T02P22 / Process, Performance and Political Legitimacy in Public Policy

Topic : T02 / Comparative Public Policy sponsored by Journal of Comparative Policy Analysis
Chair : Zeger Van der Wal (LKYSPP, NUS)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

Note: This Panel is eligible for the GCPSE (UNDP) Grant.

Policy requires a modicum of legitimacy in order to be effective, which raises the question what makes a policy and the government legitimate. While non-democratic systems have always had uneasy legitimacy, except in the most dictatorial systems where issues of illegitimacy can be simply ignored, this was relatively straightforward for governments elected by universal franchise. But as public trust in governments in a large number of countries around the world have declined in recent years, questions are being asked about what they can do to stem the decline and regain it. A vast literature on "good governance" has emerged emphasizing transparent, accountable, and participatory policy process to bridge the democratic deficit. The assumption of this literature is that such a process would enhance both legitimacy and performance. There is another line of thinking that what matters is performance and outcomes: governments that meet the expectations of their population not only enjoy support of their population but, as a result of the enhanced legitimacy, able to make better policies and implement them more effectively. Are their substantial differences between legitimacy centered on process or performance? What are they? Can a meaningful distinction be made across countries based on their conceptions of legitimacy? The argument is especially pertinent to East Asia where certain countries, including China in recent decades, are said to have flourished due to emphasis on performance rather than adherence to principles of good governance.

CALL FOR PAPERS

T02P22 / Process, Performance and Political Legitimacy in Public Policy

Chair : Zeger Van der Wal (LKYSPP, NUS)

Session 1 Legitimacy & Public Policy: Theory and Practice

Friday, June 30th 08:15 to 10:15 (Manasseh Meyer MM 3 - 1)

Discussants

Jun Jie Woo (Nanyang Technological University)

Measuring the concept of policy legitimacy: The coefficient of legitimacy framework

Fabiana SADDI (Universidade de Brasília)

Matthew Harris (Imperial College London)

The occurrence of two parallel processes, economic globalisation and democracy, present similar and politically significant regularities with respect to the politics of public policies, which are: the more progressive adoption of extreme forms of rationalization (non-contextualised ideas and forms of measurements) in policymaking decisions and the increasing importance attributed to frontline (local) actors and their relationships in the delivery of public services on the ground. For expressing contradictory dynamics and the possibility of moving in opposite directions, both regularities bring the issue of legitimacy (and relationships) to the heart of political concerns. They also pose a first order question: What makes a policy and the government legitimate in public policy and how would it be possible to meaningfully understand/measure the concept of policy legitimacy from a comparative perspective?

Our objective is to present and discuss the 'coefficients of legitimacy framework' to assess the political legitimacy of public policies in distinct democratic settings. The framework develops the concept of political legitimacy as the contested space existing between policy design at the level of the state/policymaking and policy implementation on the ground. It explores the relationships between two main concept-variables ('modalities of representativeness MR' and 'levels of identification LI'), and entails the development of a new comprehensive type of measurement and comparison, in which comprehensiveness requires a greater understanding of case studies. Concepts are meaningfully measured taking into account actors' perspectives and objective institutional capabilities, and classified in terms of 'modalities' and 'levels'. Degrees of tensions between ideas/interests and frontline actors' identity, and degrees of conflicts between guidelines and realization are used as analytical criteria in the classifications of those concept-variables. Distinct 'LI' and 'MR' are anchored to points in the acceptance-rejection continuum, representing probabilities of translating policies into practice (0%-100%). The proposition is that the closer the MR point is to the LI point in the continuum, the higher the level of legitimacy the policy would be.

This framework requires the collection (or analyses) of a new (or complementary) set of information related to frontline actors' values and attitudes with respect to their countries' policy guidelines, as well as an interactive method of work. Data/texts used in the construction of those variables come from interviews to policymakers, and questionnaires applied to three types of frontline actors: managers, team of professional and public. The conceptual basis for those criteria is the interpretativist strand of political sociology/politics and public policy. It can be applied to cities/countries under distinct levels of development and times of democracy focusing on selected policy areas. Results can be expected to pave the way for comparisons across a wider range of cities and countries.

This paper will discuss the main variable-concepts of this framework, taking into account the literature and methodological aspects regarding the construction of those concepts-variables, as well as present some results based on its application to the case of primary health care policy in Goiania, Brazil, that can be contextually transferred to other Brazilian cities and to LMICs as well.

A conceptual framework for the measurement of legitimation

Christian von Haldenwang (German Development Institute)

The legitimacy of political orders is an important reference point in political analysis, but the concept is difficult to operationalise and measure – particularly in those countries where legitimacy is critical, i.e. cases of political transformation, non-democratic rule and high state fragility. The paper develops an analytical framework based on a dialogical understanding of legitimacy. It argues that to be successful, legitimation (the strategic procurement of legitimacy) has to fulfill two separate functions: relate demands for legitimation to government performance (the 'demand cycle'), and relate legitimacy claims issued by the rulers to behavioural patterns of the ruled (the 'supply cycle').

Based on these two legitimacy cycles, the paper identifies four dimensions of measurement. If the success of legitimation is understood as effective common-interest orientation of rulers, the revealed attitudes and opinions of individual and collective actors determine the range of performance responses on behalf of the political leaders or the 'government'. If, on the other hand, the success of legitimation is considered to lie in effectively guiding the behaviour of members of society, the legitimacy claim issued by the rulers entails an offer of inclusion, echoed by patterns of behaviour on behalf of the ruled.

For non-democratic settings, the 'supply cycle' may lend itself more easily to empirical research, since data on attitudes and opinions are not always available in this group of countries. The 'demand cycle', however, may be better suited to capture the legitimation efforts of regimes undergoing profound change and struggling to survive. In this context, new research has highlighted the relevance of performance-related legitimation. Performance criteria are sometimes used as independent variables to explain changes in attitudes. In contrast, the mechanisms through which revealed attitudes and opinions might repercute on the performance of political regimes have been studied less extensively so far.

Fractions of the Whole: The Relationship Between Multi-Level Governance Processes and Political Legitimacy in Wales

Dion Curry (Swansea University)

This paper aims to explore the relationship between legitimacy and governance processes over multiple levels on theoretical and applied grounds, drawing on the case study of the National Assembly for Wales and the Welsh Government. In doing so, it aims to answer the following questions: how do elites perceive political legitimacy and its place in governing? What is the relationship between these perceptions of legitimacy and the nature of formal and informal multi-level governance processes? The research will attempt to develop a causal chain between elite conceptions of legitimacy and governance to determine whether perceptions of legitimacy shape the nature of governance, or if governance processes themselves shape conceptions of legitimacy. Studies on political legitimacy tend to focus on legitimacy vis-à-vis the electorate. While this is an important issue, this research instead focuses on the relationship between elite-level governance processes and the attempt by elites to shape legitimacy and legitimise their own actions. This paper starts from the assumption that governance processes fulfil some sort of legitimising role in the policy process. Drawing on past research and using a new theoretical framework for understanding multi-level governance and legitimacy, the work examines structural, relational and policy factors that form multi-level governance processes, mapping these to corresponding notions of input, output and throughput legitimacy.

The research will draw upon a candidate survey conducted before the 2016 National Assembly for Wales elections and elite interviews conducted with Assembly Members, along with content analysis of relevant committees and plenary debates. It will use these sources to construct a causal chain linking governance processes and legitimacy. A map of legitimating processes will be developed to determine how these conceptualisations travel between and within governance levels. The paper shows that aspects of governance processes that relate to structural, relational and policy factors have different effects on legitimacy. While structural factors shape the nature and extent of throughput legitimacy, relational factors have an impact on input legitimacy and policy factors affect the legitimacy of outputs. Emphases on different facets of governing will in turn shape the nature and perceptions of legitimacy at the elite level. This research has implications for theorising governance processes, by clearly linking these processes to conceptions of political legitimacy, which in turn has relevance for broader debates on political legitimacy in an age of increasing public disaffection and disengagement with politics.

T02P22 / Process, Performance and Political Legitimacy in Public Policy

Chair : Zeger Van der Wal (LKYSPP, NUS)

Session 2 Legitimacy & Public Policy: Theory and Practice

Discussants

Jun Jie Woo (Nanyang Technological University)

Does political entrenchment dilute the quality of public policy? Electoral prospects and particularistic legislation in the Philippine House of Representatives

Rogelio Alicor Panao (Department of Political Science, University of the Philippines Diliman)

Does political entrenchment lower the quality of policies Congress legislates? Conventional wisdom holds that particularistic legislation congeals electoral success and, in the case of the Philippines, there are evidence that well-entrenched politicians can afford to be unproductive (for instance, see Panao 2016; Capuno and Panganiban 2012). Conventional wisdom holds that politicians who bring home the bacon are rewarded with their constituencies' approval in the polls. Does this notion apply in fledgling democracies where patronage and family politics gives politicians little incentive to engage in vote-seeking behavior?

This paper argues that the electoral connection between particularistic legislation and vote-seeking is not what it seems in the Philippines. Examining bills deliberated and approved at the Philippine House of Representatives from 1987 to 2016, I show that while the crafting of particularistic policies is a common preoccupation among legislators, it is not the case for well-entrenched legislators or those whose families have dominated their districts for decades. Results of regression estimates utilizing several approaches for robustness show that, in general, the proximity of elections motivates lawmaking, particularly of policies that entail public spending. Consistent with literature on legislative dynamics, Philippine legislators conveniently shift priority from programmatic to particularistic policies as election nears. However, electorally persistent legislators who come from well-entrenched political families are less inclined to reorient salient legislative preferences into pork barrel measures. In addition, electorally persistent members of the House appear to give more deliberative attention on bills of national significance, whether driven by prospects of reelection or pursuit of higher elective office.

The results have several interesting implications. One, conventional notion has overestimated the electoral connection of pork barrel legislation in the Philippines by assuming that politicians are homogenous and behave under the same set of preferences. Two, even though well entrenched legislators unconstrained by the accountability mechanism of electoral institutions produce less, they are nonetheless more likely to produce quality laws in the long run, whether motivated by altruism or aspiration for higher office.

Keywords: particularistic legislation, Philippine congress, Philippine House of Representatives, pork barrel legislation, lawmaking

References

Panao, Rogelio Alicor L. 2016. Tried and Tested? Dynastic persistence and legislative productivity at the Philippine House of Representatives. Asian Politics and Policy 8(3): 394-417.

Capuno, Joseph J, prod Marian Panganiban. 2012. The ties that do not bind: party affiliations and the delivery of devolved health services in the Philippines. Philippine Political Science Journal 33(1): 63-80.

Keywords

particularistic legislation, Philippine congress, Philippine House of Representatives, pork barrel legislation, lawmaking

Legitimate Illegitimacy: addressing the case of Eritrea

Natalia Piskunova (Moscow State University)

The emergence of Eritrea as an independent state in 1993 attracted attention of both scholars and policymakers, as it presented a good real-time opportunity to monitor the initial formation of a State in the post-Yalta-Potsdam system era with "new legitimacy" in focus. It was especially vital to observe this case of creation and development of new state institutions in Eritrea with a view to the worldwide debate on inverted legitimacy, strengths and weaknesses of authoritarian rule in a post-Cold War world and its prospects.

For many researchers, the issue of a political regime type in this newly formed state became a point of divergence. Within first decade after gaining independence, paradoxically, it became clear that Eritrea's choice was for authoritarianism, and not any other regime type. 2001 has seen the largest national and international media shutdown campaign in Eritrea for the whole period of the country' independence. Reporters Without Borders, Doctors Without Borders, the International Committee of the Red Cross and even the United Nations have all called upon the current President of Eritrea to stop this ongoing human rights massacre, which even continues beyond Eritrea's borders in European and Asian Eritrean diasporas. No result has been seen so far. In 2017, after 24 years of reforms, constructing policymaking under international supervision and statebuilding, Eritrea remains stable and\yet authoritarian.

Surprisingly, the world has turned a blind eye to this case. Ongoing huntdown on media, political and economic freedoms and severe violations of human rights in Eritrea rarely reach the global media and only randomly receive any international spotlight. The once-democratically elected and internationally monitored regime of Isaias Afeworki – the current President of Eritrea – remains diplomatically and broadly recognized as a legitimate one, however the grievances of its people. Even the great influx of Eritrean refugees to Europe and a catastrophy near Lampeduza island of Italy did not help to attract attention to the case of illegitimacy of the incumbent government of Eritrea and its regime overall.

The question then rises – why and how did this case of "Illegitimate Legitimacy" of Eritrean regime come to fruition? What are the possible scenarios and instruments of averting the present situation?

This paper overlooks the 24 years' period of developments in both foreign and domestic policies in Eritrea with focus on media control and aims to give an overview of the main pillars, dynamics of consolidating illegitimate rule as well as discontents and perspectives, of upholding illegitimate authoritarian rule in this country, with a view to implications for international response to this worst case of illegitimate rule in present-day world.

What can Policy Performance tell us about Political Legitimacy? Lessons from Jamaica

Yonique Campbell (University of the West Indies)

This paper examines legitimacy and public policy in the Jamaican context and the peculiarities of governance and democracy in its body politic. Some of the issues discussed are, however, not unique to Jamaica. They are issues that have been raised globally about the success or failure of policies that are made and implemented by governments who supposedly lack legitimacy or suffer from problems related to governance and respect for processes and the rule of law. Issues have also been raised about the effectiveness of public policies in the light of growing social dissent and the rise of groups, local and international, that have challenged the authority of the state. This, of course, is also tied to the 'illegitimacy' of political parties, which are ubiquitous democratic organizations— decreasing confidence in political processes and the changing relationship between government and the governed. Furthermore, it is now common to speak of a 'legitimation crisis'. This is tied to problems with policy performance, and therefore substantive legitimacy, which has accompanied the dominant neoliberal economic paradigm and the effect this has had on social and political processes.

In this paper, I am interested in exploring the palpable failure of important policies to deliver on their intended outcomes and how this has been affected by, and affect both procedural and substantive legitimacy in Jamaica.