BUREAUCRAT’S VALUE CHOICE IN POLICY-MAKING: WHICH VALUE HAS PRIORITY BETWEEN EQUALITY AND EFFICIENCY?

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I. Introduction

Representative democracy is a set of mechanisms for resolving disagreements about official policy that arise from differing values and situations. The burden on contemporary governments is great. Government’s inability to meet public expectations is not simply another frustration of consumer hopes-not just a short-lived light bulb- but government’s services are life-and-death. Its decisions are the dominant collective agreements of a diverse population. Its existence symbolizes identity and commands loyalty. Many authors tried to discover that ethical impulses, inevitably provoked by official errors and outrages, have led to procedural innovations that hinder and sometimes prevent effective governance.

Questions of bureaucratic valuation have hanged over most policy discussions since bureaucrats played key roles in public policy-making. Bureaucratic power is troublesome in a democracy. We have known that the rational policy-making of bureaucrats have been limited by bureaucratic pathologies such as clientelism, incrementalism, arbitrariness, imperialism, and parochialism1 (Gormley, 1989).

To surmount these pathologies, a great deal of efforts2 to

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1 Parochialism means that public agencies miss the “big picture” by focusing narrowly on a limited set of purposes and goals.
2 Judge’s due process and judicial review, chief executives’ reorganization, civil service reform, and policy-making through executive orders, and legislators’ clearer statutes, oversight, annual appropriations, and sunset laws.
control the bureaucracy have dominated the institutional reform agenda. The efforts controlling the bureaucracy, however, have failed. There are several reasons for the failure of controlling the bureaucracy. Included are bureaucracy’s bean-counting, which means that agencies focus on outputs to generate statistics that create the illusion of progress, proceduralism, avoidance, particularism, and defeatism.

In spite of this phenomenon, the bureaucrat’s value choosing role in the stages of the public policy has dominated over other players because public policy is increasingly made by administrators at the stages of both policy formulation and implementation. Accordingly, the “value making” aspect of bureaucratic behavior is highly problematic. The daily life of bureaucrats involves the identification and balancing of major public values.

The decisions public servants make about policy and administration have a significant effect on people’s lives. Such decisions are statements about what ought to be done. The way we practice our values is a guidance system to be used in making decisions. These values may be called justice as a comprehensive term. Justice is thought to be the business of elected officials. Members of Congress and chief executives make public policies within the constraints imposed by constitutions, elections, and public opinions.

The public policies fashioned by democratically elected officials distribute benefits and impose burdens on a society. These policies should achieve, so called, social justice. Applying justice criteria in actual decision situations, however, is not an easy task. The decision problems often are characterized by moral ambiguity and complexity; in any given decision situation, some of justice principles are likely to be in conflict. Included are liberty, equity, equality, efficiency, and public interest. Among these values, efficiency and equality are the most critical in choosing value as a criterion of policy-making. There seems to be trade-offs between equality and efficiency. The concept of equality refers sometimes to certain properties which men are held to have in common but more often to certain treatments which men either receive or ought to receive. Equality must be construed here in the sense of similarity of agreement in certain properties. Men are evidently unequal in many
characteristics. However, to claim that all men are equal in such respects can only mean that the resemblances are in some way more significant than the differences. There are the criteria of egalitarianism: impartiality, equal shares to all, equal shares to equals, proportional equality, unequal shares corresponding to relevant differences, and to each according to his desert. Here, the concept of equality follows Rawlsian one of liberalism (1971, 1993). The concept of efficiency stands for the utilitarian perspective. The utilitarian perspective emphasizes the results, not procedures and disregards the concept of justice.

This paper is focused on the study of the relationship between equality and efficiency and on which value has priority in bureaucratic decision making. The legislation may be ambiguous, either as the result of a political compromise in which it was necessary to leave some policy issues unsolved or because of the inherent ambiguity of language. Although there is no obvious guideline, the ambiguous guideline does not relieve public administrators from responsibilities to act justly.

II. Justifying Bureaucratic Decision: Value Choice

A political system can be understood by structural-functional perspectives. Bureaucratic policy making is more focused on the functional, substantive aspects than structural, formal ones. An important bureaucratic role in policy making may be value choice. There are many arguments about values. Everyone uses such concepts as justice, injustice, fairness, liberty, equity, equality, responsibility, accountability, and efficiency in discussing social values. The concept of justice includes all of these terms.

Hans Kelsen argues that “which human interests are worthy of being satisfied and, especially, what is their proper order of rank? That is the question which arises when conflicting interests exists, and it is with respect to possible conflicts of interests that justice within a social order is required” (Kelsen, 1957: 4). Where there is no conflict of interests, there is no need for the consideration of justice. He follows the definition of justice that means social happiness. He also argues that “absolute justice is an irrational ideal or an illusion”
(Kelsen, 1957: 21). From this point of view of rational cognition, there are only interests of human beings and hence conflicts of interests. The solution of these conflicts can be brought about either by satisfying one interest at the expense of the other, or by a compromise between the conflicting interests. It is not possible to prove that only the one or the other solution is just. Under certain conditions, one may be just and under others the other may be just.

The democratic process itself is a source of profound debate about values. My concern lies in the role of bureaucrats as policy makers in a democratic society. Social problems require fundamental moral choice (Lowi, 1979: 185). Justice is seen by some as a by-product of the individual's attempt to maximize his outcomes and an ideological support for the exercise of power. Others consider that justice, in its various forms, is an expression of the various functional requirements of society (Lerner, 1975: 1).

My premise is that bureaucrats have a major role in making value choices and establishing processes by which competing values are dealt within public decisions. As Pops, who argues the administrator's discretionary authority is granted specially by laws, points out "lack of meaningful discretionary authority is likely to produce unjust decisions, particularly when administrators must apply general rules in concrete cases" (Pops, 1991: 81). For example, OSHA inspectors enforce rigid and often ill-fitting industry guidelines against plant and factory owners led to absurd, unjust results, and reduced respect for regulators.

Discretionary authority is vital for tailoring decisions to meet the unique properties of different situations. Conversely too broad discretionary authority may lead to the violations of the formal principle of justice through the dissimilar treatment of cases that are essentially similar in their factual basis. Anthony Downs(1967), a behaviorist, classifies the bureaucrats five types and tries to explain their behaviors. According to his theory, the behavioral patterns of bureaucrats direct toward achieving personal objectives in organizations. Niskanen, who studies bureaucrats' objectives, concluded that bureaucrats' ultimate goal is the maximization of budget(1971). In 1991, he changed his theory from budget-maximization to discretionary budget-maximization. However, these two theories do not explain value judgment in policy-making, but to
explain bureaucrats’ objectives of action.

As Yates points out, “if bureaucrats are going to make value choices, they should inform the rest of us value-laden voters and consumers of policies what the operative values behind public decisions are and how they conflict” (1981: 34). Bureaucratic policymakers are often deciding when, why and how to act. Making value choice is likely to be related to the role of members of Congress. However, as Mayhew pervasively argued, the role of members of Congress is not weight values: it is rather to attend to the distributive process and to capture benefits for their own constituents (Mayhew, 1974). This argument is supported by Fenno’s research about subcommittee: Congressmen are always interested in re-election rather than making good policy (Fenno, 1973). Bureaucrats are not directly subject to the intense political pressures, especially the concern for reelection. They have political neutrality. Meier explains the reasons why the bureaucracy has become a policy making institution: 1) the nature of American politics which includes the demise of the politics-administration dichotomy, 2) the openness of subsystem in subsystem politics, 3) the complexities of modern policy demands that can be performed by large-scale formal organizations, and 4) bureaucracy’s implementation function that needs inevitable discretion to fill in the gaps of official policy (Meier, 1987: 48-53). Kingdon’s research shows that the president is the most important participant in setting agenda, and that the bureaucracy is the most crucial actors in deciding policy alternatives. “Bureaucrats are not so important with respect to the generation of ideas, but they are critical with respect to their professional advice and consultation” (Kingdon, 1984: 23-37).

Another factor in justifying bureaucratic decision is that bureaucrats are apt to engender a longer time horizontal perspective due to the longevity in office for the people. Instead of party politicians, “today’s political executives tend to be policy politicians” (Hecklo, 1978: 106).

The fact that public officials exercise vast discretion in formulating and implementing public policies is recognized by several scholars (Kindon, 1984; Meier, 1987; Pressman and Wildavsky, 1984). When the public administrator exercises discretionary authority delegated by political superiors, he or she may either create and
interpret policies or fill in gaps in policy implementation. In the policy-creating role, the administrator takes the dimension of social justice because she is engaging in an initial allocational judgment involving the distribution of social benefits and burdens.

iii. Justice: Equality and Efficiency

If we place the role of the bureaucracy on the value-freed policy implementation, we may not need to consider equality. Because the bureaucracy is required to carry out the policy given efficiently. However, as mentioned earlier, if we think about the policy making function of the bureaucracy, equality is one of the most important principle of core values to be considered by it. We recognize the claim that “equality in the satisfaction of basic human needs is justice” (Mckeon, 1963: 60). Here we raise no question concerning equality under an impartial rule of law as justice.

Value clarification is especially important where policy decision involves policy conflicts and trade-offs. Capitalist society will keep searching for better ways of drawing the boundary lines between the domain of rights and the domain of dollars. In this sense, the combination of capitalism and democracy is really the most impossible mixture.

According to Deutch’s argument, the concept of distributive justice is concerned with the distribution of the conditions and goods which affect individual well-being. The sense of injustice with regard to the distribution of benefits and harms, rewards and costs, or other things which affect individual well-being may be directed at: 1) the value underlying the rules governing the distribution (injustice of values), 2) the rules which are employed to represent the values (injustice of rules), 3) the ways that the rules are implemented (injustice of implementation), or 4) the way decisions are made about any of the foregoing (injustice of decision-making procedures). Justice is concerned with both individual well-being and societal functioning. The “natural values of justice” are thus the values which foster “effective social cooperation” to promote individual well-being (Deutch, 1975: 140). He argued that incooperative relations in which economic productivity is a primary goal, equity rather than equality or
need will be the dominant principle of distributive justice. Equity is different from equality. The implication of equity in the customary formulation is that individual’s relative input to the group outcome will determine his relative share of it.

However, Yates argues that equality has become a dominant idea in modern political discourse (Yates, 1981: 35). There are reasons why equality should be considered. One reason is that we find equality claims in a large number of policy disputes such as welfare policies. Another reason is that the idea of right seems to include an idea of equality. The more the bureaucrats are asked to balance the interests of collectivities-business, labor, the young, and black communities, the more difficult their task of calculation becomes. The effort to equalize treatment of these groups leads to Lowi’s “interest group pluralism” (Lowi, 1979).

Anderson explains the concepts of equality and efficiency. “The concept of equality is probably best regarded not as an independent consideration in policy evaluation, but as a proposition that stands in a logical relationship to the problem of justice. Most contemporary egalitarian arguments rest on the premise that existing inequalities are unjust, and that failing a reasonable justification for differential treatment, should be treated alike. As Sampson also argues that equality involves communion, collectivism, and cooperation (Sampson, 1975: 61), the concept of equality means social functioning.

On the other hand, public policy decisions should be evaluated by using one or more of the core values of American government: justice, authority, and efficiency. Anderson begins “how we perceive a problem depends on how we propose to evaluate it” and adds that “each step in the process of decision making depends on the initial stipulation of values to be served” (1979: 712). He also argues that efficiency “is a necessary consideration in any system of policy evaluation,” since “it is a legitimate criticism of any decision that there are better alternatives for achieving stipulated values” (1979: 719). Efficiency is best regarded as an instrumental value, a tool for comparing policy options in terms of other values, a tie-breaker between policy options that have passed a minimum test of acceptability on the ground of justice. If efficiency is properly regarded in this instrumental sense, then it is a “lower-order criterion of political
judgment” (Anderson, 1979: 720). It is possible to say that efficiency
can never be assigned a higher priority than substantive justice, equality
or equity, in any plausible value ordering.

IV. The Role of Public Administrator: Ordering Priority

Well-recognized roles and several concepts concerned with
bureaucratic policy making will be treated. Cooper develops the
notion of “the administrator as citizen” as a normative foundation for
the practice of public administration. “Citizenship as a source of
ethical norms for public administration has not been a powerful
concept for public administration obligation in the United States”
(Cooper, 1991: 1). He defines “citizenship is the status and rule
which defines the authority and obligations of individual members of
a community” (Cooper, 1991, p. 5). He argues that one of the most
important roles of the public administrator should be held ethically
responsible for “encouraging participation” of the citizenry in the
process of policy-making and implementing policies (Cooper, 1991:
141).

Ostrom supports this view. The public servant in a democratic
society is not a neutral and obedient servant to his Master’s command.
He will refuse to obey unlawful efforts to exploit the common wealth
or to use the coercive capabilities of the state to impair the rights of
persons, but he will use reason and peaceful persuasion in taking such
stands. Each public servant in the American system of democratic
administration bears first the burden of being a citizen in a
constitutional republic; and citizenship in a constitutional republic
depends upon a willingness to bear the cost for enforcing the rules of
constitutional law against those who exercise the prerogatives of
government. (Cooper, 1991: 141)

Ostrom argues that the public administrator should exercise
discretionary power for the public interest rather than personal
interests or organizational goals in making policies. Orren also
concluded that “efforts to explain U.S. voting patterns in terms of
economic self-interest have failed consistently.” Instead, ‘solitary’
factors (group psychological identifications, especially partisanship)
and purposive goal (policy issues) are far more influential (Orren,

There is another consideration about value ordering. Value ordering seems to be different from the policy types. Ripley and Franklin state that policy formulation and legitimation activities are typically characterized by some conflict over both goals and means to attain policy goals. The conflict is based on differing sets of values, interests, and belief on the parts of different actors (Ripley and Franklin, 1986: 21). They classify policies into four types: distributive, competitive regulatory, protective regulatory, and redistributive policy. Meier also classifies policies into distributive, regulatory, redistributive, and constituent policy (Meier, 1987: 76-111). Important factors in these classifications are, first, who the influential actors are and, second, the degree of conflict. Policies are in general divided into three categories: distributive, regulatory, and redistributive.

Members of Congress positively take part in the formulation of distributive policies. Distributive policies have less conflict than the other two types of policies. In distributive policy, the bureaucracy should focus on efficiency rather than equality, because distributive policy does not have a harmful effect on the Congressmen's personal goal (re-election) and members of Congress have a tendency to make policies in detail. On the other hand, in cases of regulatory and redistributive policies, intense conflicts may occur. Thus, members of Congress do not want to make policies in detail and make policies symbolically (Ripley and Franklin, 1986: 179). These policies need bureaucratic discretion in implementing them, leaving value choices to the bureaucrats. Redistributive policy implementation is an area characterized by a high degree of conflict and disagreement. Redistribution means the transference of resources from relatively well-off groups to relatively less well-off groups. Redistributive policy may need the high priority of equality because it attempts to alter social injustice. Regulatory policy needs for equality first and then efficiency to achieve goals effectively, since this can prevent certain types of private activity and require private activities. However, these arguments are not absolute.

Ethical constraints are particularly salient in determinations about the distribution of benefits and burdens in public activity or discussion. If both equality and efficiency are valued, and neither takes absolute priority over the other, then in places where they
conflict, compromises ought to be struck. In such cases, some equality will be sacrificed for the sake of efficiency and some efficiency for the sake of equality, even if there are different arguments in priority between equality and efficiency: Rawls' idea is to "give priority to equality"; Friedman's idea is to "give priority to efficiency" (Okun, 1975: 92). Luke emphasizes that bureaucrats are required to balance the tension between "bureaucratic values (efficiency, expediency, neutrality) with political or democratic values (justice, equality)" (Luke, 1991: 160).

The difficulty with these assumptions is that the good was not reducible to members, nor was the good society. Enhancement of efficiency in government was the espoused core principle of the progressives, but efficiency is an instrumental value, not a terminal value: it does not specify an end, but only means. In a democratic state, efficiency must not be allowed to displace the right and obligation of the citizenry to debate issues and influence formation of the policy and its public policy.

Cost-benefit analysis is a fundamental methodology of policy analysis. It is overvalued and does not belong to a higher league than justice and responsibility criteria (Pops, 1988: 3). The tendency of economically oriented groups is using the principle of equity; for solidarity-oriented groups is using the principle of equality, and for caring-oriented groups is using the principle of need as the basic value underlying the system of distributive justice (Deutch, 1975: 147).

Bureaucrats should settle different kinds of requests down through the consideration of core values in policy making. Some trade-offs are necessary between efficiency and equality. But the presence of a trade-off between them does not always mean that everything that is good for one is necessarily bad for the others. For example, techniques that improve the productivity and earnings potential of unskilled workers might benefit society with greater efficiency and greater equality. It is very difficult for us to rank priority between equality and efficiency.

The most desirable way is to make policy according to the consideration of the policy effect: When equality is emphasized on policy-making, bureaucrats should consider efficiency as a restriction for society; when efficiency is emphasized on that, equality should be
a restriction on efficiency. Bureaucrats must balance them. As Gortner points out, ethical discussion involves a continuum between "policy ethics" (macroethics) and "individual ethics" (microethics). Macroethics is concerned with the impact of decisions on society as a whole, in both the material and spiritual senses of the world impact (Gortner, 1991: 35-36). Decisions bureaucrats make must be based on loyalty to democratic ideals (equality) to arrive at the best possible solution. If bureaucrats meet a situation where one value has to be chosen, they must give priority to equality, because efficiency leaves a question, "For what?" Equality is a substantive principle of justice and efficiency is an instrumental one. It is natural that we give priority on end rather than on means like constitution dominates general statutes, when end and means are in conflict.

V. Conclusions

As bureaucratic policy making has become an important function in the field of politics, the sense of justice is required to the bureaucracy that exercises discretionary power for achieving policy goals when policies are both formulated and implemented. The concept of justice comprises the principles such as equality, efficiency, equity, and liberty.

There are sometimes trade-offs between the value of equality and that of efficiency. These two values sometimes are complementary rather than contradictory. Value clarification is crucial where policy decision requires trade-offs. While efficiency is inherently associated with individual well-being, equality is related to the collective functioning of a society as a whole.

Which value should be considered first between equality and efficiency when these two values are in conflict? Each of these two values, in real sense, does not have absolute priority over the other. The priority in value choice may differ from the the types of policies. While efficiency may be an important value in distributive policies, equality may have priority in regulatory and redistributive policies.

Efficiency, in some sense, should justify the end as a means to achieve the ultimate policy goal. In other words, equality can provide legitimacy to the efficiency of government activities, since "efficiency
for what?” is always left as a final question.

REFERENCES


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