather abstract, and we often think of it as something that "happens" to someone else, this is clearly not the case.

In general usage, the term "policy" often designates the behavior of some actor or set of actors (e.g., an official, a group, a government agency) in a given area of activity, such as public transportation or school desegregation. Or, public policy may be viewed as what governments choose to do or not to do. Such usages may be adequate for ordinary discourse. However, because the concern of this book is with the formation and systematic analysis of public policy, we need a more precise definition or concept of public policy in order to structure our thinking and permit more effective communication with one another.

WHAT IS PUBLIC POLICY?

The literature of political science is full of definitions of public policy. Sooner or later, it seems, almost everyone gives in to the urge to define public policy and does so with greater or lesser success in the eyes of critics. A few such definitions will be noted and their utility for analysis remarked upon. To be really useful and to facilitate communication, an operational definition (or concept, as I am using the two words somewhat interchangeably) should indicate the essential characteristics of the concept under discussion.

One definition of public policy holds that, "broadly defined," it is "the relationship of a government unit to its environment."¹ Such a definition is so broad as to leave most students uncertain of its meaning; it could encompass almost anything. As stated earlier, another definition states that "public policy is whatever governments choose to do or not to do."² There is a rough accuracy to this definition, but it does not adequately recognize that there may be a divergence between what governments decide to do and what they actually do. Moreover, it could be taken to include such actions as personnel appointments or grants of licenses, which are usually not thought of as policy matters. Richard Rose has suggested that policy be considered "a long series of more-or-less related activities" and their consequences for those concerned rather than as a discrete decision.³ Though somewhat ambiguous, Rose's definition nonetheless embodies the useful notion that policy is a course or pattern of activity and not simply a decision to do something. Finally, let us note Carl Friedrich's definition. He regards policy as:

... a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which the policy was pro-

posed to utilize and overcome in an effort to reach a goal or realize an objective or a purpose.⁴

To the notion of policy as a course of action, Friedrich adds the requirement that policy is directed toward the accomplishment of some purpose or goal. Although the purpose or goal of government actions may not always be easy to discern, the idea that policy involves purposive behavior seems a necessary part of a policy definition. Policy, however, should designate what is actually done rather than what is proposed in the way of action on some matter.

Taking into account the problems raised by these definitions, we offer the following as a useful concept of policy: *A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern.* This concept of policy focuses attention on what is actually done as against what is proposed or intended, and it differentiates a policy from a decision, which is a choice among competing alternatives.

Public policies are those policies developed by governmental bodies and officials. (Nongovernmental actors and factors may, of course, influence policy development.) The special characteristics of public policies stem from the fact that they are formulated by what David Easton has called the "authorities" in a political system, namely, "elders, paramount chiefs, executives, legislators, judges, administrators, councilors, monarchs, and the like." These are, he says, the persons who "engage in the daily affairs of a political system," are "recognized by most members of the system as having responsibility for these matters," and take actions that are "accepted as binding most of the time by most of the members so long as they act within the limits of their roles."⁵

At this point it would be helpful to spell out some of the implications of our concept of public policy. First of all, purposive or goal-oriented action, rather than random behavior or accidental occurrences, is our concern. Public policies in modern political systems are not, by and large, things that just happen. They are intended to produce certain results (although it must be said that these are not always achieved). Proposed policies may be usefully thought of as hypotheses where it is suggested that to achieve particular goals certain specified actions will be undertaken. Thus, for example, to increase farms income, various production controls and income subsidies may be proposed.

Second, policies consist of courses or patterns of actions by government officials rather than their separate, discrete decisions. It is difficult to think of such matters as a decision to honor John Wayne or President Jimmy Carter's on-and-off-again position regarding what to do about the American hostages in Iran as public policies. A policy includes not only the decision to enact a law on some topic, for example, but also the subsequent decisions relating to its implementation and enforcement. Policies emerge in response to *policy demands*, those claims or demands made upon public officials by other actors, official or private, in a political system for action or inaction on some public issue. Such demands may range from a general insistence that government ought to "do something" to a proposal for specific action on the matter.

In response to such demands, public officials make *policy decisions* that authorize or give direction and content to public policy actions. Included are

decisions to enact statutes, issue executive orders, or edicts, promulgate administrative rules, or make important judicial interpretations of laws. Thus, the decision by Congress to enact the Sherman Antitrust Act in 1890 was a policy decision; so was the ruling of the Supreme Court in 1911 that the Act prohibited only unreasonable restraints of trade rather than all restraints of trade. Each was of major importance in shaping that course of action called antitrust policy. Such decisions may be contrasted with the large numbers of relatively routine decisions made by officials in the day-to-day application of public policy. The Veterans Administration makes hundreds of thousands of decisions every year on veteran's benefits; most, however, fall within the bounds of settled policy and can be categorized as routine decisions.

Policy statements in turn are the formal expressions or articulations of public policy. Included are legislative statutes, executive orders and decrees, administrative rules and regulations, and court opinions, as well as statements and speeches by public officials indicating the intentions and goals of government and what will be done to realize them. Policy statements are sometimes ambiguous. Witness the conflicts that arise over the meaning of statutory provisions or judicial holdings, or the time and effort expended analyzing and trying to divine the meaning of policy statements made by national political leaders, such as the President of the United States or the rulers of the Soviet Union. Also, different levels, branches, or units of government may issue conflicting policy statements, as on environmental pollution controls or energy usage.

Third, policy involves what governments actually do, not what they intend to do or what they say they are going to do. If a legislature enacts a law requiring employers to pay no less than a state minimum wage but nothing is done to enforce the law, and consequently little, if any, change occurs in economic behavior, then it seems reasonable to contend that public policy in this instance is really one of nonregulation of wages.

It is useful here to mention the concept of *policy outputs*, the things actually done in pursuance of policy decisions and statements. The concept of outputs focuses attention on such matters as taxes collected, highways built, welfare benefits paid, restraints of trade eliminated, traffic fines collected, or foreign aid projects undertaken. An examination of policy outputs may indicate that a policy is actually somewhat or even greatly different from what policy statements indicate it should be.

Fourth, public policy may be either positive or negative in form: It may involve some form of overt government action to deal with a problem on which action was demanded (positive); or it may involve a decision by government officials *not* to take action, to do nothing, on some matter on which government involvement was sought (negative). In other words, governments can follow a policy of *laissez-faire*, or hands off, either generally or on some aspects of economic activity. Such inaction may have major consequences for a society or some of its groups.

It should be stressed that inaction becomes a public policy when it follows from officials declining to act on some problem or, to put it another way, when they decide an issue negatively. This should be differentiated from nonaction on some matter which has not become a public issue, which has not been brought to official attention. Thus, to use a slightly ludicrous

example, there is no government action on the taking of earthworms—no seasons, no bag limits, etc. Is this a public policy? The answer is no, because no issue existed, no decisions were made.

Lastly, public policy, at least in its positive form, is based on law and is authoritative. Members of a society usually accept as legitimate that taxes must be paid, import controls must be obeyed, and highway speed limits must be complied with, unless one wants to run the risk of fines, jail sentences, or other legally imposed sanctions or disabilities. Thus public policy has an authoritative, legally coercive quality that the policies of private organizations do not have. Indeed, a monopoly of the legitimate use of coercion is a major characteristic distinguishing government from private organizations.

Even though authoritative, some public policies may be widely violated, as with national prohibition in the 1920s and the 55-mile-per-hour speed limit existing today in some states. Moreover, enforcement may be limited or piecemeal. Are these still public policies? The answer is yes, they either were or are currently on the statute books and enforcement existed. Whether such policies are effective or wise is another matter. Authoritativeness is a necessary but not a sufficient condition for effective public policy.

WHY STUDY PUBLIC POLICY?

Political scientists, in their teaching and research, have customarily been most concerned with political processes, such as the legislative or electoral process, or with elements of the political system, such as interest groups or public opinion. This is not to say, however, that political scientists have been unconcerned with policy. Foreign policy and policy relating to civil rights and liberties have attracted much attention. So has what Robert Salisbury calls constitutional policy, that is, "decisional rules by which subsequent policy actions are to be determined."⁶ Illustrative of the procedural and structural "givens" that make up constitutional policy are legislative apportionment, the use of the city-manager form of government, and federalism. Each helps to shape decisions or substantive policy. Also, some political scientists with a normative bent manifest concern with what governments *should* do, with "proper" or "correct" public policy. Their value-oriented approach, however, has placed them outside the mainstream of political science in recent decades because political science as a "science" is supposed to be value-free. We will return to this particular matter a little later on.

In the last decade or so, political scientists have given increased attention to the study of public policy—to the description, analysis, and explanation of the causes and effects of governmental activity. Thomas Dye has aptly summarized the concerns of policy study:

This involves a description of the content of public policy; an assessment of the impact of environmental forces on the content of public policy; an analysis of the effect of various institutional arrangements and political processes on public policy; an inquiry into the consequences of various public policies for the political system; and an evaluation of the impact of public policies on society, both in terms of expected and unexpected consequences.⁷

One is thus directed to seek answers to such questions as: What is the actual content of antitrust policy? What effects do urbanization and industrialization have on welfare policies? How does the organization of Congress help shape agricultural policy? Do elections affect the direction of public policies? Do welfare programs contribute to political quiescence or stability? Who is benefited and who is not by current tax policies or urban renewal programs?

This leads us to the question posed in the heading of this section: Why study public policy? Or to put it another way: Why engage in policy analysis? It has been suggested that policy can be studied for scientific, professional, or political reasons.⁸

Scientific Reasons Public policy can be studied in order to gain greater knowledge about its origins, the processes by which it is developed, and its consequences for society. This, in turn, will increase our understanding of the political system and society generally. Policy may be regarded as either a dependent or an independent variable for purposes of this kind of analysis. When it is viewed as a *dependent variable*, our attention is placed on the political and environmental factors that help determine the content of policy. For example, how is policy affected by the distribution of power among pressure groups and governmental agencies? How do urbanization and national income help shape the content of policy? If public policy is viewed as an *independent variable*, our focus shifts to the impact of policy on the political system and environment. How does policy affect support for the political system or future policy choices? What effect does policy have on social well-being?

Professional Reasons Don K. Price makes a distinction between the "scientific estate," which seeks only to discover knowledge, and the "professional estate," which strives to apply scientific knowledge to the solution of practical social problems.⁹ We will not concern ourselves here with the issue of whether political scientists should help prescribe the goals of public policy. Although by no means all political scientists would agree, many argue that political scientists as political scientists have no particular skills beyond those of laymen for this endeavor. Whatever the answer here may be, it is quite correct to contend that if we know something about the factors that help shape public policy, or the consequences of given policies, then we are in a position to say something useful concerning how individuals, groups, or governments can act to attain their policy goals. Such advice can be directed toward indicating either what policies can be used to achieve particular goals or what political and environmental factors are conducive to the development of a given policy. It puts us in the position of saying, for example, *if* you want to prevent traffic congestion, *then* you should do such and such. Questions of this sort are factual in nature and are open to, indeed require, scientific study. Certainly factual knowledge is a prerequisite for prescribing for, and dealing with, the problems of society.

Political Reasons As was noted above, at least some political scientists do not believe that political scientists should refrain from helping to prescribe policy goals. Rather, they say that the study of public policy should be directed toward ensuring that governments adopt appropriate policies to at-

tain the "right" goals. They reject the notion that policy analysts should strive to be value-free, contending that political science cannot be silent or impotent on current political and social problems. They want to improve the quality of public policy in ways they deem desirable, notwithstanding that substantial disagreement exists in society over what constitute "correct" policies or the "right" goals of policy. The efforts of these political scientists usually generate both heat and light in some proportion.

We should now explicitly distinguish between *policy analysis* and *policy advocacy*. Policy analysis is concerned with the examination and description of the causes and consequences of public policy. We can analyze the formation, content, and impact of particular policies, such as on civil rights or international trade, without either approving or disapproving of them. *Policy advocacy*, on the other hand, is concerned especially with what governments *should* do, with the promotion of particular policies through discussion, persuasion, and political activism. The candidate for public office serves as a good prototype of the policy advocate. Jimmy Carter and Ronald Reagan as Presidential candidates in 1980 each had his notions of what the government should do in foreign and domestic policy. In this book the focus will be on policy analysis.

To conclude this discussion, we should note that policy analysis has three basic concerns. First, its primary focus is on the explanation of policy rather than on the prescription of "proper" policy. Second, the causes and consequences of public policies are rigorously searched for through the use of social scientific methodology. Third, an effort is made to develop reliable, general theories concerning public policies and their formation which are applicable to different agencies and policy areas.¹⁰ So conceived, policy analysis can be both scientific and relevant to current political and social problems. Analysts with normative and "practical" orientations do not have a corner on relevance.

THEORIES OF DECISION-MAKING

Political and social scientists have developed many models, theories, approaches, concepts, and schemes for the analysis of policy-making and its component, decision-making. Indeed, political scientists have often shown much more facility and verve for theorizing about public policy than for actually studying policy. Nonetheless, concepts and models are necessary and useful to guide policy analysis, as they help clarify and direct our inquiry on policy-making, facilitate communication, and suggest possible explanations for policy actions. Clearly, when we set out to study policy we need some guidelines, some criteria of relevance, to focus our efforts and to prevent aimless meandering through the fields of political data. What we find depends partly upon what we are looking for; policy concepts and theories give direction to our inquiry.

In this and the subsequent section, we will examine a number of concepts and models for the study of public policy, without trying to determine which is "best." Before doing this we need to distinguish between decision-making and policy-making, something that is not always done with clarity, if at all, by students of public policy. Decision-making involves the choice of an alternative from among a series of competing alternatives. Theories of

decision-making are concerned with how such choices are made. A policy, to recall our earlier definition, is "a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern." Policy-making typically involves a pattern of action, extending over time and involving many decisions, some routine and some not so routine. Rarely will a policy be synonymous with a single decision. To use a mundane example: A person is not accurate in saying it is his policy to bathe on Saturday night when, in fact, he bathes only with great infrequency, however elegant the decision-making process that results in his doing so on a particular Saturday. It is the course of action that defines policy, not the isolated event, and in this example the policy involved is essentially one of not bathing.

Three theories of decision-making that focus on the steps or intellectual activities involved in making a decision will be discussed here. To the extent that they describe how decisions are made by individuals and groups, they are empirical. Viewed as statements of how decisions should be made, they are normative. It is not always easy to separate these two qualities in decision theories, as one will discover.

The Rational-Comprehensive Theory

Perhaps the best-known theory of decision-making, and also perhaps the most widely accepted, is the rational-comprehensive theory. It usually includes the following elements:

1. The decision-maker is confronted with a given problem that can be separated from other problems or at least considered meaningfully in comparison with them.
2. The goals, values, or objectives that guide the decision-maker are clarified and ranked according to their importance.
3. The various alternatives for dealing with the problem are examined.
4. The consequences (costs and benefits, advantages and disadvantages) that would follow from the selection of each alternative are investigated.
5. Each alternative, and its attendant consequences, can be compared with the other alternatives.
6. The decision-maker will choose that alternative, and its consequences, that maximizes the attainment of his or her goals, values, or objectives.

The result of this process is a rational decision, that is, one that most effectively achieves a given end.

The rational-comprehensive theory has had substantial criticism directed at it. Charles Lindblom contends that decision-makers are not faced with concrete, clearly defined problems. Rather, they have first of all to identify and formulate the problems on which they make decisions. For example, when prices are rising rapidly and people are saying "we must do something about the problem of inflation," what is the problem? Excessive demand? Inadequate production of goods and services? Administered prices by powerful corporations and unions? Inflationary psychology? Some combination of these? One does not, willy-nilly, attack inflation but the causes of inflation, and these may be difficult to determine. Defining the problem is, in short, often a major problem for the decision-maker.

A second criticism holds that rational-comprehensive theory is unrealistic

in the demands it makes on the decision-maker. It assumes that he will have enough information on the alternatives for dealing with a problem, that he will be able to predict their consequences with some accuracy, and that he will be capable of making correct cost-benefit comparisons of the alternatives. A moment's reflection on the informational and intellectual resources needed for acting rationally on the problem of inflation posed above should indicate the barriers to rational action implied in these assumptions—lack of time, difficulty in collecting information and predicting the future, complexity of calculations. Even use of that modern miracle, the computer, cannot fully alleviate these problems. There is no need to overload the arguments, as some do, by talking of the need to consider all possible alternatives. Even a rational-comprehensive decision-maker should be permitted to ignore the absurd and far-fetched.

The value aspect of the rational theory also receives some knocks. Thus, it is contended that the public decision-maker is usually confronted with a situation of value conflict rather than value agreement, and the conflicting values do not permit easy comparison or weighting. Moreover, the decision-maker might confuse personal values with those of the public. And, finally, the rationalistic assumption that facts and values can be readily separated does not hold up in practice. Some may support a dam on a stream as demonstrably necessary to control flooding while others oppose it, preferring a free flowing stream for esthetic and ecological reasons. Recourse to the "facts" will not resolve such controversies.

Finally, there is the problem of "sunk costs." Previous decisions and commitments, investments in existing policies and programs, may foreclose many alternatives from consideration on either a short-run or a long-run basis. A decision to institute a system of socialized medicine represents a commitment to a particular mode of medical care that is not easily reversed or significantly altered in the future. An airport, once constructed, cannot be easily moved to the other side of town.

The Incremental Theory

The incremental theory of decision-making, or, more simply, incrementalism, is presented as a decision theory that avoids many of the problems of the rational-comprehensive theory and, at the same time, is said to be more descriptive of the way in which public officials actually make decisions.¹² Incrementalism can be summarized in the following manner:

1. The selection of goals or objectives and the empirical analysis of the action needed to attain them are closely intertwined with, rather than distinct from, one another.
2. The decision-maker considers only some of the alternatives for dealing with a problem, and these will differ only incrementally (i.e., marginally) from existing policies.
3. For each alternative only a limited number of "important" consequences are evaluated.
4. The problem confronting the decision-maker is continually redefined. Incrementalism allows for countless ends-means and means-ends adjustments that have the effect of making the problem more manageable.
5. There is no single decision or "right" solution for a problem. The test

of a good decision is that various analysts find themselves directly agreeing on it, without agreeing that the decision is the most appropriate means to an agreed objective.

6. Incremental decision-making is essentially remedial and is geared more to the amelioration of present, concrete social imperfections than to the promotion of future social goals.¹²

Lindblom contends that incrementalism represents the typical decision-making process in pluralist societies such as the United States. Decisions and policies are the product of "give and take" and mutual consent among numerous participants ("partisans") in the decision process. Incrementalism is politically expedient because it is easier to reach agreement when the matters in dispute among various groups are only modifications of existing programs rather than policy issues of great magnitude or an "all or nothing" character. Since decision-makers operate under conditions of uncertainty with regard to the future consequences of their actions, incremental decisions reduce the risks and costs of uncertainty. Incrementalism is also realistic because it recognizes that decision-makers lack the time, intelligence, and other resources needed to engage in comprehensive analysis of all alternative solutions to existing problems. Moreover, people are essentially pragmatic, seeking not always the single best way to deal with a problem but, more modestly, "something that will work." Incrementalism, in short, yields limited, practicable, acceptable decisions.

Various criticisms have been directed at incrementalism. One is that it is too conservative, too focused on the existing order; hence, it is a barrier to innovation, which is often necessary for effective public policies. Another is that in crisis situations (the Cuban missile crisis, the 1981 air controllers' strike), incrementalism provides no guidelines for handling the tasks of decision. Third, geared as it is to past actions and existing programs, and to limited changes in them, incrementalism may discourage search for or use of other readily available alternatives. Fourth, incrementalism does *not* eliminate the need for theory in decision-making, as some of its more enthusiastic advocates contend. For, unless changes in policy (increments) are to be made simply on a random or arbitrary basis, some theory (of causation, relationships, etc.) is needed to guide action, to indicate what the likely effect of given changes will be.

Notwithstanding reservations of these sorts, incrementalism has become a form of conventional wisdom, especially in the budgetary process. (For further discussions of incrementalism, see chapters 3 and 4).

Mixed-Scanning

Sociologist Amitai Etzioni agrees with the criticism of the rational theory but also suggests there are some shortcomings in the incremental theory of decision-making.¹³ For instance, he says that decisions made by incrementalists would reflect the interests of the most powerful and organized interests in society, while the interests of the underprivileged and politically unorganized would be neglected. Great or fundamental decisions, such as declaration of war, do not come within the ambit of incrementalism. Although limited in number, fundamental decisions are highly significant and often provide the context for numerous incremental decisions.