

- I. Untitled introduction: focus of this chapter – the ethical and moral basis of policy making
- A. Two key criteria in evaluating public policies
 1. **Justice**: are people treated in the way that they deserve? (do public policies distribute costs & benefits fairly)
 2. **Efficiency**: is the greatest good produced at the least cost?
 - B. Problems
 1. Both criteria are multifaceted and hard to **operationalize** (to put into effect)
 2. The two criteria are often in conflict: what is most *just* may not be most *efficient* and vice versa
- II. The problem of **(substantive) justice**: is the *outcome* of a public policy fair?
- A. Decision criteria
 1. Equal opportunities v. equal outcomes
 2. Needs v. contributions
 3. Individual factors (ability, motivation) v. factors beyond the control of the individual (chance, discrimination)
 - B. Conclusions
 1. There are no universally agreed standards of justice
 2. Most conflicts involve not absolute justice v. absolute injustice but balancing alternative approximations of justice
- III. Other aspects of justice: **procedural justice**: is the *process* of policy making or policy enforcement fair?
- A. (The problem of) **arbitrary policies** and (the solution of) **procedural due process**
 1. Problem: (**arbitrary policies**) government policies (distributing rewards or punishments) are arbitrary if decisions are made and communicated capriciously, that is those affected don't know what to expect beforehand or don't know why it happened after the reward was granted or the punishment was imposed
 2. Solution: (**procedural due process**) certain procedures must be followed in making, enforcing, and adjudicating government policies; otherwise those policies should be voided or overturned
 - B. Examples
 1. Law making: a bill must pass both houses of Congress before it can be enacted as a public law
 2. Law enforcing: invidiously discriminatory racial, ethnic, or religious covenants in private property deeds are not enforceable under public law
 3. Law adjudicating: civil liberties must be protected in civil and criminal trials
 - C. Special basic **rights**
 1. Definition: any **right** is a claim to a privilege
 2. Scope
 - a. No rights are unlimited (e.g., even the **inalienable rights** to life, liberty, and the pursuit of happiness can be Constitutionally limited by government)
 - b. All rights are subject to abridgement or denial by government so long as due process and equal protection of the law guarantees are maintained
 - c. Some special or **fundamental rights** are accorded more protection from government (or private) abridgement or denial
 - (1) Most of these special or fundamental rights are covered in the *Bill of Rights*
 - (2) Some of these fundamental rights are not mentioned in the *Bill of Rights*
 - (a) Right to life
 - (b) Right to privacy
 - D. Overriding **social needs** (collective goods that must be balanced against individual rights)
 1. Two collective goods
 - a. **Order**: e.g., national security has sometimes required *draft laws* and *emergency powers*
 - b. **Equality**: e.g., overcoming the lingering effects of past discrimination has sometimes required affirmative action (preferential treatment of women or minorities) in employment & education
 2. **Problem**: collective goods often can be guaranteed only at the expense of individual rights
 3. Sometimes **compromises** are found
 - a. Conscientious objector status
 - b. College & university admissions criteria
- IV. **Efficiency**
- A. Definition: an **efficient policy** gives the state and its people the greatest benefits at the least cost
 - B. Problems
 1. **Measurement**: too often both benefits and costs are difficult to calculate because of a lack of a common unit of measurement (e.g., dams)
 2. **Unanticipated (& unintended) consequences**
 - a. Acid & phosphate pollution in Lake Erie
 - b. Border enforcement & illegal immigration
 - c. Social security &
 - (1) Regressive taxation
 - (2) Family ties
 - (3) Retirement age
 - d. DUI enforcement & hit-&-run offenses
- V. Modes of decision: **incremental** versus **radical (innovative)**
- A. Types

1. **Incremental** policymaking
 - a. Definition: a usually slow process of small, cautious, trial-&-error steps to progressively achieve a goal with the least risk of costly mistakes
 - b. Advantage
 - (1) When change is shrouded with ambiguous cost/benefit outcomes
 - (2) When policymakers are cautious and primarily risk adverse (because both elected officials and bureaucrats know that they are more likely to be punished for a dramatic failure than a timid approach to policy change even if that timidity results in a continuously unsatisfactory state of affairs)
 - c. Examples
 - (1) Franklin D. Roosevelt's civil-rights policy
 - (2) George H. W. Bush's Iraq policy (and also G. W. Bush's initial invasion policy of not sending in enough troops to secure weapons' sites)
 2. **Radical (innovative)** policymaking:
 - a. Definition: a sometimes rapid process of large, bold, ground-breaking, & comprehensive steps to achieve a goal in the least amount of time with the fewest lost opportunities
 - b. Advantage
 - (1) When drastic changes are required to achieve a decisive breakthrough
 - (2) When policymakers are bold and primarily concerned with avoiding lost opportunities
 - c. Examples
 - (1) Harry S. Truman's civil-rights policy
 - (2) George W. Bush's Iraq policy of preemptive war
- B. Impact of **dispersion/concentration of governmental power**
1. *Federal/presidential* systems encourage *incremental* policymaking
 2. *Unitary/parliamentary* systems encourage more *radical or innovative* policymaking
- C. **Normative** analysis
1. **Plural-elite theorists** argue that the best approximation of the common good is achieved through bargaining and compromise between conflicting interests
 2. **Power-elite critics** argue that too often the policymaking process in government is rigged to the advantage of the most powerful interests in society

VI. Modes of decision: **authority (socialist)** versus the **market**

A. Types

1. **Authority-based (socialist) policy**
 - a. Definition: the government (public sector) owns & operates the production & distribution of goods & services
 - b. Examples
 - (1) Military services
 - (2) Public education
 - (3) Public highways
 - c. Problems
 - (1) *Unfair* allocation of costs & benefits (e.g., gasoline rationing)
 - (2) *Inefficient* allocation of costs & benefits (e.g., collective farming in the USSR)
2. **Market-based policy**
 - a. Definition: the *private-sector market mechanisms* of *supply & demand* determine the private ownership & operation of the production & distribution of goods & services
 - b. Problems
 - (1) **Inequality** in allocation of costs & benefits based on ability to pay versus need (e.g., medical care)
 - (2) Expensive **public goods** are not likely to be produced in a profit-motive economy due to the free-rider problem (e.g., national defense)
 - (3) **Externalities**
 - (a) Definition: large, collective costs or benefits not taken into account in the market calculation of the individual costs & benefits of the buyer & seller
 - (b) Examples
 - i) **Negative externalities** discouraged by government: air, water, & visual pollution costs
 - ii) **Positive externalities** encouraged by government: historic preservation & public education
3. **Mixed-market policy**
 - a. Definition: *some government intervention* into an otherwise free market (Keynesian economics)
 - b. Examples
 - (1) **Sin taxes:** *higher excise taxes* on goods and services claimed to be harmful to the public good (e.g., tobacco, liquor, gambling, pollution)
 - (2) **Tax incentives:** *exemptions, deductions, & credits* for activities claimed to be useful to the public good (e.g., home ownership, higher education, oil exploration, alternative-energy initiatives)
 - (3) **Public subsidies:** *direct payments or government giveaways* to encourage particular activities claimed to be useful to the public good (e.g., agricultural commodity subsidies to huge agribusiness corporations, licensing of public airways to cell-phone, TV, & radio users)

VII. Because problems are complex and humans are fallible doesn't mean we shouldn't make decisions, but when we do act we need to continually reexamine our decisions

VIII. Example: political choice

- A. The problem of need-based (versus merit-based) scholarships
- B. The problem of pollution control (versus jobs & economic well being)
- C. Children as a public good
- D. The problem of gender-based pension payments