

# Official and Unofficial Actors in the Policy Process

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“Laws, like sausages, cease to inspire respect in proportion to knowing how they are made.” – John Godfrey Saxe

# Official Actors – Those with a legal role in making and implementing laws

- Legislators are supposed to make laws and approve budgets, taxes
- The executive (president and staff or governors, mayors) are supposed to implement laws and often propose them to legislators
- The judiciary is supposed to determine if a law is legal under the constitution and how laws apply in specific cases
- The bureaucracy or civil service is supposed to administer the laws and create regulations.

# The Legislative Branch

- Represent a specific geographic area, not the nation
- Individual legislators tend to specialize in topics of interest to their constituents and are not policy experts in many fields
- Also have to help constituents who need help with government matters – also called “case work”
- Provide oversight and hearings on topics of concern
- Need staff and assistance to deal with volume of work – many staff and specialized groups like GAO, CRS, CBO in the US
- Pass laws – thousands filed each year but few become law

# Executive Branch – President, staff and appointed political officials

- Has legal responsibility to implement laws
- Is elected by the entire nation (or state, if a governor)
- Has the ability to veto legislation passed by legislators, but the veto can be over-ridden with difficulty – need 2/3 in both houses
- Often acts as national (state) leader and spokes person
- Tends to get much more news coverage than legislators
- If popular, can set an agenda and persuade others
- Actions are subject to legislative and judicial review

# Judiciary

- Have the right to determine if laws conform to the constitution when a case is brought before them
- Can determine how a law applies in practice in a specific case, but precedent set may determine how law is applied in general
- Cannot enforce laws (“have neither the sword nor the purse”)
- Supposed to be neutral, but politics enters into appointments
- Often used by minorities when legislative and executive are not supportive

# Civil Service (or Bureaucracy)

- Job is to apply and implement the laws on a day to day basis
- Also asked to create implementing regulations
- Structures tend to be permanent, rule based, hierarchical, trained, full time, predictable and reliant on documentation
- Concerns over whether or not the civil service is responsive to the public or to the legislature
- May not be transparent or easily accountable
- While amount spent is rising, number of civil servants is not

# Some issues in public policy

- Public goods are not divisible or exclusive – national defense or a light house – so are hard to provide on a market basis
- A “free rider” gets benefits but does not pay in money or time
- Most people want a lot of benefits but do not want to pay for them
- This creates conflict since SOMEONE has to pay more than their “fair share” if others pay less
- This dilemma may also create debt as borrowing seems to solve the conflict for a while
- Many citizens do not vote or take part in public activities – why?

# Many eligible voters do not vote

- In some countries, non-participation is taxed or illegal
- Where it is a choice, normally 60-85% vote (US was 65% in 2016) – see by country at <https://www.idea.int/data-tools/data/voter-turnout>
- In “off-year” and local elections, participation is much lower
- Those who do not vote are poorer, less educated, and younger
- Those who do not vote also do not participate in other ways
- They often are ignorant of issues and rules, but have opinions
- “Rational ignorance” argues that many are sensible not to bother, especially at local levels – but mobilization is possible
- Unclear what impact this has on government, but likely not good
- Most want maximum benefits and minimum cost, effort



# Interest Groups are major unofficial players

- Interests have motivation, members, information and often money
- Interest groups can be institutional or membership based
- Peak Associations represent large numbers and have influence
- Tend to be business based but may be cause based such as environment, civil rights, or ideology/religion (anti-abortion)
- These groups typically lobby or try to sway legislators and regulators
- This is a legal right (but not duty) protected by the US Constitution
- Corruption involves buying votes (of legislators); lobbying involves providing information and campaign contributions – thin line.

# Social Movements are also important

- Tend to be organized with members around a single issue
- Try to elevate their issue of concern and get favorable laws, regulations, judicial review and outcomes
- Require skillful mobilization of normally uninvolved people
- Examples are gay rights, Mothers Against Drunk Driving, home schooling (right to teach children at home; not in public school)
- May use protests and litigation as well as letter writing or equivalent
- Some elite groups try to appear “grass roots” but are not – this is called “astroturf” – meaning fake grass.

# Think Tanks provide policy ideas and analysis

- These study public issues and publish research and appear on TV and radio or write editorials in newspapers or on-line
- Some think tanks have a clear ideological position
- Some try to be centrist, neutral or flexible and driven by the problem
- They can add valuable insight into public policy issues

# Political Parties are unofficial participants

- The US has two major political parties
- They tend to fluctuate between being “pure” and narrow or “big tent” and more diverse
- Their main concern is to be in power
- This means responding to voters and to donors that finance campaigns – often not the same thing
- It is not unusual to have splits within major parties (“I am a member of no organized party; I am a Democrat.” – Will Rogers)

# The Media are watchdogs but in flux

- Freedom of the press is promised in the Constitution
- However, economic pressures may close newspapers or cause news coverage to deteriorate in quality and quantity
- Advertising based print and even TV are under stress due to the rise of other venues, such as the Internet
- There is a big difference between news producers (journalists) and news aggregators (use output of others, like Google)
- Many voters get news from social media which is “personalized” – fail to get different perspectives
- Many fear the “watchdog” role of press is in danger

# How Do All These Groups Work Together?

- In some cases with little publicity, a closed “iron triangle” of legislators (in a committee), interest groups and regulators negotiate over budgets, regulations and other details
- “Logrolling” is when different groups of legislators agree to vote in support of each other, though some votes are not relevant to them
- In other cases with more publicity, there are a larger number of actors and more transparency. This may result in slower decision making.
- The “policy domain” is a topical area where all actors function, compete and compromise to reach decisions
- These actors are called the “policy community” and can change
- Mobilization can change the dynamics in the policy domain

# Different countries have different dynamics

- The US is a particular example of how policy is made, not a model
- Other countries have other structures, constitutions and problems
- Parliamentary systems often find it easier to pass legislation
- In many countries, the executive is stronger and courts are weaker
- But, whatever the details, policy problems are solved with some combination of popular and special interest input, formal government structures, expert analysis and one or more political parties.
- A civil service is needed to implement legislation but they perform at different levels depending on place, topic, and transparency