

Robert M.

La Follette School of Public Affairs

at the University of Wisconsin-Madison

Working Paper Series

La Follette School Working Paper No. 2004-006

<http://www.lafollette.wisc.edu/publications/workingpapers>

Institutionalizing Neutrally Competent Policy Analysis: Resources for Promoting Objectivity and Balance in Consolidating Democracies

David L. Weimer

Professor, La Follette School of Public Affairs and Department of Political Science at the University of Wisconsin-Madison

weimer@lafollette.wisc.edu



Robert M. La Follette School of Public Affairs
1225 Observatory Drive, Madison, Wisconsin 53706
Phone: 608.262.3581 / Fax: 608.265-3233

info@lafollette.wisc.edu / <http://www.lafollette.wisc.edu>

The La Follette School takes no stand on policy issues; opinions expressed within these papers reflect the views of individual researchers and authors.

**Institutionalizing Neutrally Competent Policy Analysis:
Resources for Promoting Objectivity and Balance in Consolidating Democracies**

David L. Weimer

University of Wisconsin-Madison

Contact information:

Professor David L. Weimer
Robert M. La Follette School of Public Affairs
University of Wisconsin-Madison
1225 Observatory Drive
Madison WI 53706

E-mail: weimer@lafollette.wisc.edu

Acknowledgment: The author thanks Stan Engerman, Aidan Vining, Graham Wilson, the participants in the conference “Consolidating Democracies and Administrative Reform,” Taipei, Taiwan, June 28 and 29, 2004, and two anonymous referees for helpful comments. Errors and opinions are the responsibility of the author.

**Institutionalizing Neutrally Competent Policy Analysis:
Resources for Promoting Objectivity and Balance in Consolidating Democracies**

Abstract

Creating institutions that foster the production of objective and balanced policy analysis is a challenging task for all types of regimes. The value of neutral competence often suffers in tradeoffs with the value of responsiveness, especially in the exercise of executive authority. Institutional designers, however, are not without resources for structuring arrangements to promote the production of objective and balanced policy analysis: organizations can be created with an incentive to achieve *reputations* for neutral competence; organizations can be isolated from being too politically responsive through forms of *independence*; fora promoting interaction based on *professional norms* can be created to resolve conflicts about prediction; *participation in international organizations* can be leveraged to counteract domestic biases; and *transparency* can be employed to facilitate balancing of views or to shame severe abuses. This essay sets out the logic underlying design with these sorts of institutional resources, illustrates their use primarily in the U.S. context, and speculates on their application in consolidating democracies.

KEYWORDS: neutral competence, institutional design, policy analysis

Introduction

In broad sweep, Herbert Kaufman (1956) saw the evolution of American public administration as a quest for the core values of representativeness, executive leadership, and neutral competence. He defined neutral competence in public administration as the “ability to do the work of government expertly, and to do it according to explicit, objective standards rather than to personal or party or other obligations and loyalties” (p. 1060). Writing almost a score of years later, after the emergence of policy analysis as a distinctly recognized activity of potential value to the performance of government, Hugh Hecklo (1975) raised concerns about the prospects for the U.S. executive branch being able to maintain the capacity for neutral competence in policy analysis. His concerns remain today. Can the capacity for neutral competence in policy analysis be reliably maintained within executive agencies? If not, then how else might it be institutionalized?

The meaning of neutral competence in policy analysis requires some explanation. Kaufman intended his definition to apply broadly to public administration. He saw it as consistent with Woodrow Wilson’s call for the separation of administration and politics. In its narrow sense, neutral competence in administration refers to carrying out constitutional policies made by the legitimate government effectively. In rejecting this narrow view, the “new public administration” seeks also to influence the choice of policies (Marini 1971). Policy analysis provides the science and craft for influencing the choice of policies to promote the good society. For the purposes at hand, I define policy analysis as the framing and assessment of undesirable conditions as public policy problems, and the systematic comparison of alternative policies for addressing the problems in terms of a full range of relevant social values. Neutral competence in

policy analysis brings to bear appropriate methods for assessing problems and predicting the consequences of policy alternatives as well as neutrality in choosing and arguing for the social values that provide a basis for comparison of the alternatives (Weimer 2002). Any misrepresentation or gross negligence in problem assessments or predictions, or failure to consider important social values, violates neutral competence.

In this perspective, neutral competence does not mean “value free,” if indeed such analysis were possible. Rather, it means identifying policy impacts that affect values held by any members of society. In representative democracies, the values of organized interests are typically apparent to politicians and analysts; the values of unorganized interests are often less apparent. Neutrality inheres in giving standing to all values by acknowledging them and taking account of how they are affected by policy alternatives. In situations in which analysis includes a recommendation, neutrality requires explicit argument for the particular tradeoffs among values justifying the recommended policy.

Is neutral competence always socially desirable? In answering this question, it is useful to consider the distinction between open and closed policy fora made by Hank Jenkins-Smith (1990). Closed fora limit participation to a specified, often politically determined, set of analysts. For example, issues kept from the public agenda may be addressed exclusively by analysts within an executive agency. Such closed fora pose the risk that failures of neutral competence will not be immediately corrected, leading to poor policy advice, and to the extent that the advice is influential, to poor policy choices. Open fora allow participation by any interested parties. For example, issues that reach the public agenda are likely to attract analyses from various stakeholders. Although there may be problems of “silent losers” (Weimer and

Vining 1999, 156) as well as unequal distributions of resources relevant to producing and gaining attention for analyses, the participation of stakeholders will often bring a full range of social values to the discourse. Unfortunately, without the assistance of analysts to referee among competing claims about current conditions or predictions of policy impacts, decision makers may be unable to draw out a valid and balanced analysis from the various contributors, especially when the assessment of validity requires specialized expertise. Thus, even in open fora, having access to neutral competence may be desirable.

Neutral competence may be particularly valuable in consolidating democracies. The waves of democratization in Latin America and Southern Europe and later in Eastern Europe created large numbers of new democracies faced with the challenge of establishing stable democratic institutions. Although measures of democratic consolidation are difficult to operationalize (Schedler 2001), a consolidated democracy as an ideal type can be defined as “a regime that meets all the procedural criteria for democracy and also in which all politically significant groups accept established political institutions and adhere to democratic rules of the game” (Burton, Gunther, and Higley 1992, 3). Especially in the early stages of consolidation the governments of new democratic regimes have difficulty establishing the credibility of their political and economic reforms. Further, correcting initial policy missteps also undercuts credibility (Riker and Weimer 1993). Analysis that is generally perceived as neutrally competent can bolster credibility in the short run; analysis that is neutrally competent may help avoid policy missteps and contribute to credibility in the long run. In these ways neutral competence may play a positive role in democratic consolidation.

The questions of how consolidating democracies can establish neutral competence and

the impact of that neutral competence remain unanswered empirically. Therefore, any advice to consolidating democracies must be extrapolated from the experience of consolidated democracies, like the United States, for which there is a relevant historical record.

In the following sections, I consider the potential for institutionalizing neutral competence in executive and legislative agencies. I conclude that the prospects for maintaining neutral competence are greater within legislative agencies. Although this leads to clear advice for presidential systems, it does not do so for parliamentary systems that electorally merge the legislative and executive functions. Therefore, I also consider several resources, specifically organizational independence, professional norms, international engagement, and transparency, that may be helpful in finding ways to institutionalize neutral competence in particular regimes.

Executive versus Legislative Neutral Competence

At the risk of offending some students of American political development, one might assert that even into the Twentieth Century the United States was still undergoing fundamental democratic consolidation — the Senate was not directly elected until 1914 and women did not receive the right to vote until 1920. With respect to administrative reform, the Pendleton Act of 1883, like the Northcote-Trevelyan Report in Great Britain in 1854, set the stage for the development of a professional administration. Nonetheless, the First World War revealed the limited capacity of the American federal bureaucracy and the problems of not having an integrated national budget, providing impetus for adoption of recommendations made in 1912 by the Commission on Economy and Efficiency.

The Budget and Accounting Act of 1921 created twin agencies intended to bring neutral

competence to federal public finance (Mosher 1984). One was the Bureau of the Budget (BoB), now called the Office of Management and Budget (OMB), which initially primarily provided support to the president in reviewing and revising the annual budgets of federal bureaus. The other was the General Accounting Office (GAO) — renamed Government Accountability Office on July 7, 2004 — an independent organization for auditing federal expenditures headed by the Comptroller General, who previously had been located in the Department of the Treasury. In subsequent years, the GAO became more clearly an agency of the Congress, and was officially designated so in 1945.

The Executive Side

From its creation, the BoB developed a reputation for neutral competence. Its first director, General Charles Dawes, who was influenced favorably in his contact with the British civil service during the First World War, sought to create a nonpolitical organization, focused on economy in government (including parsimony in its own operations) and rejected an explicit role in policy making (Berman 1979, 5-8). From its creation until 1930, it aggressively oversaw agency budgets to produce only national surpluses, an outcome consistent with presidential goals. Although Roosevelt's first director resigned when it became clear that temporary measures to deal with the Depression would become permanent and lead to continuing budget deficits (Berman 1979, 9), the BoB began to participate more explicitly in policy development, especially after 1939 when the BoB was moved from the Department of the Treasury to the new Executive Office of the President, as recommended by the report of the President's Committee on Administrative Management (the Brownlow report). Its role in policy development

accelerated with wartime demands.

Some controversy has arisen over whether neutral competence, and the reputation for neutral competence, prevented the BoB from being responsive to activist presidents in terms of the provision of information and support. Terry Moe (1985) argues that the neutral competence of BoB frustrated presidents who had no choice but to rely on its expertise. Patrick Wolf (1999) counters convincingly that such was not the case. He points to numerous areas of policy responsibility given to BoB. He also notes the key roles of “referee” and “whipping boy” played by BoB (Wolf 1999, 153). As referee, the BoB resolved many jurisdictional disputes among executive agencies before they reached the president. As whipping boy, the BoB could be relied on by members of Congress and executive agency heads to seek to cut from budgets excessive expenditure proposals made to please constituents. It appears that during this period, the BoB was both neutrally competent (applying professional standards in its analysis) and responsive (contributing to the furthering of the presidential agenda). Indeed, its reputation for neutrality, especially with the Congress, enhanced its value to the president.

During the 1970s and 1980s, however, the reputation for neutral competence began to decline. In 1970, the BoB was reorganized and renamed the Office of Management and Budget. The number of political appointees expanded from the five top positions to include an additional five (Hecl 1975, 85). These appointees displaced career civil servants from heading the major examining divisions of the agency. The prominent role played by former Representative David Stockman as OMB director at the beginning of the Reagan administration, and the perceived manipulation of public budget projections to support administration policies, further weakened the OMB reputation for neutral competence.

The changes in the OMB were symptomatic of what Francis Rourke (1992) argues was a growing tendency within both Congress and the White House to question the neutral competence of civil servants, who were often viewed as more committed to the particular programs of their agencies than to providing neutral advice on possible alternatives. The greater politicization of the OMB was the result of White House efforts to gain more control over policy development within the federal bureaucracy; a consequence was a decline in OMB credibility among members of Congress.

Unlike the U.S. civil service system, which provides its primary promotion paths within agencies, the Home Civil Service in the United Kingdom recruits generalists and rotates them among ministries. In view of the short tenures of ministers, and their common lack of substantive knowledge about their ministries, the senior civil servants play a primary role in providing policy analysis, perhaps even to the detriment of managerial effectiveness (Barberis 1996, 4). Under this Whitehall model: “Ministers accept that they, not individual civil servants, are accountable politically; civil servants in return accept that they have no legitimate basis for making decisions that are not in accord with the policy views of their ministers” (Campbell and Wilson 1995, 32-33). The concept of a permanent professional civil service, whose members were supposed “to be able to stand their ground and tell their political superiors that their pet policy ideas were nonsense” (Campbell and Wilson 1995, 302), yet faithfully execute whatever political decisions were ultimately made, led many countries around the world to emulate the Whitehall model.

Just as concerns about the capacity of the civil service to provide neutral competence in policy analysis in the United States have grown since the 1970s, so too have concerns about the effectiveness of the Whitehall model. Colin Campbell and Graham Wilson give a number of

reasons for the emergence of a post-Whitehall model (294-297): the development of alternative sources of policy analysis both within and outside government, removing the virtual monopoly enjoyed previously by the civil service; the expanding role of the Policy Unit, which operates independently of the civil service like the White House staff in the United States, in enabling the prime minister to bypass or challenge policy analysis provided by civil servants in the ministries; erosion in the belief that civil servants constituted a profession; and the socialization of a generation of civil servants during the Thatcher government, when enthusiasm for programs favored by the government was rewarded over the provision of “honest critiques.”

These brief accounts of the provision of policy analysis at the highest levels of government in the United States and the United Kingdom suggest the difficulty that civil servants within the executive branch face in maintaining reputations for neutral competence in policy analysis. The neutral competence of the OMB and that of the British civil service were once widely accepted. Undoubtedly, each organization does provide considerable capacity for neutral competence. Yet diminished reputation makes them less effective in mediating disputes within government as well as providing convincing support for government decisions. Extreme partisanship puts ever greater pressure to be politically responsive, making it unlikely that the reputation, once lost, can easily be regained.

These accounts should not deter consolidating democracies from attempting to build analytical capacity within their bureaucracies — one could easily point to many units within the U.S. federal bureaucracy, especially those dealing with technical and scientific issues, that generally provide neutral competence in policy analysis and even have reputations for doing so. Rather, these accounts should encourage them to consider alternative organizational

environments for establishing neutral competence in policy analysis.

The Legislative Side

The GAO began its life with considerable independence from the executive. Most importantly, it is headed by a Comptroller General who serves a fixed fifteen-year term. It evolved through several major stages (Walker 1986). Prior to World War Two, it focused primarily on financial control, directly reviewing expenditures by executive agencies. The dramatic increase in the volume of such transactions during the war rendered such direct control unfeasible. This led the GAO to switch to an auditing function, with more attention to agency procedures and practices rather than individual transactions. During this period the GAO became more explicitly a congressional agency, one of considerable political value to committees and individual members of Congress because of its access to executive agency data and its reputation for neutrality. During the 1970s, the GAO became more explicitly a producer of policy analysis, partly in response to the increased role of the federal government in social policy, but also at the behest of a Congress seeking to counter a stronger executive. The Legislative Reorganization Act of 1970 directed the GAO to undertake program evaluation and cost-benefit analyses; the Budget and Impoundment Control Act of 1974 called for an even greater role in program evaluation, including the support of committees in developing evaluation criteria for the inclusion in legislation. GAO reports are generally made public and usually include recommendations.

Three other agencies play, or have played, a role in providing policy analysis to the Congress. Since 1914 the Legislative Reference Service, a unit of the Library of Congress, has

provided confidential information to members of Congress. In 1970 it was enlarged and renamed the Congress Research Service (CRS). The CRS continues to handle information requests from members of Congress, but additionally conducts major research efforts and engages in strategic planning to anticipate issues about which Congress may want to be informed in the future (Robinson 1989). Its personnel often serve as “clearinghouses” for information on particular issues and as “adjunct staff” for committees (Whiteman 1995, 48). In Fiscal Year 2001, for instance, it produced 2,200 confidential memoranda, provided 41,000 telephone responses to specific requests, and provided 2,600 in-person briefings (Congressional Research Service 2001, 3). Its memoranda do not make recommendations. The combination of confidentiality and abstention from recommendations allow it to provide neutral analysis. Unfortunately, these features also keep the CRS from routinely playing publicly visible roles in policy debates.

The Congressional Budget Office (CBO) plays a much more visible role in public debate than the CRS. It was created in 1975 as a congressional counterweight to the OMB in the provision of budget information. It conducts research requested by congressional committees, which it publishes. Its reports do not make explicit policy recommendations.

The CBO did not have immediate success in establishing a reputation for neutrality. Not surprisingly given the long-term control of the Congress, and thus the chairmanships of the committees that it served, by the Democrats, the CBO was initially viewed as partisan by Republicans. Efforts by the first director, Alice Rivlin, to establish a broad and independent mission for the CBO drew criticism from both aisles. Somewhat scaled back ambitions, and the appointment of Rudolf Penner, a moderate Republican as Director in 1984, helped to create the

important perception of nonpartisanship and neutrality. So too did its reports on the budget implications of the Clinton health proposals while the House was still controlled by the Democrats. It is interesting to note that although the CBO budget and deficit projections are roughly comparable to those of the OMB (Kamlet, Mowery and Su 1987), the CBO numbers are generally viewed as more credible.

The Office of Technology Assessment (OTA) was created in 1972 to advise the Congress on scientific and technical issues. Its board of directors was equally divided between parties and chambers, and, like the CBO, its clients were the congressional committees. Also like the CBO, the OTA did not make explicit recommendations. It was able to develop a strong external reputation for providing neutral analysis of scientific and technical issue. Its reputation within Congress was not uniformly high, however, because its findings were often relevant in adverse ways to particular political interests (Bimber 1996, 95). Further, perhaps because members of Congress were able to tap alternative sources of scientific and technical expertise in universities, think tanks, and professional societies, the OTA did not develop a broad constituency. The new Republican Congress in 1994 sought to signal its commitment to reducing the federal budget deficit by cutting its own staff. Rather than cut personal or committee staff, which have high political utility to members, the cuts were directed at the four congressional agencies (Carney 1995). The GAO, CRS, and CBO experienced reductions in staff; the OTA was eliminated outright in 1995.

Ironically, the OTA seems to be the congressional agency that several European parliaments attempted to replicate. Norman Vig (2003) reports that there are currently 15 parliamentary technology assessment agencies in Europe. They take a variety of forms,

including delegation to new (the Danish Board of Technology) or existing agencies (the Royal Academy of Arts and Science in The Netherlands; Institute for Technology Assessment and Systems Analysis in Germany), a joint committee of parliamentary chambers (France), and parliamentary agencies that manage contract research (Scientific and Technological Options Assessment in the European Parliament) or provide substantial in-house advice (Parliamentary Office of Science and Technology in the United Kingdom). Vig reports that these relatively small-scale operations have “been able to avoid political controversy and partisan attacks such as those that terminated the OTA” (Vig 2003, 96).

Despite the demise of the OTA, the overall experience of the congressional agencies supports more optimism for the prospects for institutionalizing neutral competence in policy analysis than does the experience of the executive agencies. Leaving aside the CRS, which primarily provides information and analysis confidentially to members of Congress, both the GAO and the CBO established records of, and reputations for, bringing skillful, neutral, and nonpartisan analysis to the public discourse on policy issues. A number of state-level organizations, such as the California’s legislative Analyst’s Office, play similar roles (Radin 2000). Generalizing beyond the United States requires some caveats. Most essentially, the United States offers an extreme case of separation of powers between the legislative and executive branches, perhaps making the comparative experiences of the OMB with the GAO and the CBO *sui generis*. At a minimum, it is important to recognize that any models based directly on the congressional agencies would likely be applicable only to presidential systems with strong, or potentially strong, legislatures.

Nonetheless, we can draw out some general features of the congressional agencies that

institutional designers might find useful. First, each has nonpartisan leadership with terms not directly tied to the political control of the legislature. Unlike the heads of executive agencies, who are political appointees who change with new administrations, the heads of the GAO and CBO have fixed terms of fifteen and four years, respectively. Consequently, their positions do not immediately depend on the partisan control of the Congress. Indeed, especially in the case of the CBO, a reputation for neutral competence provides the best protection against the uncertainties inherent in changes in partisan control.

Second, each agency offers highly valued services to the legislature as an institution. The GAO, through its legislative mandates and large staff, offers the Congress access to large amounts of information about the workings of executive agencies that otherwise would be impractical to obtain. The CBO provides a counterweight to the OMB by offering an alternative source of budgetary and economic projections. Its projections help move debate within the Congress forward by providing a commonly accepted basis for predicting the budgetary implications of alternative policies. Furthermore, the value of the credibility of the GAO and the CBO vis-a-vis the executive agencies is recognized as having value for Congress as an institution, a recognition that helps counter somewhat the temptation of members of Congress to pressure them for short-term partisan gains.

Generic Resources for Promoting Neutral Competence

Many consolidating democracies have parliamentary systems that do not provide a clear separation of powers between the legislature and the executive. Although the European experience with technology assessment suggests that it may be possible in some circumstances

to embed neutral competence within the parliament itself, the cabinet is more likely to dominate in general areas of policy analysis. Even those countries with presidential systems may not have sufficiently developed legislative capacity to support effective legislative agencies of the sort found in the United States. Creating neutral competence in policy analysis in these situations requires institutional designs that fit the specific contexts within these political systems. Nonetheless, designers may be able to take advantage of a number of generic resources: independence, professional norms, international norms, and transparency.

Independent Organizations: Quasi-Governmental Think Tanks

A variety of factors may make it difficult for consolidating democracies to establish neutral competence within the governmental structure: underdeveloped bureaucratic capacity, strong pressure for bureaucrats to be politically responsive, and bureaucratic inflexibility, perhaps resulting from civil service systems intended to isolate bureaucrats from electoral politics. In such cases, obtaining neutral competence in policy analysis may be more easily accomplished outside of the formal governmental structure — rather than have government do analysis, it can instead arrange to have it done (Bremer1984, 12). An important element of such arrangements is sufficient independence to enable the external source of policy analysis to be, and to be recognized, as neutral.

In some countries, think tanks may provide neutral competence in policy analysis. For example, in the United States, most observers would see Resources for the Future as providing neutral competence in the analysis of environmental policy. Centrist think tanks, like the Brookings Institution and the American Enterprise Institute, are widely viewed as offering

neutral competence with respect to assessing policy problems, but they are generally seen as less neutral in proposing policy alternatives. Some well-established nonprofit research organizations, such as RAND and the Manpower Demonstration Research Corporation (MDRC), have reputations for neutral competence in contract research.

Countries without a well-developed think tank sector may seek to create semi-independent research units within executive agencies as has been done in Australia (Jarman and Kouzmin 1993) or they may support research units within universities. Achieving sufficient independence to establish a reputation for neutral competence is likely to be difficult when units remain subordinate to executive agencies, however. Assuring a steady and relevant supply of analysis may be difficult in the case of university based centers, as academic incentives encourage research that is general and novel, while relevant policy analysis tends to be context specific and does not necessarily break new intellectual ground.

Imagine a consolidating democracy seeking to create independent organizations to provide neutral competence in policy analysis. I see three important elements to a successful design. First, the top leadership of the organization should be nonpartisan and serve under relatively long contracts with respect to the average duration of governments (administrations). Selecting a nonpartisan leadership might be accomplished by requiring that there be a consensus on appointments among the major parties. Perhaps stalemates could be resolved by referral of responsibility for the choice to some less partisan body such as the judiciary. The prospect of terms persisting after a change of administration provides not just independence but also an incentive to use the independence to achieve a reputation for neutrality that may provide protection for the organizational leaders after the change.

Second, the organization should not have to depend on annual appropriations for its funding. The more reliant the organization is on appropriations, the less effective its independence. How might funding be provided? One possibility is to capitalize the organization with a sufficient endowment to generate annual revenues sufficient to cover core operating expenses. Another possibility is to allow the organization to be funded from some existing revenue stream. For example, the Federal Reserve System in the United States funds its research units and board from revenues derived through its functioning as a bank. Perhaps it is possible to earmark some tax for supporting the organization. The government could always take away these revenue sources, but in most political systems doing so would be more difficult than reducing, or even zeroing out, an annual appropriation.

Third, the organization should be given some regular analytical tasks of relevance to the government to demonstrate its usefulness and to connect it more directly to the policy making process. A truly independent organization risks being too politically unresponsive and perhaps irrelevant. Providing analysis relevant to routine activities, such as budgeting, legislative re-authorizations, or rule making, would involve the organization in providing useful information to politicians on a regular basis. If the information were subject to verification, as say with budget or economic projections, then its provision would provide an avenue for establishing credibility. The demonstration of usefulness in some areas may encourage greater reliance on the organization by politicians, further involving it in the policy process and perhaps building support for its continued independence.

Mechanisms for Involving the Professions

Professions offer several resources for institutional design. In addition to expertise in their substantive areas, they set standards for entry into membership and they maintain norms as to proper conduct. It is natural to ask if policy analysis could be established as a profession with sufficiently strong norms to ensure neutral competence. Strong norms have often been influential in public administration, beginning at least with the Confucian commitment to virtue in terms of conformity to the social order and courage in speaking the truth to leaders (Frederickson 2002). As already discussed, the British civil service has strong norms of nonpartisanship; some countries such as France, through its *Ecole nationale d'administration*, have attempted to instill common norms through formalized training (Smith 1999). Although its influence as a profession is limited because it does not control entry into civil service, the American Society for Public Administration publishes its code of ethics on the back cover of every issue of its journal, and articles by public administration and management scholars frequently deal with issues such as the constitutional basis of administrative values (Rohr 1978), managerial responsibility (Bertelli and Lynn 2003), democratic accountability (Behn 1999), and the design of organizations to support ethical practice (Cooper 2004). The Association for Public Policy Analysis and Management has even less influence over the practice of policy analysis and it has not established an ethical code. Absent supporting traditions within public service, consolidating democracies may find it difficult to establish sufficiently strong norms of neutral competence to withstand the immediate pressures toward political responsiveness.

A more promising strategy may be to draw on the norms of professions organized for some other reason than governmental service (Bardach and Kagan 1982). Drawing staff for agencies with substantive missions from among those with high standing in the related

professions may enable the staff to resist partisan pressure more effectively. For example, those with strong identification to the health-related professions can be expected to bring with them to service in agencies providing health related policy analysis norms against inappropriate inferences from data. One limitation is that the professions may have norms that are not fully consistent with the full range of social values — for example, an emphasis on health per se that ignores values such as individual choice. Another limitation to this approach is the danger that along with norms will come professional incentives that may distort analysis, say, for instance, favoring policies that limit entry into the profession as has often been the case with professional self-regulation (Trebilcock and Reiter 1982). Yet another limitation is that relatively few professions provide norms relevant to policy analysis across substantive areas. Perhaps professional economists come closest to filling this role. They certainly are widely criticized for their over-emphasis on economic efficiency as the predominant value in policy analysis. Yet, in the context of representative democracies that tend to give more weight to concentrated and organized interests, the emphasis on efficiency, which, if done correctly, takes account of the costs and benefits borne by diffuse and unorganized interests, may be desirable (Vining and Weimer 1992). Because the skills of economists have value in the private sector, they may be more willing to risk dismissal from government service in the defense of what they believe to be neutral competence than those trained specifically for public service, and hence less well endowed with skills of value in the private sector.

Rather than hiring members of professions into government agencies where their behaviors will be greatly influenced by employment incentives, an alternative design is to create advisory committees that bring together expertise relevant to specific issues. Such advisory

bodies (Beiraete) have a long history of use in Germany (Wollmann 1989) and are extensively used in the United States. In the United States their use by federal agencies is governed by the Federal Advisory Committee Act of 1972, which requires agencies to seek a balance of views in constituting advisory committees and requires that committee meetings be announced and generally open the public. Studies of advisory committees dealing with scientific and technical issues conclude that they seem to be most effective when they facilitate negotiation among divergent views, both scientific and non-scientific, and when they are successful in defining sharp boundaries around what can be considered as scientific issues and therefore not subject to challenge by non-scientists (Jasanoff 1990; Smith 1992). Strict separation of science from politics is generally impractical and attempts to maintain a strict separation often produce more conflict than explicit integration of science into policymaking (Jasanoff 1990, 230-231).

Federal agencies, especially in the rule making process which is subject to judicial review, often recruit external experts to review their interim analyses in a effort not only to improve their content but also to increase their credibility. This relatively low-cost strategy may be useful in consolidating democracies to increase the credibility of agency reports.

Efforts to connect both interests and expertise more closely to policymaking can be observed by two regulatory approaches in the United States. First, within the traditional regulatory context, negotiated rule making attempts to involve stakeholders in the substantive design of regulations with an eye toward speeding up the regulatory processes and reducing subsequent legal challenges. Results appear mixed (Langbein and Kerwin 2000). Second, in some cases substantive rule making is actually delegated to private bodies. For example, responsibility for the allocation of internet domain names has been administratively delegated to

the Internet Corporation for Assigned Names and Numbers (Froomkin 2000) and the formation of rules for the allocation of cadaveric transplant organs has been legislatively delegated to the Organ Procurement and Transplantation Network, a private organization of stakeholders (Weimer, 2004).

Appropriate administrative capacity is required to use advisory committees effectively. Someone has to make decisions about who is to serve on the committees, what tasks they are to address, what resources, including executive branch access, they are to have available, and what sort of report they are to produce. Although specific agencies can carry out these tasks, a more robust approach might be to have more centralized bodies to manage the process, like the National Research Council and the Institute of Medicine in the United States. A governance body that serves multiple agencies may be in a better position to resist pressure to slant committee membership than would such a body serving only one agency.

Commitment through International Engagement

International organizations and international norms can affect domestic public policy in important ways (Cortell and Davis 1996; Abbott and Snidal 1998). Some of the effects are quite direct and explicit. For example, the conditionality of International Monetary Fund Loans require recipients to adopt specific policies (Bird 1996) or organizations such as the European Union set a variety of standards that must be met as prerequisites for membership. In such cases, the government in power may actually welcome some requirements that “ties its hands” in ways that enable it to resist popular but costly policies or to stick with unpopular but beneficial ones. Other effects occur when international norms strengthen the position of particular domestic

interest groups, such as human rights or environmental advocates. A recent study by Jon Pevehouse provides statistical evidence that participation in international organizations with other democratic countries contributes to democratic consolidation as measured by the length of time regimes remain democratic (Pevehouse 2002). Can membership in international organizations be used to promote neutral competence domestically?

Participating in international organizations and embracing requirements for the production of reports and analyses is one way for consolidating democracies to commit themselves to building domestic analytical competence. To the extent that the analyses and reports are subject to “peer review” by other members of the organization, domestic analysts have an incentive to be neutral. The prospect of such review may also help analysts better defend values that conflict with immediate partisan interests.

One can imagine a very radical approach: Creating international organizations for the specific purpose of standardizing some forms of policy analysis such as budgetary and economic projections. In its extreme form, consolidating democracies in a region might jointly support an agency to coordinate and assess national-level projections and set standards for various sorts of analyses and evaluations. The support of the agency would bolster efforts by domestic analysts toward neutral competence. A less radical approach would be to write into the charters of domestic analytical organizations requirements for periodic reviews by international visiting committees charged with reporting on the competence and neutrality of the organizations.

Greater Transparency and Airing Opposing Views

Making analyses accessible to the public subjects them to scrutiny by a variety of

interested parties and perhaps even by some substantively disinterested observers. Also inviting comments on the analyses and making them accessible would likely not only create an incentive for neutral competence but, in the event that the analyses fail to be neutrally competent, provide some correction. This is the basic idea behind the rule making process set out in the Administrative Procedures Act of 1946 — agencies publish proposed rules, interested parties comment, and the agency responds to the comments in its publication of the final rule. Until recently, the actual process has been paper based: publication of notices in the Federal Register, written comments from interested parties, and the accumulation of paper files in agency headquarters. Consistent with the E-Government Act of 2002, efforts are currently underway by the OMB to establish a single electronic portal for accessing all active rule makings and submitting electronic comments to their dockets. Eventually dockets will be fully accessible so that the public has ready access to all the comments submitted. There have also been some experiments with “electronic dialogues” that allow participants to connect messages to on-going threads of conversation (Beierle 2003).

A similar approach might be applied to policy analysis (Vining and Weimer 2001). Agencies responsible for producing policy analysis would routinely post their analyses on the World Wide Web. Interested parties would then be free to post comments on the analyses, perhaps questioning their assumptions or methods, arguing for the consideration of additional values in comparing alternatives, or offering evidence for or against their predictions. After the close of comment periods, agencies would have the opportunity to post responses. The exchanges would then be archived so that they could be revisited by interested parties. In areas such as budgetary and economic forecasting, the process would leave a record that could be used

to assess accuracy and improve methods.

These electronic analytical dialogues offer several potential advantages. First, electronic publication of the analyses would greatly reduce the costs of access. Lower costs might attract participation from some members of poorly organized and diffuse interests that otherwise would not participate in the policy debate. Second, the expectation of scrutiny creates an incentive for analysts to be both competent and neutral so as to enhance their reputations and avoid shame. Third, gross analytical errors and failures to address important social values would likely be identified by interested commentators. Offsetting these potential advantages is the cost to the agencies of administering the systems.

More generally, consolidating democracies should look for opportunities to take advantage of new technologies in the design of their administrative and analytical agencies. Just as some developing economies have leapfrogged fully developed hard-line telephone systems with cell phone technology, consolidating democracies should consider ways to jump a step ahead of the strong but perhaps rigid administrative structures that have been built under different technological regimes by the established democracies.

Conclusion

Neutral competence in policy analysis can potentially make valuable contributions to the effectiveness of democratic processes in promoting social values. A neutrally competent agency, with a reputation for neutral competence, can move public debate from issues of assessment and prediction to issues of appropriate values and choices. The experience in the United States points to the relatively greater difficulty executive than legislative agencies face in maintaining a

reputation for neutral competence, suggesting that in presidential systems with strong legislatures neutral competence should be pursued through the creation of legislative agencies. Neutral competence in parliamentary systems might be better pursued through the creation of independent agencies. Both types of systems may be able to create neutral competence through reliance on professional norms, participation in international organizations, and the creative use of transparency. Achieving neutral competence in policy analysis in consolidating democracies is a challenging but worthwhile task for democrats.

References

- Abbott, Kenneth W. and Duncan Snidal, 1998. Why States Act through Formal International Organizations. *Journal of Conflict Resolution* 42(1):3-32.
- Barberis, Peter, ed. 1996. *The Whitehall Reader*. Philadelphia: Open University Press.
- Bardach, Eugene and Robert A. Kagan, 1982. *Going by the Book: The Problem of Regulatory Unreasonableness*. Philadelphia: Temple University Press.
- Behn, Robert D., 1999. The New Public Management Paradigm and the Search for Democratic Accountability. *International Public Management Journal* 1(2):131-165.
- Beierle, Thomas C., 2003. Discussing the Rules: Electronic Rulemaking and Democratic Deliberation. Resources for the Future, Discussion Paper 03-22 (April).
- Bertelli, Anthony M. and Laurence E. Lynn, Jr., 2003. Managerial Responsibility. *Public Administration Review* 63(3):259-268.
- Berman, Larry, 1979. *The Office of Management and Budget and the Presidency, 1921-1979*. Princeton, N.J.: Princeton University Press.
- Bimber, Bruce, 1996. *The Politics of Expertise in Congress: The Rise and Fall of the Office of Technology Assessment*. Albany: State University of New York Press.
- Bird, Graham, 1996. The International Monetary Fund and Developing Countries: A Review of the Evidence and Policy Options. *International Organization* 50(3):477-511.
- Bremer, Jennifer Ann, 1984. Building Institutional Capacity for Policy Analysis: An Alternative Approach to Sustainability. *Public Administration and Development* 4(1):1-13.
- Burton, Michael, Richard Gunther, and John Higley, 1992. Introduction: Elite Transformations and Democratic Regimes. In John Higley and Richard Gunther, eds., *Elites and*

- Democratic Consolidation in Latin America and Southern Europe*. New York: Cambridge University Press:1-37.
- Cambell, Colin and Graham K. Wilson, 1995. *The End of Whitehall: Death of a Paradigm?* Cambridge, Mass.: Blackwell.
- Carney, Eliza Newlin, 1995. Losing Support,” *National Journal* 23 September:2353-2355.
- Congressional Research Service, 2001. *Annual Report, Fiscal Year 2001*.
- Cooper, Terry L., 2004. Big Questions in Administrative Ethics: A Need for Focused, Collaborative Effort. *Public Administration Review* 64(4):395-407.
- Cortell, Andrew P. and James W. Davis, Jr., 1996. How Do International Institutions Matter? The Domestic Impact of International Rules and Norms. *International Studies Quarterly* 40(4):451-578.
- Frederickson, H. George, 2002. Confucius and the Moral Basis for Bureaucracy. *Administration and Society* 33(6): 610-628.
- Froomkin, A. Michael, 2000. Wrong Turn in Cyberspace: Using ICANN to Route Around the APA and the Constitution. *Duke Law Review* 50(1):17-186.
- Hecl, Hugh, 1975. OMB and the Presidency — The Problem of “Neutral Competence.” *Public Interest* 38(Winter):80-98.
- Jarman, Alan and Alexander Kouzmin, 1993. Public Sector Think Tanks in Inter-Agency Policy-Making: Designing Enhanced Governance Capacity. *Canadian Public Administration* 36(4):499-529.
- Jasanoff, Sheila, 1992. *The Fifth Branch: Science Advisors as Policymakers*. Cambridge, Mass.: Harvard University Press.

- Jenkins-Smith, Hank C., 1990. *Democratic Politics and Policy Analysis*. Pacific Grove, Cal.: Brooks/Cole Publishing Company.
- Kamlet, Mark S., David C. Mowery, and Tsai-Tsu Su, 1987. Whom Do You Trust? An Analysis of Executive and Congressional Economic Forecasts. *Journal of Policy Analysis and Management* 6(3):365-384.
- Kaufman, Herbert, 1956. Emerging Conflicts in the Doctrines of Public Administration. *American Political Science Review* 50(4):1057-1073.
- Kearney, Richard C., 1988. Political Responsiveness and Neutral Competence in the Developing Countries. *Review of Public Personnel Administration* 8(2):66-80.
- Langbein, Laura I. and Cornelius M. Kerwin, 2000. Regulatory Negotiation versus Conventional Rule Making: Claims, Counterclaims, and Empirical Evidence. *Journal of Public Administration Research and Theory* 10(3):599-632.
- Marini, Frank, ed. 1971. *Toward a New Public Administration*. Scranton, Penn.: Chandler.
- Moe, Terry M., 1985. The Politicized Presidency. In John E. Chubb and Paul E. Peterson, eds., *The New Direction in American Politics*. Washington, D.C.: Brookings Institutions:255-271.
- Mosher, Frederick C., 1984. *A Tale of Two Agencies: A Comparative Analysis of the General Accounting Office and the Office of Management and Budget*. Baton Rouge: Louisiana State University Press.
- Pevehouse, Jon C., 2002. With a Little Help from My Friends? Regional Organizations and the Consolidation of Democracy. *American Journal of Political Science* 46(3): 611-626.
- Radin, Beryl A., 2000. *Beyond Machiavelli: Policy Analysis Comes of Age*. Washington, D.C.:

Georgetown University Press.

Riker, William H. and David L. Weimer, 1993. The Economic and Political Liberalization of Socialism: The Fundamental Problem of Property Rights. *Social Philosophy & Policy* 10(2), 79-102.

Robinson, William H., 1989. Policy Analysis for Congress: Lengthening the Time Horizon. *Journal of Policy Analysis and Management* 8(1):1-9.

Rohr, John A., 1978. *Ethics for Bureaucrats: An Essay on Law and Values*. New York: Marcel Dekker.

Rourke, Francis E., 1992. Responsiveness and Neutral Competence in American Bureaucracy. *Public Administration Review* 52(6):539-546.

Schedler, Andreas, 2001. Measuring Democratic Consolidation. *Studies in Comparative International Development* 36(1): 66-92.

Smith, Andy, 1999. Public Policy Analysis in Contemporary France: Academic Approaches, Questions and Debates. *Public Administration* 77(1):111-131.

Smith, Bruce L. R., 1992. *The Advisors: Scientists in the Policy Process*. Washington, D.C.: Brookings Institution.

Trebilcock, Michael J. and Barry J. Reiter, 1982. Licensure in Law. In Robert G. Evans and Michael J. Trebilcock, eds. *Lawyers and the Consumer Interest*. Toronto: Butterworth: 65-103.

Vig, Norman J., 2003. The European Experience. In M. Granger Morgan and Jon M. Peha, eds., *Science and Technology Advice for Congress*. Washington, D.C.: Resources for the Future Press:90-98.

- Vining, Aidan R. and David L. Weimer, 2001. Criteria for Infrastructure Investment: Normative, Positive, and Prudential Perspectives. In Aidan R. Vining and John Richards, eds. *Building the Future: Issues in Public Infrastructure in Canada*. Toronto: C. D. Howe Institute:131-165.
- Vining, Aidan R. and David L. Weimer, 1992. Welfare Economics as the Foundation for Public Policy: Incomplete and Flawed but Nevertheless Desirable. *Journal of Socio-Economics* 21(1):25-37.
- Walker, Wallace Earl, 1986. *Changing Organizational Culture: Strategy, Structure, and Professionalism in the U.S. General Accounting Office*. Knoxville: University of Tennessee Press.
- Weimer, David L., 2004. Public and Private Regulation of Organ Transplantation: Liver Allocation and the Final Rule. Paper presented at the Midwest Political Science Association meetings, Chicago, April.
- Weimer, David L., 2002. Enriching the Discourse: Policy Analysis in Representative Democracies. *The Good Society* 11(1):61-65.
- Weimer, David L. And Aidan R. Vining, 1999. *Policy Analysis: Concepts and Practice*, 3rd Ed. Upper Saddle River, N.J.: Prentice Hall.
- Whiteman, David, 1995. *Communication in Congress: Members, Staff, and the Search for Information*. Lawrence: University of Kansas Press.
- Wolf, Patrick J., 1999. Neutral and Responsive Competence: The Bureau of the Budget, 1939-1948 Revisited. *Administration and Society* 31(1):142-167.
- Wollmann, Hellmut, 1989. "Policy Analysis in West Germany's Federal Government: A Case of

Unfinished Governmental and Administrative Modernization? *Governance* 2(3):233-266.