

Policy Learning without Counterparts: Cases of Administrative Reforms in China and Taiwan*

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Abstract

The existing literature tends to suppose that a policy learner shares a common problem and/or tries to share a same policy instrument with a “learning target.” This paper argues that learning can occur without sharing a common problem or/and a same policy instrument. This paper develops a framework for this phenomenon, coined “policy learning without counterparts” and suggests three situations of it controlled by three variables: context, problem and instrument. Policy transfer and diffusion are not necessarily the results of policy learning. The framework will be illustrated by administrative reforms and two reform cases from China and Taiwan.

Keywords: policy learning, cross-national learning, administrative reform, China, Taiwan

Introduction

In every Thai restaurant in Taiwan, it must offer a dish called “moon shrimp cake.” It is a common and popular Thai food in Taiwan. However, such a dish is generally not served in Thailand. This popular Thai cuisine is believed to be invented by a chef in Taiwan who created it by combining Thai’s and other Southeast Asian flavors. In this sense, is the “moon shrimp cake” a Thai food? One may say it remains a Thai food, but in Taiwan and it has no “counterpart” in Thailand. The chef who invented this dish was developing what he had “learned” from the Thai cuisine.

Such an interesting learning process without a counterpart elsewhere has been occurring in the policy field, but it has been scholarly overlooked. One should not argue that devising a new policy or program, like the situation of creating the “moon shrimp cake,” is simply an utterly self-developed process. Policy learning does happen, but its consequence is not a policy transfer or diffusion as most existing literature suggests.

The literature on policy learning usually supposes that policy learning occurs only if a policy learner shares a common problem or try to share a same policy instrument

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with a “learning target” (i.e., a foreign place or country). This paper presents an opposite setting of policy learning, which is coined as “policy learning without counterparts.”

This phenomenon may be more manifest in a cross-national and cross-cultural policy learning. It is especially true for East Asia where “learning from the West” has become a usual practice since the modernization era from the 19-20th century. Drawing lessons from the advanced countries is a standard procedure in policy making, even though Western countries may not offer appropriate experiences or share a common problem. It means that a counterpart is *de facto* absent in this process. This implies that policy learning is not leading to a transfer or diffusion of a policy, but leading to “translation” of or “inspiration” from relevant elements of foreign experiences, or “hybridization” of these foreign elements with local innovation.

This paper will develop a framework that suggests three situations of “learning without counterparts,” two of which can be illustrated by existing works. The third situation will be illustrated by two cases of administrative reforms from China and Taiwan. The first is a reform of the administrative system experimented in Shenzhen of China, called “administrative trichotomous system;” the second is an establishment of civil service neutrality mechanism in Taiwan, but it is called “administrative neutrality” instead of the well-known “political neutrality.” The former incorporated some elements of agencification reforms in Western countries into China’s own reform experiment; the latter redefined the “civil service neutrality” as a broader concept in response to a different political context under the transformation of a party-state regime.

This paper argues that policy learners are seldom learning in a vacuum, without any pre-occupied ideas. Cross-national policy learning may intensify this situation when learners try to comprehend a novel and strange foreign idea with their own peculiar local concepts and logic.

Common learning situations in literature: Policy learning with counterparts

The studies of policy-learning stemmed from an attempt to account for policy changes by emphasizing the function of “learning” instead of the “conflict and power” (Heclo, 1974). Hence, most literature on policy learning can be considered a sort of “change-oriented” learning (Bennett and Howlett, 1992; Toens and Landwehr, 2009). The seminal work by Richard Rose (1991) typifies this model. His “lesson-drawing” concept notes that “a lesson is seen as a short cut, utilizing available experience elsewhere to devise a program that it [is] new to the agency adopting it and attractive because of evidence that [it] has been effective elsewhere” (p. 7). According to the setting of “lesson-drawing,” the process of policy learning can be reduced to three steps:

1) two places share a common problem; 2) one tries to learn how the other responds to the problem; and then 3) evaluates whether or how the response (i.e., policy or program) should be transferred to its own jurisdiction.

With a few exceptional approaches (Sabatier, 1987; Freeman, 2007; Toens and Landwehr, 2009), this change orientation of the policy-learning studies tends to focus on “policy transfer” that seems to be better able to represent the nature of the policy change (Dolowitz and Marsh, 1996, 2000; Evans, 2009; Benson and Jordon, 2011). “Policy transfer” is usually considered an alternative concept of “lesson-drawing.” The only difference is that the former covers “voluntary” and “coercive” transfers, while the latter only covers the “voluntary.” Policy transfer is supposed to be a dependent variable of policy learning. Some major concerns of policy transfer are what is transferred, the degrees of transfer, and the obstacles to transfer. Uninformed, incomplete and inappropriate transfers are equal to policy failure (Dolowitz and Marsh, 1996, 2000). Transfer is considered as the sole aim and outcome of policy learning.

An alternative approach of policy learning is “policy diffusion,” in which “diffusion” is defined as “the process by which an innovation is communicated through certain channels over time among members of a social system” (Berry and Berry, 1999: 171). The diffusion perspective further focuses on how a specific program, practice, institution or idea is adopted by many other places. Diffusion implies a trend of successive or sequential adoption rather than simply a transfer from one place to another. Diffusion does not necessarily imply an action of problem solving, and even implies a supply-driven policy spread. It suggests that “policy change occurs by osmosis; something that is contagious rather than chosen” (Stone, 2012: 484). That means a policy may diffuse into other countries out of the influence of certain dominant ideas, not being a response to a perceived public problem, or a common structural or modernizing factors of different countries may lead to adopting a similar/same solution independently (Bennett, 1997; Newmark, 2002). In this sense, however, a substantive learning process may be absent in the diffusion, or it is only a sort of mimicking under “superstitious learning” (May, 1992).

Despite the variation between policy transfer and diffusion, both implicitly share a notion that the learning, if any, is leading to something like “physical transposition” of a policy, and then further leading to policy convergence among countries (Bennett, 1991a). In fact, the consequence of “lesson-drawing” is not confined to policy transfer or diffusion in Rose’s account, though he is more interested in the action of transfer. Excluding the negative lesson-drawing that may be leading to inaction, devising a new program by lesson-drawing “is best considered as a creative act, rather than as a process of copying” (Rose, 1991: 21). If it is a “creative act,” the possible outcomes should be more than transfer or diffusion of the initial policy.

Some recent literature of policy transfer and diffusion has re-conceptualized and refined the meanings and implications of policy learning. “Policy assemblage” and “policy mimesis” represent some of variants of the traditional version of policy transfer. (Prince, 2010; Massey, 2009). These variants can be categorized as a “translation” perspective that a different and complex context of a learning country makes an indiscriminate transfer impossible and even undesirable. The policy learning is subject to a process of translation and interpretation. Divergence, hybridization, adaption and mutation are all possible outcomes of learning. Poor, incomplete or partial transplantation does not necessarily imply a policy failure. Knowledge transfer is more extensive than policy transfer (Stone, 2012).

Although the translation perspective notes the function of contextual differences in taking account of foreign policy experiences, the empirical works in this perspective usually share the basic setting of lesson-drawing in the sense that policy learning occurs when two places share a common problem. Then one tries to learn how the other responds to the problem. The only variation is the final step. It is not simply “whether or how” the “response” is transferred. The final step is more complex than a decision of “yes” or “no,” and “how” if “yes.” It may involve a “meaning-making” and “deliberative” process during the translation (Lendvai and Stubbs, 2007; Toens and Landwehr, 2009). Still, the adoption of foreign policy instruments or their variants is a common outcome in the cases of policy translation (Johnson and Hagström, 2005; Massey, 2009; Prince, 2010; Park, Wilding and Chung, 2014).

In a word, in the traditional perspective of policy transfer and diffusion, policy learning tends to work as sharing a common problem and trying to import a policy instrument (Bennett, 1991b; Wolman, 1992; Dwyer and Ellison, 2009). A borrower is learning with counterparts in terms of a problem and an instrument. The translation perspective remains the same, but it highlights the absence of a contextual counterpart that may be conducive to formulating a variant of the foreign policy model.

Does policy learning happen (excluding diffusion without learning) if two places share no common problem or no same instrument, and if two places share no common problem and policy instrument? If yes, how does it happen and what are its implications? These are what this paper attempts to address in the following sections.

Framework of policy learning without counterparts: Illustration by administrative reforms

The existing policy literature is blind to the phenomena of policy learning without counterparts. The “transfer” literature implicitly supposes that the absence of counterparts only plays the part to account for the resistance to policy transfer or leads

to the translation or substantial adaptation of foreign policy instruments (Peters, 1997; Common, 2013; Vigour, 2017). However, even we stick to the perspective of change-oriented learning, we can still discover multiple “change” outcomes that go beyond “transfer or not” (Moynon and Scholten, 2018). In fact, for instance, Rose (1991) did indicate that “inspiration” that programs elsewhere are used as intellectual stimulus for developing a novel program without an analogue elsewhere is one of ways of policy learning. However, he did not consider it a form of lesson-drawing and further overlooked this situation in his elaboration. This paper argues that “inspiration” is a significant way of policy learning, especially in the cases of absence of counterparts.

The case of administrative reform is a typical domain to reflect this situation. The reform ideas of New Public Management (NPM), which advocates a market-based government, private management skills, decentralization, and privatization/deregulation, have been diffusing into almost every corner of the world since the 1990s, but findings tend to suggest that we should not overstate the impact of the diffusion. It is not leading to a global convergence towards a particular style of public management. Convergence in terms of reform rhetoric rather than a substantive convergence is dominating the movement (Cheung, 1997; Pollitt, 2001). Even though some countries adopt a common reform idea, the concrete reform measures vary substantially from one another, because learners can flexibly interpret the NPM doctrines (Moynihan, 2006). In this sense, learning may work in a form of inspiration rather than transfer.

In this vein, learning without counterparts, in all cases, must involve the absence of contextual counterparts, but it is possible for both the learner and the learning target to share a common problem and a similar/same policy instrument. This is the first and well-known situation. The second situation is both parties share no common problem, but one shares or imitates a policy instrument of the other. This can be exemplified by the diffusion of policy innovations, such as NPM reforms. In East Asia, the NPM ideas did diffuse into the region in the 1990s and many countries in this region, including China and Taiwan, adopted some NPM-related instruments, but they were not adopted to address the issue of the governments’ fiscal crisis, or to weaken the traditional state interventionism. The public sector reforms in East Asia were not quite motivated by New Right ideology (Common, 2001; Cheung and Scott, 2003). The countries in the region are facing different problems and have their own reform agendas.

However, in order to catch up with the strong Western powers, the East Asian countries have been practicing the “learning from the West” since the mid-19th century. The Meiji reform in Japan set the first success model of this learning pattern (Westney, 1987). The modernization process in China during the 19th and early 20th century to a large extent was to imitate various Western systems. Even in an authoritarian setting

under a communist rule, China is looking for foreign experiences, including those of Western democracies. During the reform era since the 1980s, its administrative reforms have shared some elements or instruments from NPM, even though they were combined with “Chinese characteristics” (Foster, 2006; Christensen, Dong and Painter, 2008; Evans, 2011). Such a usual practice is somewhat considered a sort of “superstitious learning” and mislearning is highly possible in this situation (Christensen, Dong and Painter, 2008; Dong, Christensen and Painter, 2010). Alternatively speaking, it may be argued that Western policy instruments are adopted to address different issues or for different purposes, simply a sort of instrumental learning (Chan and Chow, 2007; Dong, Christensen and Painter, 2010). For example, performance measurement in China is considered as a way to build up state capacity and ensure policy compliance rather than to improve government services in its Western counterparts (Gao, 2009).

Taiwan has been learning from the West since the Kuomintang (Nationalist, KMT) regime retreated to the island, partly due to its alliance with the United States. Taiwan jumped on the bandwagon of the NPM-style administrative reform right after the advent of NPM. However, the reform just ran into Taiwan’s democratization in the 1990s. The administrative reform in Taiwan was part of political reforms to de-authoritarianize the state (Cheung, 2003; Tang, 2004). The purposes of administrative reforms were somewhat different from its Western counterparts, even though it imitated some of the NPM measures. For example, the privatization reform in Taiwan, not like its Western counterparts that adopted it to address the issue of public debts or deficit, was aimed to achieve the goal of liberalization and internationalization (Liou, 1992).

The above two situations of learning without counterparts can be derived from existing literature. In the first situation, as noted above, the learning pattern is dominated by “translation.” “Translation,” “instrumental learning” and “superstitious learning” may appear in the second situation (see Table 1). However, the third situation has not been documented so far: neither do both parties share a common problem, nor do they share a similar/same policy instrument. In this situation, policy learning is domestically-driven, not imposed by any global pressure or by diffusion of any new policy instrument or idea. The policymakers actively look for foreign experiences to address their own issues, but other countries are unable to offer straightforward solutions because of the absence of issue or problem concerned. The learners still try to seek an analogue for inspiration, and to translate or reassemble it in the domestic context. In addition, the learners may be already pre-occupied with a preliminary idea or framework to address the issue before they look for foreign experiences. As a result, hybridization of foreign instruments with local innovation is a plausible pattern to devise its own policy (see Table 1). This third situation will be illustrated by the following two cases of administrative reforms in China and Taiwan.

Table 1: Situations of Learning without Counterparts¹

Situations	Absence of Counterparts			Learning Patterns
	Context	Problem	Instrument	
1	√			Translation
2	√	√		Translation, instrumental learning, superstitious learning
3	√	√	√	Translation, inspiration, hybridization

First Case: Administrative Trichotomous System in China

Background

If the Western public administration under democracy started from a politics-administration dichotomy, it has never been the case in China. It is impossible for the Chinese Communist Party (CCP) to de-politicize the government administration. However, it does not mean that the CCP does not hold the administration accountable to the party and does not appreciate the improvement of administrative efficiency and effectiveness. Simply speaking, China has its own agenda of administrative reforms, but it also looked for foreign experiences at the same time, even though there is no foreign counterpart. In this case the CCP experimented with a “tripartite” administration that was launched at the beginning of 21st century.

In the political report delivered by Jiang Zemin, the then supreme leader of China, to the 16th National Party Congress in November 2002, the CCP advanced to deepen the reform of administrative management system in accordance with “the principles of streamlining, unification, effectiveness, and the requirement of *coordination between decision-making, implementation and supervision.*” (emphasis added)² The *coordination between decision-making, implementation and supervision* was a new guideline added on to the ‘principles of streamlining, unification, effectiveness’ that had already been put forward in the 15th National Party Congress in September 1997. This was the first time for a top CCP policy document to focus on the reform in terms of the “tripartite” administration.

As a matter of fact, as early as the end of 2001, the State Commission Office for Public Sector Reform, a central unit taking charge of administrative reforms, had

¹ There may be a situation of sharing a common problem, but without any imitation or transfer of foreign instruments. It may mark a situation of negative lesson-drawing or resistance to policy transfer. Since the learner has no intention to imitate foreign instruments, albeit having knowledge transfer, this framework does not include this situation.

² See the report from: http://news.xinhuanet.com/ziliao/2002-11/17/content_693542.htm

already assigned Shenzhen as the pilot field to experiment with the tripartite separation of the administrative power. The Shenzhen government thereby organized a taskforce to devise a reform program for it. In early 2002, the taskforce paid visits to Hong Kong, the United Kingdom and Singapore to look into foreign experiences (Li, 2008: 200). In December 2002, the reform experiment was revealed to the public through a piece of coverage in a newspaper, *Southern Weekend*, in which one of major members of the taskforce, Ma Jingren (professor of public management in University of Shenzhen) coined the experiment as “Administrative Trichotomous System” (ATS) and then it became widely-known term to label the administrative reform model applied to Shenzhen.

The design of the ATS by the taskforce was reshuffling government agencies into three broad functions: decision-making, implementation and supervision. Decision-making departments only took charge of decision-making; executive departments only take charge of implementation. The latter performed their tasks in accordance with a performance contract signed with the former. Such a contract arrangement obviously copied the practice of NPM-related performance management. Supervision departments take charge of policy evaluation, disciplinary monitoring, performance supervision and auditing. It should be noted that dividing government agencies into three functions was aimed to form a check-and-balance configuration within the government in order to overcome the long-lasting problem of overconcentration of power, and improve the quality of public policy (Southern Weekend, 2002). This is not the purpose of the NPM reform.

However, this reform initiative failed to come into effect in the first half of the 2000s. First of all, such a reform went along with a substantial organizational restructuring and downsizing in which many senior officials, as vested interests, might suffer from it. Hence, many officials opposed the reform. At the same time, since the publicity of the reform program, mass media tended to confuse it with the sensitive concept of tripartite separation of political power in Western democracies. As a result, the organizational reshuffling proposed in March 2004 deviated far from the original idea of the tripartite administration (Wei, 2011: 43).

This centrally delegated administrative reform experiment did not thus fade away. In the 17th National Party Congress convened in October 2007, this reform policy line was made clear and strengthened by rephrasing the original statement into “establishing well-established decision-making power, implementation power and supervision power that is a power structure and operation mechanism of enforcing mutual check-and-balance and coordination”.³ The idea of “check-and-balance” was officially

³ See the political report to the 17th National Party Congress from http://news.xinhuanet.com/newscenter/2007-10/24/content_6938568.htm

recognized in this revised policy line. However, the reform was put under the umbrella of “super-department reform” this time. The super-department reform was devised to further amalgamate various related government departments into a single large conglomerate department to overcome the coordinating problems of government agencies. In this regard, the experiment in Shenzhen was considered a pioneer of the super-department reform retrospectively.

The reform experiment restarted again in Shenzhen in 2009. In August, a new structural reform program was released. The municipal government slashed 15 agencies in number for downsizing. Under the reform, various commissions were established to take charge of decision-making, planning and standard setting, including development and reform commission, public finance commission, and transport and communication commission. The existing and a couple of newly-established bureaus now specialize in the functions of execution and law enforcement. The existing supervision and auditing bureaus take charge of the tasks of supervision. All commissions and most bureaus are now on the same hierarchical rank, and they are directly accountable to the municipal government. Hence, it represents a horizontal separation of powers to realize the check-and-balance purpose (Weng, 2009).

Administrative Trichotomous System: Not Really Agencification

This case study is not intended to assess the impact of this reform program. What the author is concerned with is the theoretical foundation of the ATS. How far does it originate from the Western model? The sources available do not give a clear picture of where the idea of such a tripartite administration came from, but the fact that assigning Shenzhen as a pilot field and sending a taskforce to look for foreign experiences implied ATS was a brief and rough framework at its inception.

The foreign visit did inspire the taskforce. The establishment of “executive agency,” one of reform practices of NPM, drew the attention of the taskforce. That matched and endorsed the local reform idea of separating “decision-making from implementation.” It was claimed that the taskforce was primarily impressed by the Hong Kong government’s two tier system: decision-making bureaus on the top tier with executive agencies on the second tier (China Economic Times, 2003), and it also adopted the performance management techniques of the United States and Scandinavian countries (Southern Weekend, 2002). Despite the subsequent policy discussion being concentrated on the parts of decision-making and implementation, the policy rhetoric kept in line with the tripartite administration. The ATS was even portrayed as a popular practice in the West. When Ma Jingren revealed the Shenzhen reform to the press in 2002, he remarked:

The major content of the ATS is to divide the administrative management function into decision-making, implementation and supervision. Based on their relative separation, three parts mutually reinforce, check-and-balance and coordinate. This is a popular management pattern emerging from the process of reforming “big government” after the World War II. This has been already adopted by most advanced countries (*Southern Weekend*, 2002).

This claim should be confusing and surprising to public administration students, as they should never hear of ATS or any equivalent in the Western public administration. The establishment of executive agencies should be associated with “agencification” reform under the NPM idea, but it has nothing to do with the function of “supervision.” Obviously, this Western experience was reinterpreted in China and ATS was in fact repackaging this NPM-related practice as a self-serving idea

Such a repackaging did not belie the connection between the ATS and the NPM idea. The rephrasing might be “the same wine in a new bottle.” Most discussions of the ATS in China indeed focused on the separation between decision-making and implementation, which was pertinent to the issue of agencification. Another taskforce member of the Shenzhen reform experiment, Bian Suhui (professor in the Party School of Shenzhen), in her remarks after the re-launching of the reform program in Shenzhen in 2009, suggested that the reform should refocus on decision-making/implementation dimension. The reform should be rephrased as “administrative dichotomy” rather than “trichotomy” (Bian, 2009). The critical point now is whether agencification and the ATS are coming to the same point.

According to Talbot (2004: 6), agencification should contain three central elements: 1) structural disaggregation and/or the creation of ‘task specific’ organizations; 2) performance ‘contracting’ — some form of performance target setting, monitoring and reporting; 3) deregulation of control over personnel, finance and other management matters. In appearance, what the ATS proposed to do resembles the first two elements of agencification. The ATS embarks upon structural disaggregation by splitting up government functions and makes use of a performance contract to link the functions of decision-making and implementation together. However, the purpose of the ATS differs from that of agencification. The adoption of agencification was a reaction to a wave of movement to managerialize and de-politicize the government administration from the 1980s onward by creating single-purpose and specialized agencies or semi-autonomous organizations to deliver services and implement policies. Enhancing managerial autonomy in terms of ‘let managers manage’

or ‘make managers manage’ is a core principle in the NPM movement (Schick, 2002). The public sector reform of Hong Kong also followed the same Western line (Painter, 2012).

In contrast, the ATS is concerned with a wider functional transformation of the government. The separation among decision-making, implementation and supervision functions is not aimed to enhance managerial autonomy, but to check against departmentalism and even corruption by splitting up the administrative power by separating implementation from decision-making and at the same time to improve decision-making quality by creating specialized decision-making body (Southern Weekend, 2002; Bian, 2005). Applying such a check-and-balance rationale to an administrative reform is very unusual. However, it shows that although the CCP denies a check-and-balance approach of political reform, it accepts confining the same approach to the administrative system.

All in all, the ATS, in any sense — rhetorically and substantially, is not a sort of agencification reform. Most apparently, agencification missed the part of “supervision” of the tripartite administration. It should be noted that China’s scholars and government officials did not really know the idea of agencification at that time.⁴ Moreover, what China attempted to address was its own unique issue. However, the instrument was hybridized with certain foreign elements that was locally translated in the Chinese context.

Second Case: Administrative Neutrality in Taiwan

Background

Imposing political neutrality on the civil service is not novel for Western democracies. That mechanism already emerged in the 19th century. However, it is still very new for post-authoritarian states. Taiwan officially established such a mechanism in 2009 by passing a statute on civil service neutrality, more than 20 years after the launch of democratization. Ostensibly, adopting a neutrality mechanism for civil service is a corollary of democratization. That is just one of logical choices to follow the step of traditional democracies. However, the case of Taiwan was not simply of “learning with counterparts.” As a transitional state from an authoritarian regime, the political context of Taiwan was different from its Western counterparts. Taiwan was facing different issues in the politicization of civil service. Ultimately, it adopted a variant of civil service neutrality, known as “administrative neutrality” instead of the

⁴ There is no corresponding term to refer to “agencification” in Chinese and no academic discussion specifically on this issue in China.

popular “political neutrality.”

In terms of the issue context, civil service neutrality usually went hand in hand with an introduction of merit-based recruitment in Western democracies. However, the merit-based recruitment of civil service in Taiwan was already established long before the democratization. A competitive civil service examination that inherited from Imperial China was already launched in the 1930s when the KMT regime ruled over Mainland China, and that system was transplanted to Taiwan after 1949. For the situation of “meritocracy-prior-to-democracy,” the pressing problem of the civil service management under the democratic transition was not the spread of a spoils system or patronage. Taiwan was not going to address politicization of *appointment*, if using the concept developed by Eichbaum and Shaw (2008), but it needed to tackle *administrative politicization*, i.e., political intrusion into administration.

During the party-state authoritarian era, the bureaucratic system in Taiwan was insulated from external political pressure (Tan, 2000), civil service neutrality was not a critical problem. However, the political liberalization from the end of the 1960s started to generate political opposition forces. Non-KMT party members for the first time entered the national legislature at the time of the election of 1977. Democratization really took off during the second half of the 1980s when the first opposition party, Democratic Progressive Party (DPP), was established in 1986 and the martial law was lifted in 1987. More competitive elections were held in the 1990s, including the direct elections of mayors of two major municipalities, Taipei and Kaohsiung, in 1994 and the direct election of the president in 1996.

Meanwhile there was increasingly political intervention in day-to-day government administration from political higher-ups who abused their power for political purposes, and from outside, especially by the lobbying of elected representatives, which imposed much pressure upon the civil service workforce. As a result, establishment of civil service neutrality was thus initiated in response to democratization. Interestingly, this idea was proposed by a senior bureaucrat, not by politicians who had usually sought to counter the partisanship of their political rivals by creating such a mechanism in the Western counterparts.

As early as the 1980s, Chen Gui-hua, the minister of civil service (the chief executive of Ministry of Civil Service (MCS), the state authority in charge of public personnel system, under an independent state organ, Examination Yuan), identified building civil service neutrality as a corollary of the rise of competitive elections and officially put forward to establish such a mechanism in August 1990. In 1993, the Examination Yuan officially declared it would set up the mechanism by enactment of civil service neutrality legislation – Law of Administrative Neutrality of Civil Servant. The first draft of the law is proposed in November 1994, but it failed to pass through

the legislation. During the rule of the DPP (2000-2007), the Examination Yuan that submitted another two official draft bills to the legislature still failed to get the law through the legislature. Finally, the law was approved right after the KMT regained the power in 2008.

Despite various versions of the law, the provisions in all versions did not vary too much from one another. The MCS took control of the agenda of the legislation, even though legislators of the DPP in 1995 advanced their private bill to make the law further cover political officials. The purpose of the MCS by this initiative was to protect the interest of civil service, aiming to provide the civil service with immunity against political intrusion. However, civil service neutrality was an alien concept to the bureaucracy in Taiwan so that the personnel authority still needed to explore a way to realize the idea in part through learning foreign experiences. More important, the root of the politicization was not the active involvement of civil servants in politics, but the political harassment by politicians. Imposing restrictions upon on career officials might be a misfocus in addressing the issue. In this sense, “administrative neutrality” was considered as being better able to cover the whole issue. The meaning of administrative neutrality was articulated during the legislative process.

Why Administrative neutrality and its Mean-making by Hybridization

The concept concerning civil service neutrality emerged in Taiwan as early as in 1984. In response to an interpellation of a non-KMT legislator who queried the improper practice of party intervention in government policy making in October 1984, the then premier, Yu Kuo-hwa, responded defensively that it was nothing unusual for a ruling party to make public policy for the government. However, he clarified that there was a “separation between party and government” in the field of administration. He said, “administrators in all levels, no matter whether they are party members or not must strictly observe the principle of ‘administrative neutrality’ during the execution of administrative tasks.”⁵ This was the first time a top government official had publicly voiced this idea. Premier Yu reiterated this point again in the subsequent years, but in fact there was no mechanism to realize this principle and “administrative neutrality” was an ill-defined concept at that time.

Nevertheless, since then Taiwan has officially adopted this term to refer to civil service neutrality, even though some scholars and legislators preferred “political neutrality.” “Administrative neutrality” and “political neutrality” were sometimes scholarly and officially considered as synonyms at the beginning of policy making. During the evolution in the legislative process, however, both started to be distinguished

⁵ *Legislative Yuan Gazette, News Release*, 17 October 1984: 21-3.

from each other. Taiwan developed a distinct concept of “administrative neutrality” that applies to both political and career officials

In order to draft the law, the personnel officials in the MCS started collecting information concerning civil service neutrality from the United Kingdom, the United States, France, Germany and Japan. Despite trying to learn from advanced countries, these officials had their own ideas from the very beginning. At the outset, the neutrality was associated with the idea of *administration by law*. *Administrative by law* was considered a minimum criterion of administrative neutrality.⁶ In addition, the MCS also defined administrative neutrality as “performing public duties in an objective, unbiased, rational and fair stance” (Research and Development Team, 1993: 199). In other words, what civil servants can do to avoid being politicized was to perform their duty in compliance with the law and thus to deal impartially with every client. The term later coined was *fair law enforcement*. *Administration by law* and *fair law enforcement* looked like some codes of ethics for civil service rather than for civil service neutrality, but both later became the basic principles of administrative neutrality in the law. These qualities were considered pressing norms to insulate civil servants from the partisan politics at that time.

The personnel officials did absorb foreign experiences during their law drafting, but the information they collected was confined to the legal rules and regulations concerning restricting the political activities of civil servants in the above-mentioned five countries. The drafting of the law later did absorb some of the rules and regulations into the provisions; moreover, these provisions accounted for the overwhelming majority.

However, these personnel officials did not gain a comprehensive understanding of the whole mechanism of political neutrality in the advanced countries. For example, they knew nothing about the function of *anonymity* in the Westminster system that should be relevant to addressing the issue of *administrative politicization*. The epistemic community in Taiwan, who are mostly US- or locally-educated, failed to help transmit the information concerned. The seminal definition of political neutrality for the Westminster system by Kenneth Kernaghan (1976) was never cited in any work in Taiwan. The Hatch Act that was enacted to restrict political activities of civil servants in the United States drew more scholarly and official attention.

In fact, the concept of administrative neutrality stemmed from local articulation rather than foreign diffusion. A locally-educated professor, Chen Te-yu, played a critical role in the meaning-making of the term. He was the first scholar to openly discuss the issue of civil service neutrality in Taiwan. At the outset, he thought the term “administrative neutrality” as an official usage actually referred to “political neutrality”

⁶ Interview with a retired personnel official of the MCS, 4 July 2011.

(Chen, 1990) However, his viewpoint was evolving that he tried to identify the two terms as different concepts. His viewpoint not only endorsed the official stance but also became the official version of justification later.

In a talk delivered to a nationwide conference of personnel officers in October 1993, Chen divided administrative neutrality into two dimensions: one concerned with the administrative system, and the other pertaining to the stance adopted by civil servants while handling their official duties. For the former, Chen claimed that there was no need for a political official in the system to be politically neutral, but s/he did need to administratively neutral because s/he controlled administrative resources that could potentially be channeled to partisan causes (Chen, 1994).

In April 2000, Chen further reduced his two-dimension thesis to a structural relationship between political neutrality and administrative neutrality. The function of the first dimension was to try to keep the administrative system neutral with regard to the political process; that of the second was to maintain fairness, impartiality, and *administration by law* in the administrative process. He suggested that administrative neutrality be a *superior function* in the sense that political neutrality is only part of administrative neutrality (Ministry of Civil Service, 2003: 168). To further elaborate on it, Chen implied, official behaviors can be divided into political and administrative. Both political and career officials should be neutral in their administrative behavior. No restriction is imposed upon the political behavior of political officials, but the restriction is applied to the political behavior of career officials.

Chen's idea became an official remark in the draft law noting that political neutrality was a narrower concept than administrative neutrality. It is also reflected in a provision of the approved law. The thrust of the law reads: "in order to ensure administrative by law, fair implementation,⁷ and the *political neutrality* of civil servants, and to adequately regulate civil servants' participation in the political activities, this law was enacted thereon" (Article 1) (emphasis added).

It should be noted that this enactment that only covered career officials did not help restrict the behavior of political officials. That accounted for why the legislators of the DPP had proposed their bill to expand the scope to cover political officials. But the MCS refuted that it did not make sense to impose the law pertaining to political neutrality on political officials. The MCS preferred regulating the administrative behavior of political officials in another law – Law of Political Personnel. However, that law now remains on the agenda of legislation.

The experience of establishing civil service neutrality in Taiwan was in appearance something of "learning with counterparts," but devising the idea of "administrative neutrality" that applies the principle of neutrality to political officials is alien to Western

⁷ "Fair implementation," this principle, was rephrased from "fair law enforcement."

democracies. That should be attributed to different problems and context Taiwan was facing in the neutrality issue. Interestingly, the influence of Western experiences should not be disregarded. To pursue the regulation over civil servants first was influenced by the general experience of Western democracies. The concept of administrative neutrality was formed by hybridizing political neutrality with locally-initiated principles. Moreover, the overwhelming majority of the legal provisions was aimed to realize the principle of political neutrality.

Discussion and Implications

This paper offers a different frame, dividing policy learning into: learning with counterparts and learning without counterparts. The former tends to refer to the traditional policy-transfer (lesson-drawing) studies. The latter works in terms of three situations: 1) the absence of counterparts of context; 2) of context and problem; 3) of context, problem, and instrument. The emerging “translation” literature marks the first situation. A variant of the foreign policy instrument is adopted to address a common problem. The second situation is represented by the diffusion of policy innovation in which policy translation, instrumental and superstitious learnings may dominate. A common or variant of foreign policy instrument or idea is adopted to address a different problem.

Learning occurring in the absence of all the above counterparts features the third situation. It was supposed that this situation had nothing to do with policy learning. However, this study finds that in the setting of cross-national active learning, not in the case of passive diffusion or (coercive) transfer, a learning country still takes references from other countries, even though there is no direct relevant model. In the two cases in this study, learners had been already pre-occupied with preliminary ideas before they looked for foreign models. Despite that, foreign experiences did have impacts upon their policy making. The experiences were inspiring the formulation of policy instruments. The foreign models were translated by their own interpretation. Local ideas are sometimes an empty framework waiting for selective concrete elements to fit into it. As a result, distortional or incomplete learning were witnessed in these two cases. Regardless of the learning performance, the outcome was hybridization of foreign relevant elements with local innovation.

By the cases of “policy learning without counterparts,” this paper argues that policy transfer and diffusion cannot represent all types of policy learning. There is a missing gap we need to fill. Those missing cases have been possibly working in various cross-national and cross-cultural policy learnings. Foreign models are re-interpreted in a local context and discourse. It is believed that the “policy learning without

counterparts” framework can provide an alternative perspective to explore more implications for policy learning in future, especially for the condition of hybridization as the outcome of learning.

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