Ethics and agenda setting

*Coincidence. Among the myriad ways that issues got on the policy agenda, coincidence is one of the most interesting. As indicated earlier in this class, agenda setting is easily the most chaotic, least amenable to 'analysis' stage of the policy process. You can bet that the city of Jacksonville Beach had a set of summer 2012 priorities lined up that they hoped to marshal scarce staff resources to address. But no, four shark attacks occurred in the First Coast region, and I've no doubt but that some resources had to be diverted to quelling concerned citizens, concerned that when they go into a habitat in which man-eating creatures live, the citizens could get eaten (well, maybe not, a word search on the Jax Beach website yields little).

*Opportunism. This refers to chance. Note, too, that chance can be taken advantage of. Are you part of a surf group that wants more, paid lifeguards on the beach? After a shark attack, spring into action, do a press release, get together a group to protest at City Hall, get a celebrity to bemoan the sorry state of affairs, bleat plaintively, etc.

*Public theatre. One can be even more proactive than this, creating your own focusing event. Again, just as in advertising, sex and violence sells. Crowds are good: all else equal, the media will cover a crowd of 1000 rather than a crowd of 10.

*Decoupling. Violence can be iffy, as only your very, very hard core supporters like smashed windows (anti-globalization fanatics), burnt churches (religious fanatics), assassinated doctors (anti-abortion fanatics), or bombed buildings (anti-war fanatics). What groups can do, though, is 'decouple' from violent, socially unacceptable agenda setting actions, but then use the action to get public (and policy maker) attention. This process was described by Elsbach and Sutton (1992). To use the contemporary parlance, organizations can 'spin' perceptions of acts and even perceptions of what is and is not legitimate. Elsbach and Sutton illustrate these issues with case studies of four 'illegitimate' acts each by ACT UP and by Earth First!. The events were legitimate
for the authors in that "Each event involved one or more illegitimate actions that were attributed to organizational members, and each violated widely held social norms about how organizations and their members ought to behave" (p. 705).

Despite the 'illegitimate' nature of these acts, the groups were able to turn these acts to legitimizing advantage. The process involves first denying formal organizational involvement in these acts (despite having encouraged them and for some groups that employ this strategy, despite having been involved in planning and authorizing them). This allows the central organization to 'spin' the event, simultaneously claiming innocence while also offering justifications for them. The organization can win in two ways: media attention attracts members, and the organization gets a chance to put its case, contributing to social acceptance of their perspective.

There are some obvious ethical problems here:
- It's dishonest! One person's decoupling is another's ‘plausible deniability’.
- To who do the leaders of the organization account? Granted, they get attention, but maybe some program stakeholders don't want to act in such a sleazy fashion.
- Normative concerns certainly apply, in that Elsback and Sutton frame their argument around two left-wing organizations that, presumably, the authors favour. Yet elements of the White Supremacist movement have adopted similar tactics: encouraging affiliates to burn down black churches, then using the media attention to put out their message (Peraino 2000).

These ethical conundrums are, for me, one of the most important issues in the involvement of civic groups in public policy. As novelist Thomas Pynchon once put it: "If they can get you asking the wrong questions, they don't have to worry about answers."

**Agenda setting**

For these reasons, agenda setting is extremely important. Regardless of how rigorous the methods employed, how deep the heart tempering these methods, and how righteous the ethical standards keeping it all on the straight and narrow, wholly venal political processes may have been in motion ensuring that policy analysts are only being called on to analyze an issue favouring a narrow special interest, while other, more pressing issues are not considered.

Brewer and deLeon's model of the policy process uses 'initiation' as its opening stage. This initiation includes a number of analytical steps, as well: identification of the problem context, determination of goals and objectives, and generation of alternatives (1983: 33). Viana's model lumps these into the formulation stage. But the first component of Brewer and deLeon's initiation gets at what Viana has in mind with agenda setting: recognition of the problem. "Without the perception of a problem, threat or opportunity there is no incentive for the organization to disturb the status quo, or, in our terms, to expend organizational energy initiating the policy process. Recognition is a function of both information received and one's ability to interpret it. The linkage between the individual and organizational recognition is crucial. Thus, we examine recognition of the problem as both an individual and an organizational phenomenon" (p. 33).
The public v. formal agendas

Some scholars of the agenda setting in the policy process identify at least a public and an institutional, or formal agenda.

- The 'public' agenda would be those issues that the public (however amorphous the concept of 'the public) thinks is most important. Polling data, for instance, is probably the best indicator of this.
  - Keep in mind, though, that even in a democracy, that the public thinks it doesn't make it so, any more than if the public votes for a sunny day, this can keep the clouds away. This, it has increasingly occurred to me, is where Wilson's 'politics/administration dichotomy' is especially relevant, and which we Americans have got horribly mixed up.
- The 'institutional' agenda, on the other hand, consists of those issues actually taken up by the formal policy-making process (generally an executive agency or a legislature).

The public agenda -- Gerston (1997) implicitly defines the public agenda as "a political barometer of the most sensitive problems which have reached the attention of policy makers for management and disposition" (p. 50). I've always seen 'the public agenda' a bit differently. Cobb and Elder (1983) differentiate between the systemic and formal agendas, as:
  - systemic agenda: "all issues that are commonly perceived by members of the political community as meriting public attention and as involving matters within the legitimate jurisdiction of existing governmental authority".
  - formal agenda: "that set of items explicitly up for the active and serious consideration of authoritative decision-makers".
  - The distinction that Cobb and Elder make is between those issues that 'members of the political community' see as 'meriting public attention' (systemic agenda), and those that actually get attention (formal agenda) through incorporation into, say, the formulation stage of the legislative or analytical arms of the formal policy process. I've always thought 'public' was a better name for the systemic agenda, and will use that term. This public agenda is also a more amorphous, fluid group of issues than implied in Cobb and Elder's systemic agenda. The shark attacks of summer 2012, for instance, bumped something else out of the news and so lessened the likelihood of that being taken up by the policy process.
  - So the public agenda is those things the public is concerned about.

The formal (institutional) agenda -- those things policy makers are actually addressing. Getting something on the public agenda makes it more likely that an issue will be put on the formal agenda, or taken up by policy makers.

From public to institutional. The Howlett article is essentially about this: how an issue jumps from the public to the institutional agenda. There is an empirical element to the paper, in that he tracks the public agenda, tracks the institutional agenda, and finds no statistically significant relationship. This means that either the two agendas are not connected in any way, or else his method of analysis failed to capture this phenomenon. In a nutshell: Howlett’s argument is that issues rise and fall in importance on the public agenda (his data confirms this), but this is not linked to his evidence of importance on the institutional agenda. He especially identifies two models of agenda setting, in Table 1, on the following page.
Table 1

<table>
<thead>
<tr>
<th>Model</th>
<th>Relevant policy actors</th>
<th>Anticipated actor behavior</th>
<th>Anticipated policy outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue attention</td>
<td>Governments (politicians) and Public (individuals)</td>
<td>Government (politicians) weigh electoral advantage and disadvantage of policy action. Public weigh personal advantage of allocation of time and money to particular issue</td>
<td>Regular, periodic, cyclical pattern of public policy making in democratic societies emerges as public alternatively devotes attention to difficult-to-resolve problems, and ignores their existence</td>
</tr>
<tr>
<td>Punctuated equilibrium</td>
<td>Policy subsystems (individuals, experts, groups, government officials and politicians, media)</td>
<td>Subsystem construction of hegemonic policy images. Struggle between subsystem members and non-members to alter images, change venues and affect institutional structures and subsystem composition</td>
<td>Pattern of construction and destruction of policy images and subsystems results in a stepped, or 'punctured' equilibrium pattern of policy change featuring lengthy period of little or incremental change and infrequent periods of rapid or major change.</td>
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The 'hidden agenda' -- non-decisions

- For me, the importance of agenda setting is best illustrated through a discussion of 'non decisions'. Ronald Dahl is perhaps best known for his contribution to the understanding of community power. To simplify greatly, in *Who Governs?* (1961) Dahl argued that the distribution of power in a community could best be discovered by identifying a number of 'key' issues in the community in question. A study of the conflict surrounding these issues would reveal to the researcher which party has exercised the greatest influence in carrying the issue, as well as the pattern of power within the community. The emphasis in Dahl's analysis of power is on studying 'observable' conflict over decision-making on key issues (Lukes 1974: 12).

- Bachrach and Baratz challenged this view in an article titled "Two Faces of Power." The paper highlights the 'second face' of power, or 'non-decisions;'. Dahl's view was that power is exercised when "A participates in the making of a decision that affects B" (Bachrach and Baratz 1969: 95). However, Bachrach and Baratz argue that power is also exercised "by confining the scope of decision-making to relatively 'safe' issues" (ibid.). This can be done indirectly, through limiting "decision making to relatively non-controversial matters, by influencing community values and political procedures and rituals" (p. 96). From this, it is concluded that the key issues to be studied to gain an insight into the distribution of power in a community are not Dahl's high-profile issues involving 'observable' conflict. Rather, Bachrach and Baratz argue that issues involving "a challenge to the predominant values or to the 'established rules of the game' would constitute an 'important' issue" (p. 97).

- I would argue (and have, in an undergraduate essay from which I lifted the above two paragraphs) that Bachrach and Baratz go a bit far with their 'non-issue' stuff, in that their beef is essentially that their favoured (conventional socialist) policy alternatives are given short
shrift in modern democracies (all of which feature predominately capitalist economies). If you’d like to follow this up, Wolfinger (1971) and Frey (1971) provided the classic criticisms of Bachrach and Baratz's excesses. Bachrach and Baratz's non-decisions are useful for our purposes, though, in highlighting the importance of agenda setting: some issues are kept off of the policy agenda.

The symbolic agenda -- Gerston also discusses the symbolic agenda (1999, p. 63-6).

- The general idea here is that policy makers feel that they need to be seen doing something.
- Think Terry Schiavo, flag burning, attempts to repeal the current administration's modest, pro-market health insurance reforms, etc. These have no substance, are all symbolic.

Causal stories

The Deborah Stone (on p. 299) article concludes by summarizing seven components of her argument:

- “There is an old saw… that difficult conditions become problems only when people come to see them as amenable to human action” (p. 281).
- Interested groups actively seek to define problems as amenable to human action through use of 'causal stories'. Put differently:
  - Problem not amenable to human action: B is a problem. Here, we don’t know what causes B, so have nothing to address.
  - Problem amenable to human action: A → B. B is now a problem, but it is caused by A. Modify A, and you can solve (or more rationally: ameliorate) B.
- Four (plus) types “these portrayals [as causal] can be categorized as four causal theories:

<table>
<thead>
<tr>
<th>Types of causal theories</th>
<th>Intended</th>
<th>Unintended</th>
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<tbody>
<tr>
<td><strong>Actions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unguided</td>
<td>Mechanical cause</td>
<td>Accidental cause</td>
</tr>
<tr>
<td></td>
<td>intervening agent</td>
<td>nature</td>
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<tr>
<td></td>
<td>machines</td>
<td>weather</td>
</tr>
<tr>
<td></td>
<td>trained animals</td>
<td>earthquakes</td>
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<tr>
<td></td>
<td>brainwashed people</td>
<td>machines that run amok</td>
</tr>
<tr>
<td>Purposeful</td>
<td>Intentional cause</td>
<td>Inadvertent cause</td>
</tr>
<tr>
<td></td>
<td>assault</td>
<td>intervening conditions</td>
</tr>
<tr>
<td></td>
<td>oppression</td>
<td>unforeseen side effects</td>
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<td></td>
<td>conspiracies that work</td>
<td>neglect</td>
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<tr>
<td></td>
<td>programs that work</td>
<td>carelessness</td>
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<td>omission</td>
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Stone then goes on to describe three further types of causal story:

- Complex systems. Complexity is inherent in modern life. Indeed, one can look at all of modern life as a grand, complex experiment:
“Unpredictability in every field is the result of the conquest of the whole of the present world by scientific power. This invasion by active knowledge tends to transform man’s environment and man himself – to what extent, with what risks, what deviations from the basic conditions of existence and of the preservation of life we simply do not know. Life has become in short, the object of an experiment of which we can say only one thing – that it tends to estrange us more and more from what we were, or what we think we are, and that it is leading us... we do not know and can by no means imagine where” (Valéry, quoted in Tenner 1996, p. x).

- **Institutional.** This helps explain why there have been so few prosecutions as a result of the economic collapse of 2007-8, or the BP oil rig blowout (which killed 11!). Although the U.S. Supreme Court ruled, in *Citizens United v. Federal Election Commission* that (as it has been put) corporations are people (though dollars vote, within corporations, rather than people), they cannot be sent to jail when guilty of involuntary manslaughter. Instead, individuals have to be proven personally guilty of crimes committed as a result of corporate activities.

- **Historical or structural.** “Quite similar to institutional explanations, this model holds that social patterns tend to reproduce themselves. People with power and resources to stop a problem... benefit from the social organization that keeps them in power and maintain it through control over selection of elites and socialization of both elites and non-elites. People who are victimized by a problem do not seek political change because they do not see the problem as changeable, do not believe they could bring about change, and need the material resources for survival provided by the status quo” (p. 288).

- **Blame** (identifying whoever is behind ‘A’, is central to this process. Whoever is accused of being responsible for A will combat this portrayal, as s/he or they will be responsible for fixing it.

- ‘Probabilistic’ (risk-based) causal stories are increasingly used. It isn’t that A → B, but rather that A will cause B, if you don’t do what my analysis suggests.

- It is also worth keeping in mind that human associated life is very complex, and almost by definition, something is a policy issue because we have not been able to ‘fix’ it. So again almost by definition, we don’t know much about policy issues with complete certainty like, say, we know that Atlanta is the capital of Georgia. We have much less certainty about:
  - How to create well-paying jobs in Atlanta, or
  - reduce Atlanta’s crime rate, or
  - ensure an adequate water supply for Atlanta, or
  - reduce road congestion.

- **Anything doesn’t go!** The perpetual causal story smackdown between different policy communities is limited (to some extent) by law and science. I’d argue that:
  - **Law** is still generally respected in the US, despite my obvious disagreement with the Supreme Court ruling in Citizens United.
  - **Science**, on the other hand, is probably under attack like at no time since *the Enlightenment* (I’m literally racking my brain to identify a time like this – e.g. Salem witch trials didn’t attack science -- seems like I must be forgetting something).
  - “Finally, causal theories have important consequences for politics beyond the mere demonstration of human control. They have a strong normative component that links
suffering with an identifiable agent, and so they can be critical of existing social conditions and relationships. They implicitly call for a redistribution of power by demanding that causal agents cease producing harm and by suggesting the types of people who should be entrusted with reform. And they can restructure political alliances by creating common categories of victims” (p. 300).

**Triggering mechanisms**

Gerston identifies four factors that determine whether a policy issue 'triggers' the attention of policy makers, and I'll add three more:

1. **Scope**: how widespread a problem is. "If only a small percentage of the population is worried, then the issue will fail the scope test because of its inability to generate enough attention" (p. 33).
   
   - As we'll see in the last, added item, if a small, influential portion of the population works extremely hard to get an item on the agenda, they can succeed in this.
   
   - Scope, for Gerston, depends on the scale of the policy issue. A national policy issue would be expected to attract the attention of millions of people; a local issue would only need the attention of thousands.
   
   - Gerston notes that for the grass roots activist, simple opinion polling can give some sense of the 'scope' of problems.

2. **Intensity**: of those who feel that a problem exists, how intensely are they concerned?
   
   - Gun control is an excellent example. For both the pro-gun control folks (those who focus on the part of the Second Amendment to the Constitution that reads "A well regulated militia, being necessary to the security of a free state...") and those folks against regulating well those firearms used by the militias deemed necessary for the security of a free state (and who focus only on the latter part of the Amendment: "...the right of the people to keep and bear arms, shall not be infringed"), feel very intensely about this issue.
   
   - Again, as part of the "how-to" focus of his book, he notes that the policy advocate seeking to gauge intensity should observe the public. Opinion polling also can serve this purpose, as these often try to gauge intensity in various ways, especially by asking citizens to rank policy priorities.

3. **Duration**: for how long are people intensely interested in issues?
   
   - This is especially important in that even if policy makers respond to intense, widespread public interest in an issue, if this interest fades, by the time the lumbering policy process acts, no one might care anymore. Their attention has been diverted to other issues.
     
     - Gerston also refers to a handful of issues (South Africa, HIV/AIDS) on which pressure was maintained by activist groups for long periods, even decades. He suggests that this lead to success on these issues making it onto the agenda: kudos to the activists who maintained the faith.

4. **Resources**: how much will the problem cost?
   
   - More costly problems will obviously generate more attention than less costly ones.
   
   - More costly to fix problems will generate less attention.

5. **Influence**: my first addition, which helps explain some anomalies above:
   
   - Q. Why does the estate tax attract so much opposition? This affects a very small fraction of Americans. Further, doing away with the estate tax would cost the public billions of dollars at a time when the federal budget is in deficit, with massive obligations coming
over the next 10-20 years. Repeal of the estate tax would benefit only a very small portion of the population. So why did this get pushed up the formal agenda?

- A. A handful of very influential rich people would benefit greatly. Indeed, once Senate majority leader Bill Frist, a proponent of the estate tax repeal, was part of a family which owns a $1b+ health care company.

- Q. Why does Social Security 'reform' attract so much attention, and not Medicare reform? Neither the scope nor the intensity of the future Social Security budgetary shortfall are worse than the current Medicare budgetary shortfall. So why did this issue get pushed up the formal agenda?

- 'Influence' also takes the discussion out of Gerston's grass roots focus. It has long been recognized that a lot of issues get put on the formal agenda from inside (note: in none of the issues below was there widespread public concern over these issues):
  - President Bush deciding to privatize Social Security, invade Iraq, and cut the estate tax.
  - President Clinton deciding to intervene in Kosovo.
  - Innumerable technical (and other) initiatives being started by public administrators on a day-to-day basis.

6. The Courts: Many civic groups have discovered that rather than trying to convince the public, or getting access to policy makers, an easier way to thrust an issue on the institutional agenda is through the Courts.

7. Chance, or dumb luck! This, especially, is the focus of the ‘focusing event’ article by Birkland that you were invited to read. As examples, think of the following events:
  - The mass murders of September 11, 2001 put innumerable issues on the public and formal agendas.
  - Hurricane Katrina put levee safety on the agenda, as well as poverty, and others!
  - Competition. A point implied in the discussions in this lecture is competition. Birkland identifies pro change groups, as well as ‘status quo’ groups (p. 55-6).
  - Status quo groups. Anti-reformers. These can be very powerful. The US, on a reasonable cost-benefit analysis, has the least efficient health care system in the rich world, with the world’s highest aggregate costs, yet mediocre aggregate outcomes. Indeed, as %GDP, US health spending is about 5% higher than the high health spending rich country norm. In an economy of roughly $15t; 5% amounts to about $750b in waste that goes to various health system actors. Even assuming a relatively low profit rate of 10% of gross, that implies that this $750b in excessive US health care costs generates some $75b in profit. So these groups would be willing to invest as much as $74b to prevent reform that takes that wasted, inefficient spending out of their pockets.
  - Howland also refers to ‘policy subsystems’ (p. 8). The paradigmatic example in the US may be the ‘military-industrial complex’ reference by former President Eisenhower (start at 7:00 to get adequate context, it last just over two minutes).
  - Context matters. Not surprisingly, agenda setting is complex. There is, for instance, a policy community surrounding defense. After an attack, it will mobilize to take advantage of this. Such is not the case for hurricanes.
Kingdon’s ‘policy streams’

I should briefly at least mention in passing the ‘policy streams’ model of agenda setting developed by Kingdon, our course text. For Kingdon, three things have to come together for a policy to get on the institutional agenda:

- **Problem.** An issue is identified by all (or significant number of) actors, and/or gatekeepers to the institutional agenda (Kingdon, ch. 5).
- **Policy.** Solutions are identified, or it is believed something can be done about the problem (Kingdon, ch. 6).
- **Politics.** It is in the interests of enough legislators to get a bill passed (Kingdon, ch. 7; see also Howlett, p. 10-11).

What to do?

Gerston (in the previous book I’ve used in this class) goes on to discuss how to go about getting an issue on the policy agenda. The first step for him is research. This comes after "deciding what is important", but it is also worth keeping in mind that "systematic, comprehensive research" is a good way to figure out how important an issue is, and to identify allies.

- Gerston starts this section with a series of points that could be taken from my "systematic, comprehensive research" grading criterion:
  - library research -- better for understanding the broader factual basis of an issue.
  - the internet -- can be better for understanding a local context, especially if a local newspaper is online!
  - tracking newspapers -- this can also often be done electronically and searched via keywords.
  - polls and public opinion surveys -- these are often too expensive to commission yourself, but existing polls may help illuminate your issue.

- Government and community organizations, and personal interview -- networking!

- Be willing to admit mistakes and change your views, if you come across a compelling counter argument.

- If you find yourself unconvinced by other views, try to understand these other perspectives. Convincing others rarely results from shouting your views loudly. It can come from quietly addressing the views of others on their terms, and showing them where they are inconsistent or wrong.

Considering what to do

- Direct democracy: propose a ballot initiative
- Representative government: having identified allies and marshaled your best case, go to your local representative.
  - Local
    - Public manager
    - Council rep
    - Mayor
  - State
    - Public manager
- Local rep
- Governor
  - Federal (ditto)
- The press!

*Summary:* More than any other stage of the policy process, the unpredictable nature of agenda setting illustrates the limitations of human action.

*References*


