

Public Policy Management: W5. Paradoxes, Dilemmas, and Path-Dependence

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Week	Main Topics	Key words
1	Introduction to Public Policy	Public policy, goals, decisions
2	Fundamental theories in public policy	Theories, Concepts, framework, model
3	The Policymaking Process	policy process, policy cycle
4	Policy Formulation	brainstorming, lobbying
5	Paradoxes, Dilemmas, and Path-Dependence	coalition, advocacy
6	Policy Planning Process	design, structure
7	Institutional Foundations of Public policy	systems required, systems in place

Recap

- W1 - Introduction to Public Policy Management
- W2 - Theoretical Foundations of Public Policy
- W3: Policy Making Process
- W4: Public policy formulation
- Outline of W5: Paradoxes, Dilemmas, and Path-Dependence
- Path Dependence Theory
- Getting 'locked-in'
- Interconnectedness of path dependence
- Strength and weaknesses of PD
- What is meant by policy dilemma?

Outline of W5: Paradoxes, Dilemmas, and Path-Dependence

- Doing the right thing: Ethical dilemmas in public policy making
- Moral arguments in public policy
- Different philosophical views on Liberty, equity and fraternity
- Making hard choices in public policy - together?!
- What is policy paradox?
- On certain core values such as equity, liberty, security, etc
- On core rules; rights; concepts of rights, etc
- Power, distribution of power, etc.
- Summing up

Path Dependence Theory

- The path dependence analytical framework is part of the school of thought of the historical institutionalism, which considers institutions as structural variables from which stem arrangements of ideas, interests, and powers.
- They are the focal point of the activity of public policies, in the sense that institutions contribute to structuring them by encouraging or constraining the organizations and their actors and thus their activities.
- Path dependency theory starts from the premise that organizations and actors are part of institutions that structure and channel their behavioral standards and activities along established paths.
- These paths are made up of institutions (with their values, standards and rules) and public policies determined by previous choices that impose constraints on institutional development processes.

Path Dependence Theory

- Thus the notion of dependence in relation to the path taken highlights the historical dynamic that dictates that once a path is chosen, it is difficult to change it because the processes become institutionalized and are reinforced over time.
- It becomes increasingly difficult to reverse past institutional choices because not following the rules and standards established by previous choices (*exit option*) generates 'costs' in terms of investment, learning, coordination and anticipation.
- That is why existing institutions are usually modified and not replaced despite their less than optimal nature, and institutional inertia is generated.

Getting locked-in

- Danger of lock-in by insignificant historical events; Paul Krugman captures the idea as: "the powerful role of historical accident in determining the shape of the economy."
- Getting 'locked-in' means having to accept inferior standards or products, even though superior alternatives exist, even though it is known that superior alternatives exist, and even though the costs of switching are not high.
- It is likely a phenomenon which can affect the choices of technologies, networks, standards, industrial location almost any arrangement not only economical, but also political, etc.

Path dependence literature's classic example

- We are still stuck with QWERTY, locked in by accidental and insignificant historical events and the left with the choice of a keyboard to memorize, due to Path dependence.
- Since compatibility is supposed to be of great importance to typists, a particular keyboard design increases in value as more people use it, providing a kind of increasing returns.
- Because of an accident, QWERTY came first, which established the path to which we are now locked in.
- The failure to use a different keyboard design, reports a recent Fortune magazine article, results in "billions of dollars in lost productivity."
- Path dependence describes the technologies of modern life; "economics of QWERTY".
- Theory tells us that path dependence is a phenomenon that is likely to afflict choices of technologies, standards, the location of industries, and so forth.

Interconnectedness of path dependence

- Certainly, one thing does lead to another, sometimes in ways that are surprising or intriguing.
- Discovering that interconnectedness is much of what science is about. Certainly, important interconnections, including important economic ones, are intertemporal.
- I can live in a house today because someone built it sometime in the past.
- People understand those interconnections, and they plan their lives with such things in mind: they build, they save, they get educated, they put a turkey in the oven at noon.
- But the claim of path dependence, at least as it applies to public policy, is that people often either ignore those interconnections, or only look at them in a narrow and myopic manner, and so they get locked in to bad solutions.

Path dependence based on OECD Review Study (Cerna, 2013)

- Path dependence argues that it is generally difficult to change policies because institutions are sticky, and actors protect the existing model (even if it is suboptimal) (Greener, 2002).
- Path dependence means that 'once a country or region has started down a track, the costs of reversal are very high' (Levi, 1997).
- As Pierson (2000) notes, public policies and formal institutions are usually designed to be difficult to change so past decisions encourage policy continuity.
- In addition, to introduce a major change, policy-makers have to wait for a critical juncture (Capoccia and Kelemen 2007) or a window of exceptional opportunity called conjuncture (Wilsford, 1994).

Strengths and weaknesses

- The main strength of the theory is that it is able to explain why policy continuity is more likely than policy change.
- Once a country has set on a certain policy path, it remains difficult to change this path because actors and policies have become institutionalized which necessitates great efforts and costs by actors who desire change.
- However, among the theory's weaknesses is that it is difficult to show the costs and incentives created by the original policy choice and how it affects decisions about future policy choices. In addition, depicting critical junctures (or conjunctures) methodologically is a challenging task.
- Capoccia and Kelemen (2007) define critical junctures as 'relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest'.

Strengths and weaknesses

- This means that actors face a broader range of feasible options during a brief period of time, and their choices will likely have a significant impact on subsequent outcomes.
- The role of political actors and their decisions during critical junctures is thus important (Capoccia and Kelemen 2007).
- As a result, considerable challenges remain to identify specific conditions facilitating reform and to pinpoint windows of opportunity.

Weakness of path dependence

- Uncritical acceptance that path dependence and lock-in theories - ex post facto regrets. They are caused by imperfect information about the future, and not the inability to choose.
- Perhaps if we could go back in time, knowing what we know now, we would buy the other word processor.
- But this is a problem of prediction, not of coordination.
- Because that they did not know the best product (information) at the time that they had to choose.

What is meant by policy dilemma?

- Most important decision affecting policy-making is deciding what belongs on the political agenda
- Shared beliefs determine what is legitimate
- Legitimacy affected by
 - a) Shared political values
 - b) Weight of custom and tradition
 - c) Changes in way political elites think about politics
- The legitimate scope of government action
- 1. Always gets larger such as a) Changes in public's attitudes and b) Influence of events
- 2. May be enlarged without public demand even when conditions improving

What is meant by policy dilemma?

- 3. Groups: a motivating force in adding new issues
 - a) May be organized (corporations) or disorganized (urban minorities)
 - b) May react to sense of relative deprivation—people’s feeling that they are worse off than they expected to be
- Doing the right thing: Ethical dilemmas in public policy making
- Ethical dilemmas in public policy making arise because resources are inadequate to meet all demands, and because people are committed to different values and ideas.
- How the state need to allocate resources and determine trade-offs between conflicting priorities?
- Is it by empirical analysis of the “evidence” of “what works”?

Doing the right thing: Ethical dilemmas in public policy making

- By calculating the greatest goods for the greatest number?
- Or by some kind of co-production (collaborative governance) that factors in explicit critical reflection and public deliberation on purpose, values and emotions?
- If the latter, how might we proceed in public policy making when people disagree on the priority of basic moral principles and the requirements of justice?
- This paper draws on Rawls, Sen, Nussbaum and Schattschneider to frame a set of questions to guide deliberation elected and appointed officials in a co---production approach to policy making.

Ethical dilemmas in public policy making

- Public policy is largely about deciding who gets what and who pays. Ethical dilemmas in public policy arise for two reasons:
- resources are inadequate to meet all demands, and people are committed to different values and ideas about 'doing the right thing'.
- When face with such dilemmas, how the state ought to calculate the trade-offs between conflicting demands and priorities?
- One approach is to confine the role of public servants to the empirical analysis of the "evidence" of "what works", leaving politicians to concern themselves with desired outcomes and priorities between these.

Ethical dilemmas in public policy making

- Another approach is to anchor policy advice from the utilitarian maxim, 'the greatest good (or happiness) for the greatest number', using cost-benefit analysis as a core tool for policy making.
- Policy makers need to go beyond evidence-based policy, and beyond utilitarianism and cost-benefit analysis, and engage in co-production with citizens that factors explicit critical reflection and public deliberation on purpose, values and emotions into policy making.
- This requires policy advisors to engage in both technical and practical reasoning, and demands particular competencies in politicians and those who advise them.

Beyond evidence-based policy

- Public finance is always a matter of relative resource scarcity. This is particularly the case at the present time.
- Given resource scarcity, public policy making involves 'trade-offs' between conflicting demands and priorities.
- Can these choices be made rationally, by reference to empirical economic analysis and empirically oriented research on what works in service and programme delivery ?
- Sustainable improvements in quality of life for all in any country are unlikely to be delivered by policies and programs founded on a weak or non-existent evidence base.
- We especially need to know, through monitoring, evaluation and review, whether policies and programs are effective in achieving the intended outcomes.

Moral arguments in public policy

- Social science cannot leapfrog moral argument in public policy making or solve ethical dilemmas, because no convincing way has yet been found to construct a logical bridge between descriptive or existential 'is' and moral or prescriptive 'ought'.
- Evidence only takes us so far in moral argument and public policy making.
- Social science provides methods of explanation and interpretation of phenomena but cannot answer questions about what we should value, how we should live and which outcomes we should prioritize over others (Weber 1968, 1949).

Moral arguments in public policy

- No compilation of facts or evidence alone can tell us, for example, whether the distribution of income and wealth within a society is fair (Barry 2005, 13).
- That requires explicit critical reflection and political deliberation on values and normative theory, because public policy making almost invariably involves an inter-weaving of information, interests and ideologies or facts, values and theories of social dynamics and social change (Lindblom 1980; Weiss 1983; Bromell 2010).
- For this reason, it is more accurate to refer to 'evidence-informed-policy'.

Evidence-informed-policy

- There are limits to scientific knowledge and to the scientific approach; govt. and their advisors must be aware of such limitations, otherwise science can be misused to justify decisions that should legitimately be made on the basis of other considerations.
- There are thus two pitfalls to avoid in public policy making.
- The first lies in deciding policy on the basis of weak or non-existent evidence; for example, by relying solely on polling and focus group findings, or an on ideological proposition that is taken 'on faith'.
- The second lies in proceeding as if empirical analysis of 'the evidence' and 'what works' is not only necessary but also sufficient in public policy making.

Beyond utilitarianism and cost-benefit analysis

- ***The value of a life:*** Cost -benefit analysis requires us to place a monetary value on each unit of analysis.
- Question that arises when we are considering complex policy questions of the 'abortion politics' sort is what value to place on a human life.
- ***Emotions in public policy making:*** Debate about public policy is hardly ever an emotion-free zone, and our emotional responses are relevant data for moral argument about the 'right thing to do'
- As Freiburg and Carson (2010) have argued, evidence alone is unlikely to be the major determinant of policy outcomes.
- Policies are more likely to be adopted and implemented successfully when they are developed through extensive engagement and evidence-based dialogue with interested and affected parties.

Pluralism and public policy

- In a pluralistic, liberal democracy, people are committed to basic moral principles in different ways, to diverse conceptions of the good (desired outcomes) and to conflicting theories about how social goods should be distributed. As John Rawls (2005) explains:
- ‘The political culture of a democratic society is always marked by a diversity of opposing and irreconcilable religious, philosophical, and moral doctrines. Some of these are perfectly reasonable, and this diversity among reasonable doctrines political liberalism sees as the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions’.
- For the most part, we manage these conflicts within the broad set of ideas, institutions and social practices known as liberalism. Liberty of every individual (guaranteed in the common rights of citizenship) to pursue, in an autonomous manner, her or his own conception of ‘the good life’.

Liberty, equity and fraternity

- Three basic moral principles are in tension within liberalism, however, as captured in the French republican slogan: **Liberty, equity and fraternity.**
- The next three slides maps these basic moral principles and some corresponding political theories against various understandings of people's essential interests and implications for the distribution of social goods.

Basic moral principles, corresponding political theories and implications for the distribution of social goods: **LIBERTY**

Libertarianism e.g. Rand, Nozick	minimize the state; maximize liberty and political freedom
	individuals are self-interested, rational utility-maximisers; utility cannot be summed for a collective, only inferred by observing behaviours in markets
Neo---liberalism e.g. Hayek, Friedman	the state should not impose on citizens a preferred way of life, but regulation and coercion are tolerated to ensure that individuals' pursuit of freedom does not deprive others of their freedom
Classical liberalism e.g. Locke, Hume, Smith	protect individual rights, including and especially property rights, that all share Equally
	minimal state interference in, or support for, markets and voluntary associations; no special group rights

Source: Bromell, 2012

Basic moral principles, corresponding political theories and implications for the distribution of social goods: **EQUALITY**

Social liberalism e.g. Beveridge, Keynes, Titmuss	all persons are of equal moral worth and their interests matter equally, therefore people should get the same, or be treated the same
	(temporary) special measures may be necessary to promote equality of opportunity and equity of outcomes
Egalitarianism e.g. Rawls, Dworkin	largely symbolic recognition of minority social groups, rather than more or less permanent allocation of special group rights and resources

Source: Bromell, 2012

Basic moral principles, corresponding political theories and implications for the distribution of social goods: **FRATERNITY**

Utilitarianism e.g. Bentham, Mill	minimize pain/shame (domination and humiliation) and maximize utility – ‘the greatest good for the greatest number’, at least in the long run and all things considered
	acceptable to sacrifice an individual’s or minority’s interest and rights (in the short run) for the greater good (in the long run)
Communitarianism e.g. MacIntyre, Taylor, Sandel, Walzer, Oakeshott, Arendt	the self is socially constituted, so public policy should promote interdependence of persons and ‘the common good’
	the purpose of any special measures is less to achieve resource equality than to promote social inclusion and participation in civic life (equal citizenship)

Source: Bromell, 2012

Liberty, equity and fraternity

- Although selective and partial, a schema like this can help us understand the different values commitments of political parties and those who vote for them, and some of the tensions within governments formed by coalition arrangements and confidence and supply agreements under Mixed-Member Proportional (MMP) representation.
- Such schema oversimplifies matters - it is not possible to order political theories and parties in a tidy manner in one dimension.
- We have genuinely different conception of the good (desired outcomes) and theories about how social goods ought to be distributed. These different commitments and theories overlap in complex ways.
- It is this very overlapping, however, that makes it possible for us to move beyond talking and relying solely on, “a convergence of self- and group interests, or on the fortunate outcome of the political bargaining”.
- We may not be able to reach a consensus on a ‘comprehensive theory of justice’ but we can arrive at an overlapping consensus that allows actions to occur through a public exchange of reasons informed by relevant evidence.

Realisation-focused comparison

- Sound public policy is informed by relevant evidence, including monitoring and evaluation of ‘what works’.
- In decision context, where there is general agreement and desired outcomes and operative values, and little or no uncertainty about the impact of the particular actions on the achievement of those desired outcomes then a more or less direct line can be drawn between science and policy. This is however, a relatively rare occurrence.
- For the most part, we make policy in contexts where there is a merely latent or weak consensus on values and where there are objective and subjective uncertainties about outcomes associated with particular decisions and actions.
- We make public policies in context of conflict over values and ‘the right thing to do’.
- The art of politics lies in reducing a multitude of possible conflicts into a manageable few that people can actually deal with, and presenting the electorate with a choice between clearly defined options as a basis for majority decision-making.

Making hard choices in public policy - together

- Given a context of resource scarcity and a pluralism of values & ideas about the 'right thing to do', seven questions might helpfully frame an approach to public policy making in which elected officials and expert advisors work together to co-produce policy in ways that engage citizens, address ethical dilemmas and facilitate inclusive, participatory decision making.
 1. What is the problem we want to address and/or the result we want to achieve and why? What is our **purpose** here?
 2. Who has a particular **interest** with respect to this issue and what is the nature of that interest?
 3. What **values** are at stake with respect to this issue?

Making hard choices in public policy - together

4. What relevant **evidence can inform our decision making** and how certain are the 'facts' and our **knowledge of 'what works?'**
5. How might we factor out own and other's emotions and moral institutions into practical public reasoning about the right thing to do?
6. What options are **implementable** at what cost, and which of these are most likely to secure a democratic (i.e. majoritarian) mandate?
7. How can we protect the dignity and rights of **individuals and minorities** while promoting **the** public good?

Moral Competence in Public Life: Six Generic Attributes

- Characterized by Kenneth Winston (2009) as ‘moral competence in public life’:
- **Civility** - a public conscience; act only on the basis of beliefs and principles that citizens in general are committed to, or could be after deliberation and reflection, rather than on the basis of personal beliefs and moral convictions.
- **fidelity to the public good** - and not only to private and particular interests
- **respect for citizens as responsible agents** - view citizens in terms of both well---being and agency exercise political power via a facilitative rather than a directive style of governance;

Moral Competence in Public Life: Six Generic Attributes

- **proficiency in democratic architecture** - enable citizens to engage with others in self---rule; facilitate modes of participation in decision making that are fit for purpose and effective;
- **Prudence** - exercise practical reason (wisdom) acquired through cumulative experience, and not only technical reason, in making strategic, contingent judgments about how to act in particular cases, in the full awareness of moral ambiguity, the fallibility of human planning and the inevitability of unintended consequences and
- **double reflection** - understand, take into account and mediate between diverse moral viewpoints, across geographical and cultural divides; pay attention to what a course of action might mean to others; contemplate with equanimity the contestability of one's own worldview.

To sum up the ethical dilemmas

- Going beyond 'the evidence' and beyond utilitarianism and cost-benefit analysis, and facilitating citizen engagement and public deliberation that factors purpose, values and emotions into public policy requires a co-production model of governance.
- Public policy is more than a numbers game. The practical and the technical are two indispensable aspects or dimensions of policy making, not two distinct and self-contained kinds of enterprise.
- Policy making may be more art and craft than science, but the sound application of technical reason can help prevent the craft from being go beyond evidence, and beyond utilitarianism and cost-benefit analysis, but not that we can dispense with evidence or technical reason.

What is a policy paradox?

- Perceptions, beliefs, interests, and values
- A. Problem of definition
 - 1. Costs and benefits not completely defined in money terms
 - 2. Cost or benefit a matter of perception
 - 3. Political conflict largely a struggle to make one set of beliefs about costs and benefits prevail over another
- B. Types of arguments used
 - 1. “Here-and-now” argument
 - 2. Cost argument

What is a policy paradox?

- C. Role of values
 - 1. Values: our conceptions of what is good for our community or our country
 - 2. Emphasis on self-interest
 - 3. Ideas as decisive forces
 - Perceptions, beliefs, interests, and values

What is a policy paradox?

- D. Deregulation
 - 1. Example: airline fares, long-distance telephone rates, trucking
 - 2. A challenge to “iron triangles” and client politics
 - 3. Explanation: the power of ideas
 - a) Idea: government regulation was bad
 - b) Started with academic economists
 - c) They were powerless but convinced politicians
 - d) Politicians acted for different reasons

What is a policy paradox?

- Debora Stone suggests that citizenship requires learning to live with ambiguity and paradox.
- Paradoxes violate the most elementary principle of logic: something can't be two different things at once, two contradictory interpretations can't be true.
- While dealing the issue of political reasoning, Stone (200) asserts that many analysts use the market model to examine policy problems. According to the rational model, a good policy analysis begins with problem definition, brainstorming solutions, evaluating the alternatives, choosing the best option, and implementing that choice.
- Argues that the polis is not compatible in comparison with the market, and thus the rational theory approach is incorrect.

Critique of the Rational Approach

- According to Stone, rather than a rational process, policy making is a 'constant struggle over the criteria for classification, the boundaries of categories, and the definition of ideals that guide the way people behave'.
- The critique of the rational approach by addressing the complexity of problem definition. Asserts that problem definition is not an objective and neutral evaluation that can be applied to politics.
- Instead, behind every policy issue 'lurks a contest over conflicting, though equally, plausible, conceptions of the same abstract goal or value'.
- Using the examples of equity, efficiency, security, and liberty, Policy Paradox shows that problem definition is not a cut-and-dried process, but is determined by parties with a vested interest in presenting the problem in a certain light.

Is there a trade-off between goals?

- By using various examples from previous policy decisions, Stone clearly demonstrates that policy results from biased (although not necessarily negatively biased) opinions.
- In Part II of Policy Paradox, each chapter ends with the question, is there a trade-off between goals?
- In each case there are arguments for a trade-off, yet Stone presents evidence that there are reasonable compromises and solutions which allow both goals to be achieved.
- These sections foster critical reasoning, since readers are forced to see the validity of both sides of an argument, precisely the point that Stone wants to make.

Equity

- Policy politics is the process of making these choices in interpretation.
- Equity - treating likes alike
- Dimensions of Equality: the most famous definition of political science says it is the study of 'who gets what, when, and how.'
- Distributions- are at the heart of public policy controversies.
- It is important to keep in mind from the start that equity is the goal for all sides in a distribution of whatever the issue is.

The paradox in distributive problems

- 'To justify income distribution, it is necessary to show that individuals somehow do not have a just title to the income they earned.'
- On the other side, equality in the distribution of certain crucial resources is considered the norm, and deviations from equality must be justified in terms of other social goals.
- The dilemma is 'Should we measure needs based on a fixed standard or a relative one?'
- Should we provide resources that meet immediate needs for survival, or resources that allow for future needs as well (Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.)
- Time: Should society secure only current needs or also provide protection against future needs and risks of harm?
- Unit of Analysis: Should society secure only the needs of people as individuals or also people's relational needs? (dignity, sense of belonging, trust, and community) Eg. social groups, class types, racial groups, etc

What are the Causes ?

- Inadvertent Cause- common interpretation for poverty, malnutrition, and disease ignorance Eg. BP Oil Spill; intervening conditions; unforeseen side effects; avoidable ignorance; carelessness; omission
- Accidental Cause- anything our culture understands as belonging to the realm of fate.
- Eg. car that careens out of control; the CAT scanner that crushes its captive patient; nature; weather; earthquakes; machines that run amok
- Intentional Cause- oppression; conspiracies that work; programs that work as intended, but cause harm

What are the Causes ?

- Mechanical Cause- intervening agents; brainwashed people; machines that perform as designed, but cause harm
- Complex Systems- when social systems are too complex, failure is inevitable
- Institutional- long standing ingrained patterns of behavior
- Historical- similar to institutional, but tends to reproduce over time

Rules

- Essential form of social coordination, no society could support the number of officials necessary to secure that every member of society was officially and separately informed of every act he was required to do.
- Rules are officially designed to accomplish social goals and therefore are generally referred to as laws.
- Societies have many types of rules to coordinate behavior in addition to informal laws and regulations such as social customs and traditions, informal norms of small groups and families and moral rules and principles.
- Rules are indirect commands that work over time. Indirect because they are stated once to the general group to whom they apply.

Rules

- Rules derive power from legitimacy, the quality of being perceived as good and right by those whose behavior they are meant to control.
- Precise rules isolate people from prejudice and provide predictability.
- The problem with precise rules is that they cannot adjust to new circumstances.
- Non precise rules on the other end allow for tacit knowledge, non precise rules leave space for creativity in particular situations.
- Non precise rules symbolize ideals and aspirations for the community.

Rights: Concept of rights in the polis

- *Positive rights:*
 - 1. A right is a claim backed by the power of the state; 2. Rights derive from the power of the government and 3. People can have rights only to those things they claim and for which the state backs them up
- *Normative rights:*
 - 1. A right is whatever people in a given society ought to be able to do, have or expect from fellow citizens and the government; 2. Rights derive from some source other than power, such as morality, religion, rationality, or natural law; and 3. People can have rights to things they don't actively claim, and for which the state would not back them up.

Rights: Concept of rights in the polis

- Procedural rights:
 - defines a process by which decisions are made;
 - Substantial rights – defines specific actions or entitlements people may claim
 - Negative – a right to be free of restraint; says no one can prevent you from doing something.
 - Positive – an entitlement to have or receive something specifies obligations of someone to provide whatever the entitlement is.
- Source of rights:
 - Legislatures – statutes passed by a legislative body at any level
 - Constitutions – constitutions of the United States or any of its states.

Rights: Concept of rights in the polis

- Administrative agencies – rules and regulations promulgated under agency authority
- Courts – Past decisions and precedents of judges at any level of the court system
- Mechanisms of rights:
 - Formal statement - given in one of the four sources above
 - Grievance process – Adjudication between two or more parties to a conflict by a neutral third party.
 - Tort law: protects groups of people who suffered a common injury or malpractice.
 - The law of accidents relies on the idea of what people think is reasonable compensation for one's loss and what community think should be the standard.

Rights: Concept of rights in the polis

- In the end rights are not tools or instruments, operating mechanically and consistently.
- Like all policy instruments, they are dependent on and subject to larger politics.
- Perhaps their most distinctive feature, as policy instruments, is that they provide occasions for dramatic rituals that redefine or reaffirm society's internal rules and its categories of membership.

Power

- Constitutional engineering – this is a theory based on the idea that different types of collective decision – making processes yield different kinds of outcomes.
- Restructuring is a bid to reallocate power. Someone not winning will want to shift policy to an arena where they might prevail.
- New decision making structure by design of its mechanism, will produce decisions in the public interest as well as enabling a subordinate interest to become dominate.

Power

- Two perspectives of structure of authority:
 - 1. Does it work to solve the nominal problem?
 - 2. What is the nature of the community that is constituted by the type of authority structure to solve the problem? Who is given the right to make decisions about the problem
- Variations of constitutional engineering
 - 1. Change the membership of the decision making body
 - 2. Change the size of the decision making body
 - 3. Shift the locus of decisions among federal, state and local governments

Redefining membership in the polis

- Electorate – Change voter qualifications
- Office holders – Change the system of representation
- Descriptive – Representatives are selected according to demographic characteristics they share with constituents
- Substantive – Representatives are selected according to policy beliefs they share with constituents
- Accountable – Representatives are accountable to constituents if constituents have ability to influence representatives and to remove them from office.

Changing the size of decision making units small vs. large

- Small communities have face to face knowledge and people are more likely to have empathy for fellow citizens. Decisions will be based on better intimate knowledge of community.
- Small communities can use flexible and informal solutions and use loyalty and empathy to smooth over conflict; they are more conducive to rational deliberation
- It is easier to form a unified majority in a small community, so government action is possible, there is a smaller risk of deadlock.
- Small communities provide greater opportunities for participation in governance.
- A larger community offers a greater selection of possible representatives and a greater chance of finding more competent ones.

Changing the size of decision making units small vs. large

- It is harder for demagogues to persuade a large number of people than a smaller.
- Decisions will be based on reason rather than emotion.
- The larger the community the less likely there will be a unified majority on any issue.
- Policy is less likely to be dominated by a faction or special interest.
- It is harder for small elite to capture a larger government

Changing the distribution of power among levels of govt:

- **Arguments for decentralization:**
- 1. Gives authority to local officials who have better knowledge of their communities;
- 2. Allows for diversity of solutions to meet different local needs
- 3. Allows localities and states to experiment with policy ideas and develop knowledge about what works
- 4. Gives communities more autonomy thereby enhancing liberty of members

Changing the distribution of power among levels of govt:

- **Arguments for centralization:**
- 1. Gives authority to national officials who are less parochial, less likely to share local prejudices and more likely to have a broader view
- 2. Stimulates policy decisions based more on technical issues and less on narrow local self interest
- 3. Allows for standardization of policy in all jurisdictions, and enhances fairness
- 4. Allows central officials to redistribute power and resources among smaller jurisdictions, thereby promoting equality

To sum up:

- Implicit within the text is the idea that policy makers manipulate (not necessarily maliciously) information in order to garner support. This occurs through the use of symbols, numbers, categorization, etc.
- The policy alternative with the most support (gained by persuasion, inducements, rules, rights, and power) is the one chosen for implementation.
- Unlike the rational theory model, policy making is fuzzy and constantly subject to changing views and opinions.

To sum up:

- But that's not the way the real world works, because people, despite their individuality, also have ties to organizations and entities (families, communities) much larger than themselves. They might act in an entirely different way when a family is at stake than they would when it's just their own welfare involved.
- The “market model” is ineffective because it ignores the fact that most people are not acting only in their own interest, and is too simplistic to reflect the realities of life. Prefers instead the “polis model”—“polis” being the ancient Greek word for city-state, and where we get the word “politics.”
- Suggests that the polis, or community, is a better model for society, since it reflects the shared interests of a number of people - Market model vs Polis model.

To conclude:

- Final advice in this complexity: return to the goals. Remember that facts may not be facts; they may be hype, depending on who's saying what: "When you get lost, come back to goals. Ask yourself again and again why you are trying to achieve and why you believe it is right."
- Ask yourself what the political actors you are studying want to achieve. When you analyze different problem definitions, consider them from the point of view of goals.
- Ask of every problem definition, "What's wrong or what's missing according to the author of the story?" Does an analysis lead down a different path and presume a different goal than the one the authors say they're after, or the one their opponents are after?"
- In the final analysis, ambiguity and paradox can be helpful, because they give us many different courses of action to choose from, each with a different potential resolution. Carefully considering each can help us reach the best possible solution.

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What next?

- Policy Planning Process