

# T07P08 / The Accountability and Legitimacy of Knowledge Expert in Policy Making

**Topic :** T07 / Policy Design, Policy Analysis, Expertise and Evaluation

**Chair :** Jon Pierre (Dept of Political Science, University of Gothenburg)

**Second Chair :** Sullivan Helen (Australian National University)

## GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

The role of experts and the legitimacy of expertise in public policy are in question. Established relationships between politicians, experts and citizens are breaking down as communities lose faith in the core institutions and practices of governance. Academics have devoted much attention to the reimagining of governance institutions and the practices of governing but have paid less attention to the role of experts and expertise in those institutions and practices. This panel will address that gap, focusing on the relationship between expertise and legitimacy.

Experts play a central role in society as they provide the bridge between specialist understanding and citizen acceptance. Questioning expertise means understanding the nature of its legitimacy in the process of policy making. What determines the (input) legitimacy of experts to open up and animate the debate? What determines the (output) legitimacy through expertise to validate a public decision and close the debate? How is expertise made accountable? This panel aims to identify the determinants (political, social, economic, organisational, historical, technological or other) of the legitimacy of expert knowledge, by analysing the conditions in which independent knowledge is created and communicated and examining the role of institutions and actors in supporting or limiting legitimacy.

These issues are highly relevant in a situation of concomitant distrust in expertise and public policies, and are fed by a widening gap between scientific and human progress: while scientific advances and innovation are accelerating, populism constitutes a major social risk for democracies. Recently, the authority and legitimacy of experts have been eroded by some high profile policy failures. This panel aims to understand the sources of these failures. Explanations might be both endogenous and exogenous to the activity of experts, since for policy-making, the legitimate provision of expertise requires both responsible agents and a vigilant principal (Jasanoff, 2003).

In a context of the reduction of public research budgets and research privatisation, potential conflicts of interest can compromise independent expertise and its accountability. Moreover, the lack of transparency and traceability in the collection, accumulation and modification of data are problematic when science becomes more data driven. When do experts behave opportunistically, how can this be detected, and who monitors experts? Finally, in the current environment of 'post-truth politics', we need to better understand how new social risks (such as inequalities and populism) interact with expertise, generating doubts about and providing alternatives to expert knowledge.

Jasanoff, S. (2003), '(No) Accounting for Expertise?', *Science and Public Policy* 30(3):157-62.

## CALL FOR PAPERS

At a time when the economic, social and environmental governance challenges facing contemporary societies have grown in severity, scope and complexity, the role of expertise in policymaking has increasingly been called into question. Between suspicion and criticism, forecast errors and accusations of collusion with private companies, the possibility of independent expertise is questioned. Recently, populist and anti-globalisation movements have achieved electoral success by playing on these doubts and by rejecting the claims to specialized knowledge and authority of experts.

What roles do experts and expertise play in governance and policymaking, and how has this changed over time? This panel considers the changing role of expertise in governance and the legitimacy and accountability of expert knowledge in policymaking. What is the legitimacy of expertise? What kinds of expertise are there in contemporary governance and who are the experts? Who selects experts, and how? To what degree do different governance arrangements such as hierarchies, networks and hybrid organizations differ with regard to their capacity to sustain expertise as a key component in policymaking?

What are the mechanisms, procedures and historical contingencies that explain the legitimacy of expert knowledge? Finally, how do conventions and power relationships modify the production and distribution of expertise?

The panel invites the submission from different disciplines and different sectors, bringing together a collaborative network of leading local and international scholars and institutions to explore the historical, contemporary and future roles of expertise in governance. It will explore the central questions of the accountability and legitimacy of experts and expertise and combine academic enquiry and knowledge creation with policy focus and practical application.

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## Session 1 Legitimacy and accountability of knowledge experts in policy making

Friday, June 30th 08:15 to 10:15 (CJK 1 - 1)

### Discussants

Anders Esmark (University of Copenhagen)

### Policy evidence and expertise in contemporary parliamentary committees

Carolyn Hendriks (Crawford School of Public Policy, ANU)

Sue Regan

Parliamentary committees are interesting institutions for exploring the changing nature and legitimacy of knowledge in contemporary public policy. Traditionally parliamentary committees have relied on formal experts to provide evidence to inform policy deliberations. However like other policy institutions contemporary parliaments are under multiple pressures to consider more diverse forms of expertise and knowledge, especially from affected publics. Today committees wrestle with highly complex policy issues that regularly expose the uncertainties and limits of formal expertise. Moreover committees have become important sites of political representation as the democratic legitimacy of traditional institutions, such as political parties and unions, is in decline. Drawing on empirical research from several Australian parliaments, this paper examines how contemporary committees are reframing 'policy evidence', and in some cases adapting how they source and manage different forms of policy knowledge. The research finds that many committees are reaching out well beyond conventional forms of expertise to source more experiential accounts from publics potentially affected by their policy recommendations. This epistemic expansion is being driven in large part by committee members (politicians) who seek greater access to the lived experience and real world impact of policy decisions. The paper documents how committees are adapting the way they publicise, collate and report on policy evidence. Some committees are developing strategies to better 'manage' public input so that it can be considered as evidence for parliamentary deliberations. While the broadening of policy knowledge in parliamentary committees may serve to boost the legitimacy of their procedures and outcomes, it is presenting deep challenges to the conventions of 'expertise' in the parliamentary context.

### Scientific Ignorance and Public Inaction: How Scientific Expertise Builds the Non-Problem of Occupational Health

Emmanuel Henry (Université Paris-Dauphine (Paris IX))

In this paper, I will analyze the contribution of scientific expertise in the process of construction of public problems. In the field of occupational health, this question is specific because of the importance of ignorance and undone science (Gross and McGoey, 2015; Hess, 2015). As strong inequalities exist in this field, scientific knowledge (and ignorance) is organized in a very specific way, with numerous points insufficiently investigated by scientific research. As a result, the rise of scientific expertise, which has been one of the main evolution of occupational health policies in Europe in the last decades, did not produce significant transformations in their outputs.

This analysis is an opportunity to put the question of power back on the scientific agenda. This question has been quite absent in the field of public policy analysis since the 1980's (Pierson, 2015). Analyses of the contemporary transformations of occupational health policies allow us to take up the intuitions of Bachrach and Baratz on non-decisions (Bachrach and Baratz, 1962). This communication will show how power

relations are at the same time invisible and integrated into technoscientific instruments that naturalize the inequalities of knowledge distribution between the different categories of actors involved in these policies. This makes possible to understand how the scope of a problem is limited, how a problem is constructed in discrete arenas, or even how non-problems are constructed.

This communication is based on empirical research in which the tools of qualitative sociology (documentary analysis and semi-structured interviews) are used to study scientists and experts participating in the scientific expertise on occupational health, as well as the actors involved in policy making at various levels. This work is the prolongation of a collective work on scientific expertise in the field of public health held in France in the past five years (Henry et al., 2015).

Bachrach, P. & Baratz, M.S. (1962) Two Faces of Power. *The American Political Science Review*, 56, 947-952.

Gross, M. & McGoey, L. (Eds.) (2015) *Routledge International Handbook of Ignorance Studies* Routledge, Abingdon, New York.

Henry, E. et al. (Eds.) (2015) *Dictionnaire critique de l'expertise. Santé environnement travail* Presses de Sciences Po, Paris.

Hess, D.J. (2015) Undone Science: A Review and Typology. In *Routledge International Handbook of Ignorance Studies*, (Eds, Gross, M. & McGoey, L.) Routledge, Abingdon, New York, pp. 141-154.

## **Policy Punctuation or Politics As Usual?: The Congressional Dynamics of Science and Technology Policy**

Renee Johnson (Rhodes College)

Erin Dolgoy (Rhodes College)

Many contemporary scientists and scholars are calling for a renewed focus on science and technology in the U.S. and around the globe. They point to declining math and science scores, the declining number of foreign students enrolling in U.S. universities, and the outsourcing of U.S. jobs abroad as evidence of the U.S.'s decline in prominence in global science and technology. Despite attention to this issue in the press, there have been few attempts by political scientists to critically engage the assumption that the U.S. government is less committed to science and technology policy than it was in the 1950s and 1960s. As such, an examination of the dynamics of U.S. science and technology policy making is timely and relevant.

In this project, we utilize Punctuated Equilibrium Theory to analyze the content and substance of congressional hearings on science and technology policy since WWII. Based on previous research the authors have conducted, we do know that congressional policy activity related to science has increased substantially. However, we don't know whether this activity is indicative of increased support for or increased disagreements about government support for science and technology policy. Additionally, the broader science and technology literature speculates that scientists themselves aren't generally involved in debates about science and technology policy because they are uncomfortable with the politics of policy making on issues of science and technology. However, this assumption isn't tested in the literature. A closer examination of congressional hearings in terms of who is called to testify and the nature of that testimony will enlighten us on not only what types of individuals and groups are most involved in the policymaking process, but also their positions on support for science and technology. Finally, this project critically engages prominent theories of policy making that suggest that due to lack of salience and technical complexity, science and technology policy making is unlikely to be carefully scrutinized by Congress.

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## Session 2 The legitimacy and accountability of knowledge expert in policy making

Friday, June 30th 10:30 to 12:30 (CJK 1 - 1)

### Discussants

Carolyn Hendriks (Crawford School of Public Policy, ANU)

### **The Role and Influence of Independent Policy Experts in Public Policy Making in Nondemocratic States: The Case of Human Trafficking Legislation in Post-Soviet States**

Elena Maltseva (University of Windsor)

The aim of this paper is to discuss the impact of international policy experts on public policy making in nondemocratic political regimes. Using the example of human trafficking legislation and its enforcement in Kazakhstan, I will illustrate how knowledge is collected, framed and transferred across the network of communities in nondemocratic systems and discuss the limits to independent policy experts' influence on public policy making in such regimes. The paper argues that if in democracies independent policy experts, epistemic communities and advocacy networks are regarded as important mechanisms for policy change, in authoritarian regimes the impact of outside actors on public policy making is usually limited and depends on several factors including their transnational connections, the degree of their embeddedness within the local institutional and political context, their proximity to authoritative decision-makers and the degree of fragmentation of political elites.

This paper is based on extensive comparative and field research conducted by the author in several Kazakhstani cities in 2013, as member of a research team recruited by the United National Development Program in Kazakhstan (UNDP) and funded by the Ministry of Justice of the Republic of Kazakhstan. This research project focused on evaluating the existing legal and social services available to the victims of human trafficking and irregular migration in Kazakhstan, and provided some recommendations for an improvement of the situation.

### **We're all managers now: Ideas, expertise, and management consultants**

Martin Bortz (University of Melbourne)

Typically, the literature on the relationship between knowledge and public policy focuses on the role of the scientist in policy processes. Here, expertise is legitimized through achievement of competency within a particular domain of knowledge – the 'expert' must hold specialized (scientific) knowledge. However, this view only tells half the story. That is, the expert is also reliant on the state for legitimation and use of their expertise. This state of affairs allows for many non-scientists to be legitimized as experts by government. One of these experts is the management consultant. Over the last few decades, governments have come to rely more and more on the knowledge, ideas, and expertise provided by management consulting firms. This paper will explore the management consulting phenomenon, making the argument that, while the trust in scientific expertise may be in decline, the same cannot be said for management expertise. To that end, what we are seeing is not so much an attack on the legitimacy of expertise as a whole, but rather a shift in the mode of legitimate expertise. And while legitimacy was previously founded upon claims to scientific knowledge, it is now based upon the extent to which expert actors can interpret complex problems through a managerial lens.

## **The legitimacy of expert knowledge: the case of the Notre-Dame-Des-Landes airport project**

Dounia Khallouki (ENTPE)

Lots of big infrastructure projects led to conflicts and tensions with the local population in the past few years. We argue that those tensed projects are very relevant situations to question the role of expertise in policy making. Indeed, conflict shows decision and mobilization processes in a way sharper than other situations, which enables us to see how expertise is involved in those processes.

The case of the Notre-Dame-Des-Landes airport project in France is a relevant example of a particularly tensed situation: the conflict led to important delays, and the outcome of the project is still uncertain. In that case, lots of experts were mobilized, whether by French government or by opponents to the project. Expertise plays a key role: project owners tend to use it as an instrument of legitimation. But many opponents to the project questioned expert knowledge. They also resorted to counter-expertise, in order to fight on technical arguments, and later, to a kind of participative expertise. In this case, expertise has spread on both sides of the conflict, which led to a technical war, where the different actors use expertise as an argumentative weapon.

Our intention in this paper is to understand, by studying discourses, practices and argumentative strategies of the different actors, how the legitimacy of expert knowledge has changed over time and what the part of experts and expertise in such a conflict is. The use of expert knowledge in argumentative strategies through time is a key element of our analysis.

We will focus on two time periods. The first one is from the end of the sixties to the end of the nineties, at the beginning of the project, when expert knowledge was not yet questioned, and stayed in the hands of very few people. And then, a second period starts in 2000, when the first participative procedures were organized. We argue that the legitimacy of expert knowledge may be related to the different participative procedures that occurred. Indeed, participative procedures help shape the opposition, but also, those procedures point at technical aspects of the case that may not have appeared without it. As several actors support legitimacy of expert knowledge, other actors come to limit this legitimacy, which lead to the rise of new forms of expertise.

## **Technocracy revisited. Reasserting democracy against connectivity, reflexivity and accountability**

Anders Esmark (University of Copenhagen)

Since the 1980's, liberal democracies have seen the emergence of a late modern technocracy guided by the principles of 1) connective governance linking interests, identities, forms of knowledge and resources in the face of changes brought about by new information and communication technologies (ICT's), digitalization and the proliferation of informational networks in the network society, 2) risk management ensuring constant organizational change, adaptation and flexibility in the face of increasing complexity, uncertainty and wicked problems in risk society, and 3) performance management ensuring evidence, learning, development and accountability in the experimentalist society. Indeed, the intersecting principles of connectivity, risk and performance constitutes a model and program for the organization and government of society no less fundamental than the early technocratic model of planning and social engineering.

These principles imbue late modern technocracy with an aggressive anti-bureaucratic stance coupled with an embrace of democratic vocabulary, which is a point-to-point inversion of the embrace of bureaucracy and overtly anti-democratic stance found in early technocracy. Nevertheless, the agenda of the new governance paradigm is permeated by the scientific-technological rationality, an ideology of scientific management, depoliticization and the organizational culture of the new technostructure. The principles of connectivity, risk and performance carry may appear more timely, subtle and ambiguous than outdated vision of the great social machine envisioned by early technocrats, but their onslaught on democracy is all the more effective for the very same reason. The paper takes up three issues of particular relevance here:

A) Connective governance has made administration and government more open to stakeholder participation, communication and dialogue. However, ICT's and the informational logic of networks are not inherently democratic and networks are not inherently avenues of connective action and political contestation, even if they are often presented as such. For one, networks are often exclusive, offering participation primarily to those in possession of critical knowledge resources. Moreover, the form of deliberation is mostly technical and focused on problem solution. Simply pushing networks higher on the ladder of participation will not, however, make connective governance inherently democratic. Participation

and deliberation, no matter how extensive, is deeply entrenched in technocratic concerns within the parameters of connective governance.

B) The increased reflexivity and awareness of governmental self-limitation associated with risk management may indeed lead to more openness towards external circumstances, resources and perspectives. Reflexivity is not, however, an invitation to the exercise of free and unbounded debate and contestation. It is a particular mode of thought and action strictly limited to the parameters of continuous adaptation, resilience and even 'survival'.

C) In similar fashion, accountability, which is undoubtedly the most crucial concept in the late modern bid for democratic legitimacy of scientific management, may well produce more governmental transparency and offer new possibilities to citizens as service users, co-evaluators and even co-producers of public policy. Rather than a strong standard of democratic representation, participation or deliberation, however, accountability invokes a standard of output legitimacy based on the ability to take necessary action and deliver results.