T10P01 / Power, Communication and Legitimacy: Challenges, Choices, and Opportunities in Contemporary Policy-Making

Topic : T10 / Methodologies

Chair : Loo-See Beh (University of Malaya)

Second Chair : Volker Schneider (University of Konstanz)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

This stream calls for papers that offer theoretical and empirical analyses of functioning and outcomes of state capacity which may be explained in terms of distinct institutional frameworks, historical trajectories and power relations. What are the implications for legitimacy when public institutions make policies and at times, (un)able to control and monitor those individuals/public servants/leaders who act in the name of the state? What kind of leaders or state is legitimate to ensure appropriate capacity and generate more trust in the pursuit of public interests both internally and externally? These questions focus on actors (who is doing what), institutions (how strategies and tactics of government use policies/policymaking) and the ecology of power relations and forces involving laws, institutions and entities coming together in a policy domain to better shape the decay and eroding ability of governments to govern with regards to state capacity and legitimacy.

Analysis of the contribution of various actors in public policy process can be strengthened by employing various analytical models including power relations, policy network relations, policy learning and persuasive communication. Existing literature on these analytical models fall short of using empirical data from various countries to demonstrate the utility of the models. It is important to demonstrate the utility of these models by using empirical data based on specific countries in developing countries majority of which experience serious challenges with their public policy process. The overall objective of this panel is therefore to increase our knowledge and skills in the use of these models. Specific objectives include to enable policy analysts and researchers to deepen their understanding of the influence of power relations in public policy process; different types and influence of networks in public policy process; the critical role of policy learning and its typologies in public policy process; and the use of language, discourse, argument and inter-communicative approach in public policy process. The focus of each model is briefly explained below.

Power relations involve power-holders, actual employment or threat to use force and resistance all played out in different spaces and levels. Power relations are dynamic, to understand them one needs to do a power analysis. Power analysis is important for understanding the context in which public policy process happens. A more nuanced and relational power analysis can provide insights to the contexts in which public policy decision and delivery process happens.

Policy networks involve a pattern of formal and informal contacts and relationships which shape agenda and decision-making as opposed to the interplay within and between the formal policy-making organisations and institutions. A policy network approach conceptualizes policy-making as the result of interactions between policy-actors, and assumes that the structure of these interactions explains policy outcomes. A large number of structural characteristics are taken into account in the analysis and explanation of policy networks, but the most prominent one is the notion of centrality

Policy Learning involves relatively enduring alterations of thought or behaviour intentions that result from experience and which are concerned with the attainment or revision of the precepts of the belief system of individuals or collectives. In a general way, policy learning refers to a structured, conscious change in thinking about a specific policy issue. The learning may consist of a rethink but most often will be something with an existing frame such as a better understanding of the effects of certain policy instrument

Persuasive communication involves the act of making someone agree to do or believe that something is of benefit by giving them good reasons for doing it or believing it. It involves the use of argumentation and effective communication to move a policy maker into action. Persuasiveness of the policy analyst is part of the dialectic of the policy process.

State capacity is multidimensional. We might define it as the degree to which a state is able to conduct the public affairs of a given polity, or even a complex of complementary state capacities. These include (but are not limited to) extractive capacity (the state's ability to secure and mobilize resources sufficient to carrying out its purposes), coercive capacity (the state's ability to control behavior through the threat or use of legal sanctions or force), administrative capacity, defensive capacity, and constitutive capacity (the state's ability to deploy symbols and narratives to facilitate national consciousness, public consensus, and the like).

Institutional theory would argue that administrative reform creates new institutional structure which ought to

perpetuate policy changes and legitimacy in state capacity. The social systems of production (Hollingsworth, Boyer) and historical institutionalism (Crouch, Streeck) approaches emphasize broad historical trajectories, social norms and idiosyncratic power relations while regulation theory (Boyer) focus on a broad set of institutions.

CALL FOR PAPERS

The third International Conference on Public Policy organised by the International Public Policy Association will be held in Singapore at the Lee Kuan Yew School of Public Policy, National University of Singapore, from 28th-30th June 2017. The organisers and panel chair are pleased to invite you to submit papers that reflect the best thinking in the discipline informed by theory, research and practical application. The panel on Application of power relations, policy networks, policy learning and persuasive communication models in public policy analysis welcomes papers that highlight areas where public policy analytical models have made distinctive methodological contributions.

We invite interested researchers and policy analysts to present papers that have used any of the following analytical models. The papers should be empirical studies that have employed one or two of the following models or any other related model in the analysis.

- Power relations analytical model: We welcome papers that demonstrate power relations involving power-holders, actual employment or threat to use force and resistance all played out in different spaces and levels.
- Policy networks analytical model: We welcome papers that aim to explain the role of formal and informal contacts and relationships which shape agenda and decision-making as opposed to the interplay within and between the formal policy-making organisations and institutions.
- Policy learning analytical model: We invite papers that examine variations in policy learning in diverse contexts and how these variations impact public policy process.
- Persuasive communication analytical model: We welcome papers that aim to explain the role of persuasive communication and argumentation in public policy process.

This stream calls for papers that offer theoretical and empirical analyses of state capacity which may be explained in terms of distinct institutional frameworks, historical trajectories of policymaking and power relations. What are the implications for legitimacy when public institutions make policies and at times, (un)able to control and monitor those individuals/public servants/leaders who act in the name of the state? What kind of leaders/state is legitimate to ensure appropriate capacity and generate more trust in the pursuit of public interests both internally and externally? These questions focus on actors (who is doing what), institutions (how strategies and tactics of government-use in policymaking) and the ecology of power relations and forces involving laws, and institutions coming together in a policy domain to better shape the ability of governments to govern with regards to state capacity and legitimacy.

State capacity is multidimensional. Policymakers use various policy interventions to tune the landscape in dealing with complex policy challenges. Institutional theory would argue that administrative reform creates new institutional structure which ought to perpetuate policy changes and legitimacy in state capacity. The key question is whether the state's capacity is at a juncture of legitimacy resulting in a more complex administrative reform driven by a more overarching ideological reorientation of government which may or may not be effective. Is there institutional quality? To what extent policies contribute to institutional quality and its impact on government effectiveness? What are the challenges, the available choices and opportunities in the contemporary developments with respect to the effectiveness of public policies on the state of accountability, service delivery, and broadly on state capacity?

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Session 1

Policy Networks as Power Structures

Volker Schneider (University of Konstanz)

Public policy-making in mainstream policy analysis is often reduced to problem-solving or information processing in state intervention. In such a perspective depoliticized technocratic views and pure efficiency criteria often dominate at the expense of the political dimension of societal problem-processing, and issues of conflict-resolution. In this perspective, critical questions with regard social differentiation, power structures, and democratic deficits get easily dismissed. But the blindness to the power dimension is not a general feature of the policy studies, at least not in the domain of policy network analysis. Important network studies in political sociology and political science were particularly inspired by sociological power structure research. During the 1970s and 1980s many studies tried to uncover relations of power, domination, and social differentiation by new techniques of structural and relational analysis. Their aim was to unveil elite circles and inner cores to reveal political inequalities, political closure and democratic shortcomings.

This paper aims to rejuvenate the power structure perspective of political sociology in its application to policy-making. Drawing from social network analysis, the paper will expose and outline major concepts and empirical applications, and will demonstrate their fruitfulness in an application to climate policy making in Germany. Germany's network in the climate policy domain is depicted at the same time as a distributed information processing system, and as a power configuration based on specific political-institutional and political-economical structures.

State Capacity and Legitimacy: Challenges in Policy-making and Contemporary Developments in Malaysia

Loo-See Beh (University of Malaya)

The policy discourse as evidenced by mainly economic and political factors suggest that the state or government struggles to maintain control and attempts to consolidate power often through coercion and force in developing countries. Studies have shown the evidences of direct relationships between institutional trust and democratic legitimacy and theoretical traditions (cultural theories, theories of government performance and institutional theories) provide perspectives on how trust is developed in institutions. The problems of governance today are the repercussions of poor management of public resources and failure in policy implementation by leaders and executives who lack commitment, integrity and the relevant knowledge. As Malaysia makes its way to be a developed nation, the aspect of nation building should not just be about making the country economically and politically strong but includes the creation of a united and resilient society. Policymakers must be able to manage these diversities and leverage upon the cultural and ethnic plurality to become pillars of strength in building a better nation. This paper will evaluate the ecology of power relations, ideological orientation, service delivery, pertinent policies and institutional quality in pursuing its legitimacy in state capacity in Malaysia.

Air-Pollution and the Korean Public: Understanding the Effects of Responsibility-Attribution and Emphasis Frames

Matthew Shapiro (Illinois Institute of Technology)

Existing research has shown that the Korean media attributes airborne pollution inconsistently to air pollution blowing in from China. This paper assesses these varying messages by conducting a framing effects study of the

Korean public. As a communicative process, framing involves making salient certain considerations as a way to simplify or shape the way that an audience understands a particular problem and its potential solutions. Frames related to the effects and potential solutions for air pollution-related issues can be employed strategically by various actors in an effort to shape public opinion and public policy. The frames that have emerged in public discourse (e.g., media coverage) on air pollution will ultimately determine the considerations that are available, accessible, and applicable when individuals think about aspects of the issue. They are simultaneously strategic devices that communicators employ to influence or persuade audiences to think about a problem in a particular way. We are thus faced here with the dual tasks of discerning both framing effects as well as framing strategies. At the center of this research project is the following concerns: How do attribution frames, emphasis frames, or a combination of the two affect the following with regard to transboundary air pollution: attributing responsibility, engaging China in more effective dialogue, establishing agency, and changing views about personal health and political choices? As a preface, updates to media reporting will be presented, utilizing an established tool provided by the National Informatization Agency. This search tool, affiliated with the Korean central government, summarizes all news articles, social media, and online blog posts from approximately 300 Korean news companies. The framing effects study of the Korean public will be based on several different framing treatments. We will examine variance across attributions of responsibility by altering whether China is solely to blame or whether China is a pollution haven, i.e. that Korea and other countries set up manufacturing centers in China to take advantage of lower labor costs and looser environmental standards. We will test for emphasis-framing effects by focusing on increased future impacts, i.e. that the subsequent year will see increased days of hazardous air pollution blowing in from China. This survey will be launched in March/April 2017 when the air pollution is expected to be most severe. We expect that emphasis frames will have the greatest effect on changing views about personal health and political choices as people recognize that the problem will become more severe. The same logic applies to our expectation that there will be a greater call for engagement with China over this issue. Attribution frames will primarily impact how the public identifies who is responsible as well as establishing agency.

Building State Capacity and Executive Governance: the case of Center of Government framework

Pedro Cavalcante (Brazilian Institute of Education, Development and Research (IDP))

Karam Ricardo Antônio de Souza (Instituto Brasileiro de Museus/BRASIL)

The paper's main goal is to analyze the institutional framework and performance of the Center of Government (CoG) in the Brazilian executive branch. The objective is to go beyond the description of formal institutions to advance on the CoG actual performance in order to assess its effectiveness during the recent democratic period in Brazil (1995-2014).

The Center of Government, in general terms, is the support structure for the highest level of the executive branch that is seen as the steering wheel of government, responsible for driving forward its priority objectives in a coherent way. Governments are facing a set of critical policy challenges that include constant economic, political, social and technological changes in a more globalized and networked world, constrained by rising citizen expectations on improvements in delivery of public services, multidimensional problems and tight budgets. In that sense, the CoG exercises its main tasks (strategic management, monitoring and improving performance, coordinating policy, managing the politics of policies and communication) in order to ensure coherent responses to this complex scenario.

Given its key role to understand how the executive governance functions and, consequently, its policy results, the interest among policymakers, practitioners, and scholars has grown. Even though its importance is universal, encompassing both parliamentary and presidential systems, there is still limited research and evidence regarding the work and the impact of CoGs, especially in Latin America and the Caribbean (LAC).

In Brazil, constituent aspects of the political-institutional environment, such as coalition presidentialism, federalism, multi-party system, highly decentralized policy implementation, new regulatory agencies and empowerment of internal and external control system; generate a centrifugal effect that challenges the state capacity to coordinate the policymaking and to achieve a proper political articulation with key stakeholders inside and outside government. After 1988 Federal Constitution, social participation in the policymaking has become mandatory which is definitely an additional complicating factor to the executive governance.

Considering the importance of CoG to the executive branch and the complexity of the Brazilian institutional environment, the paper, first, employs content analysis to explore the formal structure, instruments and resources available to the Center of Government to develop its tasks. Subsequently, the inquiry, grounded on the new institutionalism theory, focuses the investigation on informal institutions, in broad sense, the actual rules of the game. Based on interviews with top officials, the research address to the following questions: What are the real structures, instruments and resources (formal and informal) that combined have worked in the Brazilian CoG? What are the performance outputs for different patterns of CoG framework?

Addressing to this original subject, we strongly believe that the exploratory research may contribute to the

improvement of the state's capacity in implementing its political and policy agenda and, hence, facing the need for optimize government legitimacy and democratic institutions. In this sense, it provides theoretical and empirical-based insights to face the problem of legitimacy, which, after all, can act as a brake on the ability to govern effectively.

State capacities and public policy implementation: a proposal for an integrated framework of analysis

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Ciro Fernandes (National School of Public Administration)

Natalia Koga (Institute of Applied Economic Research (IPEA) and ENAP)

The complexity of the problems, solutions and institutional arrangements for implementing public policies has a significant importance for the performance and legitimacy of governments. This investigation argues that the state capacity approach allows a structured analysis of the governmental conditions, obstacles and potentialities for the formulation and implementation of public policies. Moreover, the analysis of state capacities provides elements for the identification of deficits in the types of capacities accumulation and the diagnosis of necessities of structures, processes, norms and personnel training.

The present study looked for identifying relevant dimensions and variables for the analysis of the state capacity in the Brazilian federal government. The research is based on a bibliographical survey and resulted in the elaboration of a comprehensive analytical framework for the identification and evaluation of levels and patterns of accumulation and distribution of state capacities among government agencies, areas and programs. The framework assumes that different levels of accumulation can be explained by political, institutional and organizational aspects that permeate government´s action in concrete situations of public policy implementation.

In this sense, it is argued that the concept of state capacity allows articulating this diversity of dimensions and levels of governmental performance. The preliminary analysis indicates that state capacities can be observed from four perspectives: administrative, internal coordination, political-relational and autonomy. Administrative capacity is understood as that related to the internal operating conditions of the State apparatus. The internal coordination capacity relates to the conditions that promote cohesion and internal coherence of the state action. Political-relational capacity, in turn, corresponds to the intensity and quality of interaction between the state and the external environment, that is, civil society, the legislative and judicial branches, and international organizations. Finally, autonomy refers to the conditions that guarantee the implementation of policies protected from its capture by particularistic interests within an environment in which administrative operation and coordination as well as proper relationship with the external environment are well established.

Accordingly, the administrative capacity relates to the field of effectiveness; the coordination capacity corresponds to the field of state agency; the political-relational capacity refers to the legitimacy field and, finally, autonomy consists of a capacity which is not only conditioned by the other three capacities but also conditions them.

The analytical framework proposed in this investigation will be applied as the main tool for a general diagnosis of capabilities comparing agencies, areas and programs not only in the Brazilian federal government but also for the municipal and state governments. It is also considered that its application can be extended in some level for countries comparisons in the future.

Judicialization of Armed Forces Special Powers Act, 1958 in Northeast India: Policy Approaches and way forward

BHABANI SONOWAL (INDIAN INSTITUTE OF TECHNOLOGY KHARAGPUR, INDIA)

Every country dealing with insurgency or internal conflict has its own laws and legislations to tackle the menace. Likewise, India also has laws to fight insurgency and internal conflict which has given immense power to the armed forces operating under the Armed Forces Special Powers Act, 1958 (AFSPA). The North Eastern part of India has always been kept separate from the mainstream India due to its diverse culture and region. Infact the region is so diverse and culturally heterogeneous, that the diversity has often led to conflict in the region.

Since, the Government of India had always a policy difference for the North Eastern States ,the Armed Forces (Assam and Manipur) Special Powers Ordinance was promulgated by the then President of India to function within the disturbed area of Assam and largely egalitarian tribal society of Union territory of Manipur in 1958, conferring wide reaching powers on the military and paramilitary forces operating in the region. The Northeastern region has been gripped by armed insurrections and political violence, directed in equal measures against settlers, against different ethnic groups and authorities since the inception of the Indian Republic.

The Armed Forces Special Powers Act, 1958 gives formal immunity to army personnel under section 4 of the Act to kill, even on mere suspicion. The Armed Forces, while exercising the power vested, have often been accused

of extra-judicial execution of innocent civilians; illegal imposition of curfew; rape, molestation and sexual harassment of women; torture. The armed forces, however, while exercising the power under the act often violate the existing legal norms and constitutional mandate of the country, and overstep the limits. Due to immunity clause under section 6 of the Act, the forces are immuned from any kind of prosecution under the general laws of the country. The constitutionality of the Act has been challenged before the Apex Court in Naga Peoples Movement for Human Rights V. Union of India in 1997. In this background the paper seeks to study the pre and post impact of Naga decision in the judicial forums and follow up trends in those lines.

Therefore the present paper seeks to analyse the judicial trends with respect to the operationality of the Act with special emphasis of the rights of people in the respective region.