THE UNIVERSITY OF ZAMBIA

School of Education
Department of Language and Social Sciences Education

CVE 9020: LEGAL EDUCATION AND PUBLIC POLICY

Topic 2: Lecture Notes

TOPIC: Introduction to Public Policy

Topic 2: Introduction to Public Policy

2.1 Topic Contents

1. Differences between the private and the public
2. Definition of Public Policy
3. Relationship between Public Policy and the legal framework
4. Actors in Public Policy formulation
5. The |Policy Process

2.2 Aim:

This unit introduces you to Public policy and the policy process

2.3 Unit Objectives

By the end of this unit you should be able to:

1. Explain the differences between the private and the public.
2. Define Public Policy
3. Show the relationship between Public Policy and the legal framework
4. Identify actors in public policy formulation
5. Describe the policy process.

2.4 Introduction

This unit introduces you to an academic field of study called Public policy. As compared to other social science disciplines public policy is relatively new as it just emerged in the 1950s. As a body of study public policy is an applied social science which is concerned with products of government. Public policy therefore, forms a significant component in many a course and programme in disciplines such as political science, public administration, economics, management etc. Public policy as discipline is interdisciplinary and thus cuts across the old academic lines of demarcation. The concept of public policy presupposes that there is a domain of life which is not private or purely individual, but held in common. Though in the past studies on public policy have been dominated mainly by political scientists and public administrators, who have tended to concentrate more on the content of policy, the process of its formulation and its implementation, today the study of public policy has evolved into virtually a new branch of the social sciences commonly referred to as policy sciences. Today the policy sciences have gone far beyond new and naïve aspiration for societal relevant knowledge (Sapru, 2004 a: 2)

2.5 What is Public Policy?

In order to understand the concept of public policy, it is first important to understand the term public. We often use such terms as public interest, public sector, public opinion, public health, public administration and so on. The starting point is that Public policy has to do with those spheres which are so labelled as public as opposed to sphere involving the idea of private. The concept of public policy presupposes that there is an area or domain of life which is not private or purely individual, but held in common. Public dimension generally refers to 'public ownership' or control for public purpose. The public comprises that domain of human activity which is regarded as requiring governmental intervention or common action. However, there has always been a conflict between what is private and what is public.

W. F. Barber (Sapru, 2004 b: 3) argues that the public sector has ten key differences from the private sector:

(i) It faces more complex and ambiguous tasks;

(ii) It has more problems in implementing its decisions.

(iii) It employs more people with a wider ranger of motivations;

(iv) It is concerned with securing opportunities or capacities;

(v) It is more concerned with compensating for market failure

(vi) It engages in activities with greater symbolic significance;

(vii) It is held to stricter standards of commitment and legality;

(viii) It has greater opportunities to respond to issues of fairness;

(ix) It must operate or appear to operate in the public interest;

(x) It must maintain minimal levels of public support above that required in private industry.

2.5.1 How do People use the Term Policy?

The concept of **'policy'**, like the idea of '**public'** is not a precise term. Policy denoted among other elements, guidance for action. It may take the form of:

(i) A declaration of goals;

(ii) A declaration of course of action

(iii) A declaration of general purpose;

(iv) An authoritative decision.

Therefore, there are various conceptions and explanations of the term policy. Some of such descriptions have aptly been stated by Tuner and Hame (1977: 59) who have said that the tem policy is conceived:

- As a label for a field of activity. For example, broad statements about a government's economic policy.
- As an expression of general purpose or desired state of affairs for example to create as many jobs as possible.
- As specific proposals. For example, to devalue the currency by 10%
- As decisions of governments for example, policy decisions announced in the Assembly.
- As formal authorization. For example, acts or other statutory instruments.

- As a programme. For example, a land reform programme.
- As outcome. For example, what is actually achieved in the land reform
- As a theory or model for example if we do X then Y.
- As a process; As a long-term matter starting with issues and moving through Objectives setting, decision making to implementation and evaluation.

Similarly, and furthermore, Hogwood and Gunn (Sapru 204b: 4) have listed ten uses of the term policy:

(i) As a label for field of activity
(ii) As an expression of desired state of affairs;
(iii) As decisions of government;
(iv) As spacific proposals;
(v) As formal authorization
(vi) As a programme;
(vii) As output
(viii) As outcomes;
(ix) As a theory or model
(x) As a process.

From the foregoing, we see that policy itself is something which takes different forms; And indeed, the existence of a variety of definitions points to the difficulty faced by various scholars in their efforts to define policy(Sapru 204c: 4):

Y. Drov: Policies are general directives on the main lines of action to be followed.

Peter Self: Policies are charging directives as to how tasks should be interpreted and performed.

Geoffrey Vickers: Political are decisions giving direction, coherence and continuity to the course of action for which the decision-making body is responsible.

Car Fredrich: A policy is a proposed course of action of a person, group or government within a given environment providing obstacles and opportunities which

the policy was proposed to utilized and overcome in an effort to reach a goal or realize an objective or a purpose.

James Anderson: Policy is a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern.

Taken as a whole, policy may be defined as a purposive course of action taken or adopted by those in power in pursuit of certain goals or objectives . Therefore, public policies are the policies adopted and implemented in government bodies and offices. It is the authoritative allocation of values for the whole society. Public policies are formulated by "authorities in a political system, namely: elders, paramount chiefs, executives, legislators, judges, administrators, councillors, monarchs, and the like. These are the persons who engage in the daily affairs of a political system; are recognized by most members of the system as having responsibility for these matters and take actions that are accepted as binding most of the time by most of the members so long as they act within the limits of their roles. Public policy focuses on the public and its problems. Public Policy is what governments choose to do or not to do.

The word 'Public' in public administration illustrates a significant aspect of the political environment of agencies. Administration by government agencies is administration for public purposes. Such purposes seldom are specified by the public directly. Rather they are designated by officials elected by the people and by judges and administrators appointed by elected officials. Although the connection between what the public wants and what government does must be considered imperfect, the public cannot be dismissed in a political system which is even nominally democratic. Citizens accept or reject legislators and executives, they use money and other political resources to affect what government does and at times – using the referendum process – they make laws directly. And, of course, it is from the public that all the individuals in government are drawn. (Barton. 1985: 11)

2.7 Public Policy and the Legal Framework

Public policy formulation, as earlier pointed out, is a process which deals with the administration by government agencies; and that such administration is for public purposes. Since such purposes seldom are specified by the public directly but are designated by officials elected by the people

and by judges and administrators appointed by elected officials a legal framework becomes the principal guideline for public policy formulation. Without a legal framework elected officials would formulate policies which are not in line with the provisions of the constitution and implementation of such policies would promote arbitrary actions by elected officials and administrators. Therefore since public policies are for public purposes all policies are to be made in accordance with the provisions of the law of the land. Since all laws are based on the provisions of the constitution and the constitution, if democratically enacted, reflects the will of the people public policy must policy must reflect the will of the people.

2.8 Policy-Making and Decision-Making

Policy-making is closely related to decision-making. However, it is not the same as decision-making. Policy-making does involve decision making, but a decision does not necessary constitute a policy. Decision-making often involves an identification of a problem a careful analysis of possible alternatives and a selection of one alternative for action. Generally, decisions are taken by administrators in their day to day work within the existing framework of policy. The policy decisions taken eventually thus provides a sense of direction to the courses of administrative action. Policy decisions are decisions made by public officials that authorise or give direction and content to public policy actions. These may include decisions to issue executive orders, promulgate administrative rules, or make important interpretations of laws.

2.9 Policies and Goals

Policies are distinct from goals and can be distinguished from the latter as means from end. By goals or objectives one means the end towards which actions are directed. It is reasonable to expect that a policy indicates the direction towards which action is sought. Policies involve a deliberate choice of actions designed to attain those goals and objectives. The actions can take the form of directives to do or refrain from certain actions. Public policy is about means and ends, which have to have a relationship to each other. To say that policy-making involves a choice of goals or objectives is to argue that it deals with value. Policies as well as objectives are chosen under the influence of values. Decision-makers often act on the basis of their beliefs or perceptions of the public interests concerning what is a proper or morally correct public policy.

Thus goal and objectives depend in the value of the policy-makers. Put diagrammatically, this could be explained in the following manner (sapru 2007: 7)

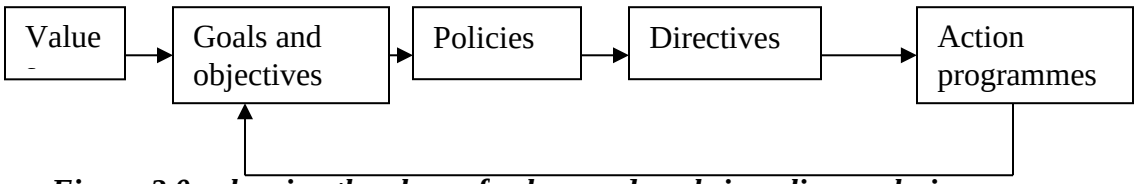

Figure 2.0: showing the place of values and goals in policy analysis

2.10 Policy-Making and Planning

More often than not policy-making and planning are considered to be synonymous. This is a misconception and therefore policy-making must be distinguished from planning. Broadly speaking a plan is a programme of design for attaining definite goals or objectives. In this sense, a plan is a policy statement; it is therefore part of a broader policy framework. However, for plan to be good it needs a proper policy framework. Targets cannot be achieved just because investments are provided for. They have to be drawn within the framework of policies. Successful policies make for successful plans and administration.

2.11 The Policy Process

The study of public policy prepares and helps us to cope better with the future; it improves our knowledge about our society. It is such knowledge which enables us generate policy relevant information which is so much needed for use at all stages of the policy process. There exists different approaches to explaining the nature of the policy process. Such approaches are reflected in the following statements about policy processes:

- **Policies are decisions or proposals**; they prescribe behaviour and actions; implementation means that people start behaving according. In other words, implementation is doing what has been already decided

- **Policies are decisions or proposals which become resources in interaction.** In other words, people make use of such decisions and proposals in their conflicts and negotiations with one another during policy implementation.

- **The policy process is a linear one:** problem identification, decision making, formulation of policies, implementation, and evaluation.

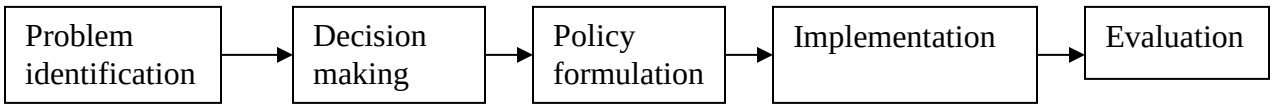

Figure 4.0: ***showing*** that ***the policy process is a linear one***

- **The policy process is a circular one**: problem-identification, decision- making, formulation of policies, implementation, monitoring, adjustment, reformulation, implementation etc.

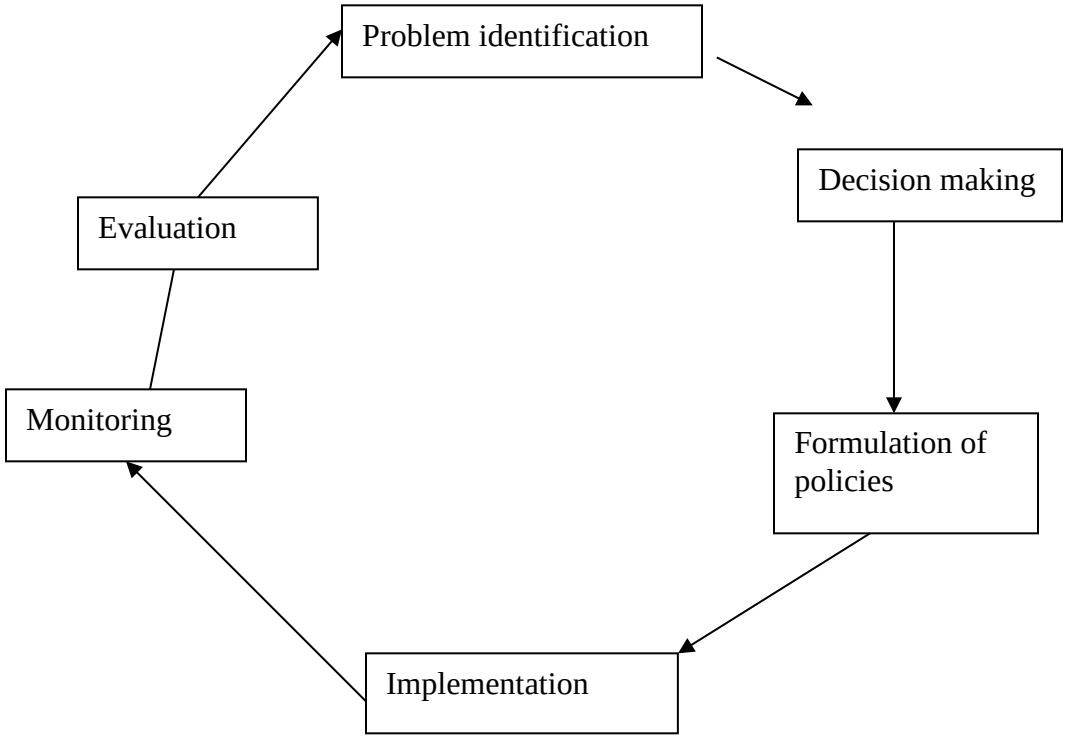

Fig. 5.0: showing that the policy process is a circular one.

- **The policy process is interactive and complex:** Its complexity emanates from the fact that many different kinds of stakeholders try to influence the outcomes at all phases of the policy process. This complexity of the policy process is as shown in diagram below.

.

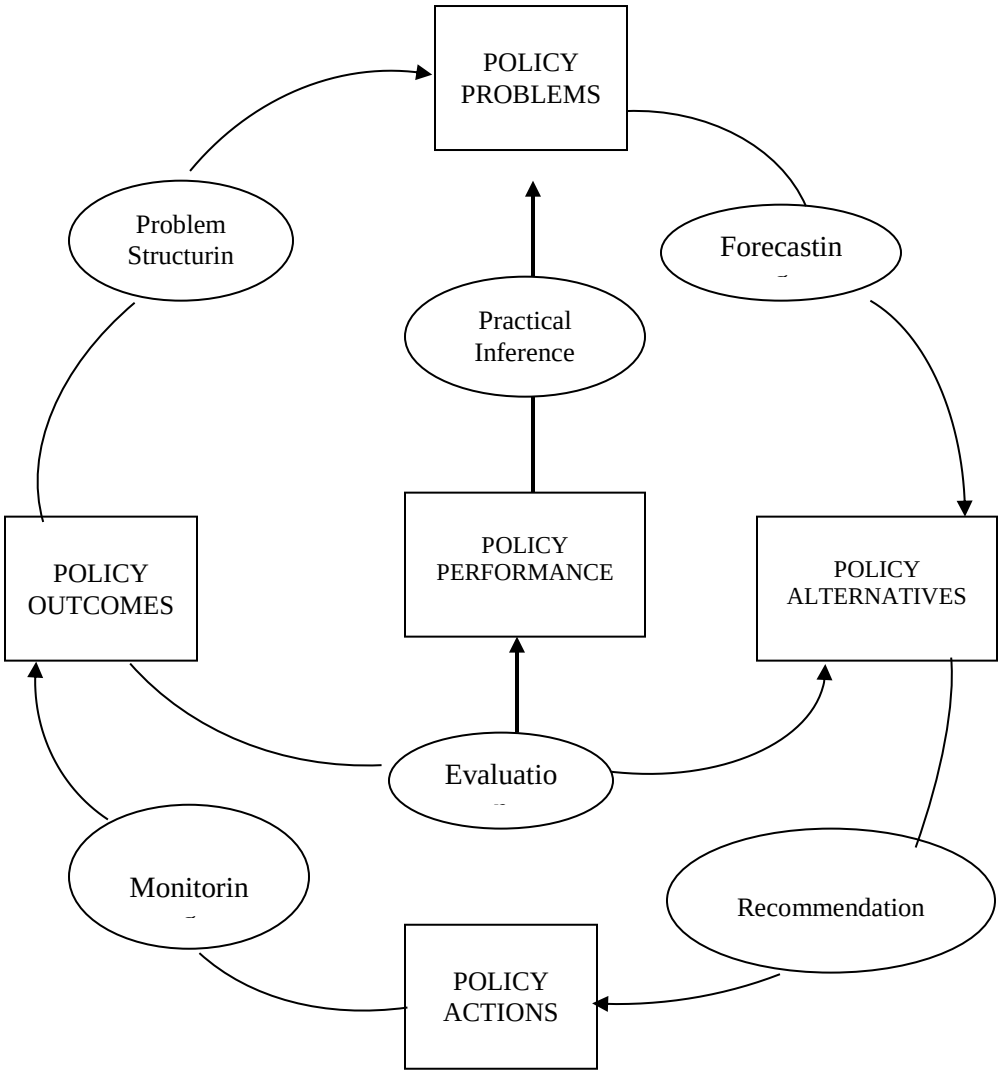

Figure 6.0: showing that the policy process is complex

2.12 Unit Summary

In this unit you have discovered that there is a difference between what is regarded as private and what is public. Hence there are policies which are private and those which are public. The Public policy process is usually complex. This complexity points to the political nature of the public policy- making process. You have elected officials and state bureaucrats on the side of the state and civil society. These groups seek to influence policy at each stage of the policy process, and thus their interaction often creates conflict which ultimately should be Resolved if policy is to be successfully implemented. Therefore, in order for you to get a deeper understanding of the policy processes you need knowledge about policy analysis. In your exploring of policy analysis you will discover more about the nature of the policy process.

2.13 Activity

1. What do you think is the correct meaning of the term Policy?
2. In your view are there any differences between what is private and what is public? If yes what makes them different?
3. Policies, plans and goals are synonymous. Discuss.
4. The legal framework is the backbone of all public policies. Discuss.
5. Is it true that public policies are always in political environments?
6. Do you agree that it is not possible to completely dismiss the public from the policy process and public policy?
7. State the main categories of actors in the public policy process.

.

.

.

.