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Evidence, Values and Public Policy

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Introduction

Public policy is largely about deciding who gets what and who pays, given relative resource scarcity. How, then, ought the state to calculate ‘trade offs’² between conflicting demands and priorities?

This paper argues that policy making needs to go beyond ‘evidence-based policy’—at least the kind of policy making where officials provide ostensibly ‘values-free’ empirical analysis of ‘the evidence’ and ‘what works’, while politicians concern themselves with desired outcomes and priorities between these. Rather, elected and appointed officials alike need to engage in co-production with citizens; co-production that factors into policy making explicit critical reflection and public deliberation on purpose, values and emotions.

Beyond evidence-based policy

There are 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 on ideological propositions that are 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.

Policies and programmes founded on weak or non-existent evidence are unlikely to deliver the outcomes citizens want and expect from them. Social science cannot, however, leapfrog moral argument or solve ethical dilemmas for us, because no convincing way has yet been found to construct a logical bridge between descriptive or existential ‘is’ and moral or prescriptive ‘ought’ (Hume 2007: Book III.1.1). 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 prioritise over others (Weber 1968, 302ff.; 1949).

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).

Moreover, restricting ourselves to rational, empirical analysis naively assumes that our emotions play no part in decision making about public policy. As Freiberg (2001) and

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² Sen (2009a, 99) reminds us that ‘trade-offs’ is somewhat crude vocabulary for the specification of relative importance or significance in multi-dimensional assessment.

Freiberg 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. The model of policy making proposed by Freiberg and Carson does not require us to abandon evidence for intuition, or reasoned, empirical analysis for emotion, but it does invite us to recognise emotion and affect within “a reasoned and open dialogic process of policy formulation” (Freiberg and Carson 2010, 161).

Consequently, it is more reasonable to aspire to ‘evidence-informed policy’ than to ‘evidence-based policy’. As the Prime Minister’s Chief Science Advisor, Professor Sir Peter Gluckman (2011, 3), has acknowledged:

There are limits to scientific knowledge and to the scientific approach; governments 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.

Value-free policy advice?

In May 2011, the New Zealand Treasury published a paper on higher living standards for New Zealanders (Gleisner, Lewellyn-Fowler and McAlister 2011). The paper acknowledges that the determinants of well-being are both material and non-material and go beyond income and GDP. It is a welcome contribution to discussion on how public policy can contribute to improving the living standards and social well-being of New Zealanders in a sustainable way, and on how we might best measure social and economic progress.

However, The Treasury paper disavows responsibility for normative, values-based analysis and advice:

To maintain an apolitical position, Treasury avoids making value judgments on what represents a ‘fair’ distribution of living standards.... Where normative approaches ask what the distribution of living standards should be, positive approaches ask what the distribution is.... Treasury takes a positive approach to distribution as opposed to a normative, value-based one (Gleisner, Lewellyn-Fowler and McAlister 2011, 6, 27–28).

The Treasury paper reflects a ‘decisionist’³ model of the role of science and expert advice in public governance: the elected government of the day determines its policy objectives and priorities; Treasury makes no value judgments on these, and provides advice grounded in empirical economic analysis on how government might best implement its goals and objectives.

A decisionist – as also a technocratic – model of governance relies, however, on three conditions that are becoming increasingly difficult to fulfil:

- the need for uncritical public trust in the values and outputs of the scientific process;
- acceptance of the notion that science is a process that establishes incontrovertible and absolute fact; and

³ Van Zwanenberg and Millstone (2005) describe and compare five models of science and governance: the ‘decisionist model’ of Max Weber and Émile Durkheim; the ‘technocratic model’ of Henri de Saint-Simon and Auguste Comte; an ‘inverted decisionist model’; a ‘risk management’ model; and a ‘co-evolutionary model’.

- complete separation between scientific advice and policy judgement (Gluckman 2011, 7; Weingart 1999, 154–57).

Consequently, Gluckman (2011, 8) commends an iterative, co-production model of policy-making, in which “policy makers, expert advisors and society negotiate to set policy goals and regulatory decisions that are agreed to be scientifically justifiable (in terms, say, of the information available and the levels of future risk that are tolerable) as well as socially and politically acceptable.”

In a decision context characterised by general agreement on desired outcomes and operative values, and relative certainty about the impact of particular actions on the achievement of desired outcomes, then we can draw a more or less direct line between science ('the evidence') and policy (Pielke, 2007, esp. ch.4). This is, however, a relatively rare occurrence. As Scott and Baehler (2010, 21) have noted, “policy nearly always entails taking positions on value-laden issues and designing actions to address them”. Where there is no clear consensus on values and there are objective and subjective uncertainties about outcomes associated with particular decisions and actions, policy makers need to engage in explicit critical reflection on desired outcomes (purpose), conflicting values, trade offs between these, and the management of risk arising from unintended consequences of policy decisions.

As Gruen et al. (2011, 6) from the Australian Treasury have commented on the New Zealand Treasury's paper on living standards, there is good reason for being cautious about becoming lost in the normative jungle, but there is no avoiding that jungle.

Into the normative jungle

People have argued about what justice is and what it means to 'do the right thing' since at least the fourth century BCE when Plato wrote *The Republic*. Isaiah Berlin (1969, 167) concluded that not all good things are compatible and that “conflicts of values may be an intrinsic, irremovable element in human life.”

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 Rawls (2005, 4) 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. Liberalism is the tradition of thought and practice that asserts, as the primary political value, “a society of free and equal citizens” (Rawls 1971, 13) and the liberty of every individual (guaranteed in the common rights of citizenship) to pursue her or his own conception of ‘the good life’.

Three basic moral principles are in tension within liberalism, as captured in the French republican slogan *Liberté, égalité, fraternité* (Moroney 1981). Table 1 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.

Table 1: Basic moral principles, corresponding political theories and implications for the distribution of social goods

LIBERTY	
Liberarianism e.g. Rand, Nozick	<ul style="list-style-type: none"> minimise the state; maximise 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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
EQUALITY	
Social liberalism e.g. Beveridge, Keynes, Titmuss	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> largely symbolic recognition of minority social groups, rather than more or less permanent allocation of special group rights and resources
FRATERNITY	
Utilitarianism e.g. Bentham, Mill	<ul style="list-style-type: none"> minimise pain/shame (domination and humiliation) and maximise utility—‘the greatest good for the greatest number’, at least in the long run acceptable to sacrifice an individual’s or minority’s interests and rights (in the short run) for the greater good (in the long run)
Communitarianism e.g. MacIntyre, Taylor, Sandel, Walzer, Oakeshott, Arendt	<ul style="list-style-type: none"> 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).

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 representation in New Zealand since 1996.

Of course, any such schema oversimplifies matters. It is not possible to order political theories and parties in a tidy manner in one dimension.⁴ My point is simply that in a modern democratic society, people are committed, as Rawls (2005, xvi) puts it, to “a pluralism of incompatible yet reasonable comprehensive doctrines.” We have genuinely different conceptions 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 past each other and relying solely on “a convergence of self- and group-interests, or on the fortunate outcome of political bargaining” (Rawls 1987, 2). We may not be able to reach consensus on a ‘comprehensive’ theory of justice, as Rawls puts it, but perhaps we can arrive at an ‘overlapping consensus’ that allows action to occur, through a public exchange of reasons informed by relevant evidence.⁵

⁴ Table 3 is broadly organised along a continuum (from top to bottom) between a deontological and a teleological/consequential ethics. See *The Political Compass* (<http://www.politicalcompass.org/nz2011>, accessed February 2012) for an alternative way of charting political convictions and parties on two dimensions—an economic left-right scale, and a social authoritarian-libertarian scale—including an analysis of the main parties contesting the 2011 general election in New Zealand.

⁵ Rawls (1987, 6–7; cf. 1971, 387–88, 517, 580–81; 2005) argues that a stable, overlapping consensus on a political conception of justice can be worked up from the fund of shared political ideas latent in the public

Realisation-focused comparison

To sum up my argument thus far: Sound public policy is informed by relevant evidence, including monitoring and evaluation of ‘what works’. ‘The evidence’ is not, however, the only factor to consider. For the most part, we make policy in contexts of conflict over purpose, values and ‘the right thing to do’.

In the absence of objective ethical truth-tests or proofs (Flynn 2000), a liberal democracy turns to politics to manage conflict. 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. As Schattschneider (1975, 138) puts it:

Democracy is a competitive political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process.

Given the multitude of potential conflicts between citizens in a pluralistic society, and the conflicts we experience within ourselves over values and the right thing to do, our commitments to action will for the most part involve compromise ('trade offs') of some sort or another.

Sen (2009a, 2009b) argues that in any case, we need to abandon the notion of creating a perfectly just world with perfectly just institutions ('transcendental institutionalism', as per Kant and Rawls), and opt instead for 'realisation-focused comparison' based on social choice theory. What he means is the relatively modest ambition of identifying, choosing and acting politically to address remediable injustices – locally, nationally, regionally and globally. This will not create a perfectly just world, but it will improve the actual lives that people are able to lead in terms of their capabilities or 'real freedom'.

The point is to advance justice, not to perfect it. Making our life together more just than it is now requires social judgements informed by relevant social science evidence and reasoned argument. It involves choosing between social alternatives, rather than a search for a supreme, or ideal, alternative. More often than not, the best we will manage are partial rankings and limited agreements, reached through personal and public reasoning (Sen 2009a, 399). Despite the non-commensurability involved, when our priorities or weights over the relevant values are clear, it can be relatively straightforward to decide what we should sensibly do (Sen 2004).

The model of democracy that this implies is 'government by discussion' through a public exchange of reasons and 'open impartiality' (Sen 2009a, 321–54). We will never achieve a perfectly just society. We can make our society less unjust than it is now, however, by proceeding from a reasoned assessment of conflicting claims, through practical, public reasoning, to democratic decision-making between a range of feasible alternatives to remedy manifest cases of injustice.

political culture of a democratic society through the exercise of "free public reason" (1987, 17). This is a particular responsibility of government officials and candidates for political office (Rawls 2005, 442–45).

Co-production in public policy making

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 and facilitate participatory democracy.

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?
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 our own and others’ *emotions and moral intuitions* 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*?

Implications for public servants and politicians

A co-production model of policy making requires state sector policy analysts, advisors and their managers to be more than ‘back-office’ implementers of what ministers want to do. As the long title of the State Sector Act 1988 puts it, employees in the state services are to be ‘imbued with the spirit of service to the community’. The Westminster convention is that we serve the government of the day by offering free, frank and fearless advice that helps shape the views and priorities of the government of the day, as well as being responsive to it. This advice is to be apolitical, but not amoral—we cannot evade moral responsibility by pretending to offer ‘values-free’ policy advice.

The job of state sector policy analysts and advisers is to work with ministers to facilitate public reasoning and clarify a range of practicable options that, on the best available evidence, are most likely to achieve results that reflect an ‘overlapping consensus’ on ‘the right thing to do’. When policy makers have decided on a preferred option and have a democratic mandate to implement this, public servants work with others (local government, the private sector, the community and voluntary sector, communities, families and individuals) to implement it. We then monitor and evaluate whether and to what extent the policy or service achieves the results ministers, parliament and the public expect from it.

A co-production model of public policy making requires different skills and capabilities from those of the bureaucratic and ‘new public management’ eras (Ryan 2011). Citizens acting in official capacities, whether elected or appointed, need to have and exercise six generic attributes characterised by Kenneth Winston (2002, 2008, 2009) as ‘moral competence in public life’:

1. **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;⁶
2. **fidelity to the public good**—and not only to private and particular interests;
3. **respect for citizens as responsible agents**—view citizens in terms of both well-being and agency;⁷ exercise political power via a facilitative rather than a directive style of governance;
4. **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;⁸
5. **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
6. **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.

Conclusion

Public policy is more than a numbers game. Policy advisers are, or should be, more than number crunchers and implementers. Ministers and Members of Parliament are, or should be, more than poll-iticians—slavish followers of opinion polls and focus group findings (cf. Edwards 2011).

What Winston terms ‘prudence’ does not, of course, displace the need for technical reason. 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

⁶ Baehler (2005, 7) proposes the following features of a public argument model for policy making, which summarises practical implications of ‘civility’:

- establish clear principles and rules of thumb to distinguish public and non-public policy rationales;
- scan the ideological and evidence terrain and build multi-dimensional cognitive maps of a policy field, including both descriptive data and competing policy approaches in ideological space;
- develop better methods to build and test public arguments;
- use evidence as one ingredient (linked with logic, linked with an appeal to people’s values) to build and support the argument framework; and
- engage ministers in the shared goal of building public good arguments.

⁷ Winston draws here on Sen’s argument (see 1987; 2002, 659–695; 2009a, ch. 13) that both the ‘well-being aspect’ and the ‘agency aspect’ of persons are relevant to the assessment of states of affairs and actions, i.e. that we must distinguish between an ‘opportunity aspect’ and a ‘process aspect’ of freedom. The issue is whether an individual’s capability to lead the kind of life she values should be assessed only by the culmination alternative that she actually ends up with, or by a broader approach that takes note of the process of choice involved and, in particular, the other alternatives she could also choose within her actual ability to do so.

⁸ Cf. Wildavsky (1987, 255): “Whatever else policy analysts may be ... they should be advocates of citizen participation... Designing policies that facilitate intelligent and effective participation is an essential task of policy analysis.”

art and craft than science, but the sound application of technical reason can help prevent the craft from being exercised in ways that are merely ‘crafty’. The argument of this paper is that policy makers need to go beyond evidence, but not that we can dispense with evidence or technical reason.

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