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The Ethical Dimensions of Policy Analysis

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The field of public policy is dominated by the social sciences. Schools and departments of public policy and public administration are largely populated by economists, political scientists, and sociologists, and the vast majority of work in prestigious public policy journals employs empirical methods. This is unsurprising, in one respect, for collecting data, predicting and identifying the causal impacts of policies, and understanding political institutions and processes are massive, important tasks that require the tools of the social sciences. It *is* surprising, in another respect however, since much policy scholarship and analysis aspires to offer recommendations to policymakers, and recommendations necessarily involve evaluative judgments, for example, that the status quo is *deficient* and that a certain course of action will make things *better*. To defend such judgments, policy scholars and analysts cannot appeal to the social sciences alone for these judgments concern the realm of values, not facts. Instead, careful ethical reflection and analysis is required.

This need for ethical reflection in public policy is particularly evident in the practice of policy analysis, a principal analytic tool of the field. Policy analyses involve the identification of policy problems, the specification of criteria for evaluating possible solutions, and the recommendation that a policy option offers the best balance of trade offs. This identification of *bads*, the specification of *goods* policies should realize, and the *weighing* of these goods with the judgment that policymakers *should* or *ought* to pursue this course of action or that, are all deeply ethical activities. Ethical reflection and analysis is thus a constituent feature of policy analysis, and like the amassing of evidence and projection of outcomes, this reflection and analysis may be performed well or badly.

The overall aim of this book is to provide students, scholars, and practitioners of public policy with guidance regarding the ethical dimensions of policy analysis. My aim in this chapter is to set the stage, providing an overview of these dimensions. After providing a brief overview of the practice of policy analysis, I identify the steps of an analysis where analysts must make ethical judgments in order to move forward, and fully articulate the ethical questions they must confront and take a position on.

1 What is Policy Analysis?

Policy analysis is a professional activity involving the rigorous evaluation of policy options and the provision of reasoned recommendations to policymakers. Policy analyses may be prepared for a client, for example, a legislator, public administrator, regulator, for-profit firm, international organization, or non-governmental organization, or they may be produced with a broader audience of practitioners or engaged citizens in mind.

There are several ways of structuring a policy analysis, however all models share the same six basic features (Bardach and Patashnik 2020, xvi; Weimer and Vining 2017, 23-28; Mintrom 2012, 2-5). Policy analyses, first, identify a policy problem and explain why this problem is one policymakers should address. They, second, specify the goals or criteria by which to evaluate possible solutions to this problem, for example, efficiency, equity, respect for rights, legality, and political acceptability. Policy analyses, third, outline a set of policies for addressing the problem in question, including the status quo, and, fourth, provide an assessment of the alternatives in light of the criteria. They, fifth, consider the tradeoffs among the alternatives in terms of realizing the stated criteria before, sixth, offering and justifying a recommendation. Policy analyses may therefore be framed as a six step process:

1. Identify the policy problem.

2. Specify the criteria for evaluating solutions.

3. Outline policy options.

4. Assess the policy options in light of the criteria.

5. Consider the trade-offs.

6. Make and justify a recommendation.

Policy analyses thus offer clients a comprehensive overview of a policy issue and a reasoned, evidence-based recommendation to policymakers.

Here's an example to briefly illustrate both the process and promise of policy analysis as an analytic tool. Suppose it is the spring of 2022 and you are working as a policy analyst for an U.S. Senator concerned with child poverty and the high cost of raising children. The Senator wishes to make an informed choice on whether to support one or more of the three policies that have been proposed by fellow legislators to address this problem. The first proposal is a child care policy led by two Democratic legislators, Senator Patty Murray of Washington and Representative Bobby Scott of Virginia (Miller 2022). Under this plan, federal funds would flow to states to: establish programs ensuring subsidized child care for nearly all families and free pre-K for all children ages 3 and 4; improve the quality of child care services; and increase the pay of child care workers (U.S. Congress). The plan includes an 'activity requirement' for parents, such that children would only be eligible for subsidized child care if at least one parent is engaged in one of 11 eligible activities, including work, job search activities, job training, or drug rehabilitation. The cost of the proposal is $382 billion over 6 years and would be paid for by increased taxes on corporations and high–income Americans (Miller 2022).

The second policy is a renewal of the expanded Child Tax Credit, a temporary policy included in the American Rescue Plan of 2021. This proposal would increase the existing child tax credit to $3,600 per child under age 6 and $3,000 per child ages 6 through 17, and provide half of

these funds to parents in the form of monthly checks. Married couples with incomes less than $150,000 and single parents with incomes less than $112,500 would receive full payments, and the credit would be fully refundable to families with no income. The estimated cost of the expanded Child Tax Credit is $1.6 trillion over 10 years (York and Li 2021).

Finally, Senator Mitt Romney of Utah has developed his own version of a reformed child tax credit, The Family Security Act. This Act would replace the existing child tax credit and provide a fully refundable, monthly cash benefit for families of $350 per month for each child under age 6 and $250 per month for each child aged 6-17 (Romney 2021). Married couples with incomes less than $400,000 and single parents with incomes less than $200,000 would receive full payments. The estimated cost of the positive provisions of the Act is $229.5 billion per year, but Romney's proposal is deficit neutral, and so would be paid for by reforms to the tax system, and by eliminating the child and dependent care tax credit and Temporary Assistance for Needy Families.

Suppose further that the Senator asks you to prepare a policy analysis to enable her to make a reasoned decision regarding which program (or programs) she should support. Your analysis would begin by outlining the problems with which the Senator is concerned and that these proposals are intended to address, including the current rates of child poverty in the U.S. and the high costs of raising children. It would then outline the three proposals and state the criteria by which they should be evaluated. These criteria may include reductions in child poverty, access to affordable child care, cost-effectiveness, improvements in child development, improvements in parental employment, equity, parental freedom, political acceptability, and financial sustainability. Your analysis would then assess these proposals along these criteria. For example, to predict the impacts of the expanded child tax credit on rates of child poverty and parental employment, you might appeal to studies which examined the effects of the temporary expanded child tax credit on these outcomes (see Parolin and Curran 2022 and Ananat et al. 2022). Similarly, to predict the impacts of the child care proposal on

measures of child development you might appeal to the large body of evidence examining the impacts of different forms of child care services and pre-school (see Baker, Gruber, and Milligan 2019; Gormley, Jr., Phillips, and Anderson 2018; Elango et al. 2016; Yoshikawa et al. 2013).

Once you have assessed each policy alternative in light of these criteria, your analysis would identify and discuss the trade-offs among the three policies. It would conclude with a reasoned recommendation to the policymaker, outlining which policy offers the best balance of outcomes and why. For example, your analysis may find that while all three proposals are superior to the status quo and so deserving of support, one policy in particular should be favored since it does best on the most important criteria: reducing child poverty rates, cost-effectiveness, parental freedom, and political acceptability.

This discussion provides only a glimpse of what a well performed analysis of these three policy options would entail; but I hope it makes clear that policy analysis offers a systematic process by which analysts can evaluate policy proposals along multiple dimensions and make a reasoned recommendation to policymakers. As is clear from this example, many of the steps of analyses require the tools of social science: collecting and interpreting data to determine the shape and extent of the policy problem and using models and existing evidence to predict the impacts of different proposals on outcomes. But, many of these steps involve ethical judgments and require rigorous ethical reflection and analysis. In the next part of the chapter, I aim to unearth these ethical dimensions.

2 The Ethical Dimensions of Policy Analysis

Social sciences, including economics, political science, sociology, and anthropology aim to understand various aspects of the social world, including the production and distribution of goods and services, the operation of formal and informal norms and institutions, and the role and nature of

culture. As such, social sciences deal in the realm of facts - what is the case. To the extent that social

scientists aim to uncover causal relationships, they also make predictions about what will be the case

when certain conditions are in place. The descriptive claims of social scientists are thus to be judged

according to their truth or falsity, and their predictive claims are to be judged in accordance with

their eventual truth or falsity.

Ethicists work in the realm of values, making normative or evaluative claims. Ethicists do

not aspire to describe the world or to make predictions about the future; instead, they evaluate states

of affairs or outcomes as good or bad, and judge decisions, laws and policies, and institutions to be

right or wrong, just or unjust.

Policy analyses involve making descriptive and predictive claims and so require the tools of

the social sciences. However, they also involve making normative or evaluative claims and so require

the tools of ethicists. Bardach and Patashnik (2020, 31) thus describe analyses as having both

"analytic" and "evaluative" plotlines, with the first "all about facts and disinterested projections of

consequences" and the second "all about value judgments." My aim here is to identify the steps of

policy analyses that have significant ethical components, and to formulate the ethical questions

analysts must confront and answer.

2.1 Identify the Policy Problem

Policy analyses begin with a systematic overview of the policy problem. This overview

should, first, provide an explanation and diagnosis of the problem, including a comprehensive

explanation of its nature, its context, the various institutional and behavioral factors responsible for

its emergence, and why it is bad or undesirable (Bardach and Patashnik 2020, 2-7; Weimer and

Vining 2017, 24, Mintrom 2012, 20-21). The overview should, second, explain why the institution or

institutions targeted by the policy analysis have the legitimacy to address this problem (Bardach and Patashnik 2020, 2-4; Weimer and Vining 2017, 24-25, 40, Mintrom 2012, 3).

This first step of a policy analysis involves two types of ethical judgments. First, identifying a problem necessarily involves identifying a state of affairs or policy situation that is *bad*, *undesirable*, *sub-optimal*, *wrong*, or *unjust*. Identifying this problem as a *policy* problem requires, second, a judgment that the relevant institution or institutions have the *legitimacy* to address it, that is, have the right to rule over, or intervene in, the spheres of action that give rise to the problem (Peter 2017). This second type of ethical judgment is needed since no government institution has the right to intervene in every sphere of action that gives rise to a bad or undesirable state of affairs. It is possible to identify a situation as bad while also recognizing that a particular government institution does not have the right to address it. For example, many liberal democracies feature constitutions which protect various individual rights, thus limiting the power of legislative bodies or government agencies to interfere in certain aspects of people's lives. People may exercise their right to free speech in undesirable ways, for example, by spreading misinformation on social media or engaging in racist or sexist speech, but policymakers may have no legitimate tools by which to directly address this speech. Similarly, a federal policymaker may justifiably identify a serious problem within one or more states, but lack the legitimacy to address it due to the division of powers between federal and state governments.

To carry out the first step of a policy analysis and identify the policy problem therefore, analysts must confront and address two ethical questions:

1. What, if anything, is bad or unjust about the state of affairs identified as a problem?
2. Does the institution or institutions targeted by the analysis have the legitimacy to address this problem?

To answer these questions, analysts may turn to widely acknowledged and institutionally embodied understandings of the legitimate role and duties of government institutions. They may also turn to the discipline of political philosophy, which offers systematic reflection on the morally appropriate role of state institutions. In the following chapter, I provide an overview of the legitimate purposes and responsibilities of governments, including the correction of market failures, the protection and realization of people's rights, and the securing of distributive justice.

To turn to our example, there are at least two routes by which an analyst may show that child poverty and the high costs of raising children are policy problems. First, the analyst may argue that the current situation is inefficient, meaning that it is possible to make at least one person better off without making anyone else worse off (Weimer and Vining 2017, 60). Society benefits immensely from the development of children into cooperative and productive members of society, and so the persistence of child poverty, which hinders this development, and the high costs of parenting, which disincentivizes child-bearing, suggest there is sub-optimal social investment in children and childcare (U.S. Department of the Treasuring 2021). Greater investment in children and childcare would benefit children, their parents, and society more broadly. The analyst may show that this problem is a *policy* problem by arguing that this inefficiency is due to a market failure, namely, that child-rearing generates positive externalities and so is under-produced (U.S. Department of the Treasuring 2021), and that governments have a legitimate role in addressing such failures (Heath 2020, 149-186; Weimer and Vining 2017, 59).

The analyst may argue, second, that the U.S. Congress has a duty of justice to ensure that children have access to those goods, services, and relationships they require to have a safe and healthy childhood and to grow into healthy, autonomous, and productive adults (Millum 2018, 111-115). To realize this duty, the analyst may argue, the U.S. Congress must end child poverty and ensure children have access to high-quality care and educational environments.

2.2 Specify the Criteria for Evaluating Solutions

Policy analyses often provide clients with a recommendation and so require criteria for evaluating possible solutions. Bardach and Patashnik (2020, 32) suggest that these criteria should be applied to policy outcomes, not the policies themselves. But this approach too quickly renders policy analysis a purely consequentialist procedure: some solutions may be unethical regardless of their outcomes, for example, if they violate people's rights. Some criteria may be appropriate for evaluating proposed policies, while others are appropriate for evaluating their outcomes.

There are innumerable criteria for evaluating policy solutions. The specific criteria which are appropriate for a particular analysis will depend on the policy problem in question. Some criteria are ethical, while others are better described as practical. Ethical criteria appeal to values, moral principles, duties of justice, and may include wellbeing, efficiency, equity, dignity, freedom, or respect for rights. To the extent that a proposed policy better satisfies an ethical criteria compared to an alternative, the policy is thereby better or more just than the alternative in at least one respect. Because ethical criteria are derived from values, principles, and duties, moreover, they may have different 'logics.' Some, such as wellbeing or efficiency, may identify goods to be promoted. Others, such as equity, may identify requirements that should be fulfilled. Still others, such as respect for rights may identify constraints with which policies must comply.

Practical criteria, including legality and political acceptability, by contrast, are at best instrumentally valuable (Weimer and Vining 2017, 25-26). That a proposed policy better satisfies one or more of these criteria than an alternative does not entail it is better or more just, but may mean that the policy is more likely to satisfy the ethical criteria in question. For example, a policy may be more likely to promote people's wellbeing if it is consistent with existing law and is politically acceptable. Table 1 provides a list of commonly used ethical and practical criteria.

Table 1: Commonly Used Ethical and Practical Criteria

Ethical Criteria	Practical Criteria
Wellbeing	Cost-Effectiveness
Efficiency	Legality
Equity	Political Acceptability
Freedom	Administrative Robustness
Respect for Persons	Political Sustainability
Respects for Rights	Financial Sustainability

Some of these criteria, such as wellbeing, efficiency, equity, legality, and political acceptability may feature in nearly all policy analyses while others, such as respect for persons or administrative robustness may not. One or more of the ethical criteria will also respond directly to the core feature of the policy problem, providing a standard for determining the extent to which proposed solutions address the problem itself. To turn to our example, to the extent that the problems of child poverty and the high costs of raising children are understood to be the result of market failures, efficiency will be a criteria. To the extent that the very existence of child poverty is understood as an injustice, reductions in child poverty will be a criteria, with this criteria grounded in a duty of justice.

To complete the second step of a policy analysis, analysts must therefore answer the following question:

What are the criteria for determining whether the proposed policy options are better or worse, more just or less just?

2.3 Make and Justify a Recommendation

The next three steps of the analysis largely employ the tools of the social sciences. First, analysts must identify possible solutions to the policy problem. In our example, the analyst focuses on two existing legislative proposals and a previously enacted policy; however, this step may also involve researching the publications of think tanks and academics or constructing novel solutions that are responsive to the problem in question. Second, analysts must assess these proposals in light of the criteria of evaluation. This involves making predictions on the basis of existing evidence or the use of economic and/or institutional models. Third, analysts must consider the trade-offs among the proposals. This involves identifying and discussing the strengths and weaknesses of each proposal in the realization of the stated criteria, and clearly stating the trade-offs policymakers must entertain. Analysts may be able to skip this step when one proposal does better than the alternatives along all the criteria, but such situations will be rare.

While completing these three steps largely involves the social science toolbox, analysts must make ethical judgments when constructing metrics to evaluate the degree to which policy proposals realize ethical criteria. To assess how proposals do on criteria such as equity, freedom, or wellbeing, analysts must construct metrics which operationalize these concepts and enable the identification of normatively significant differences in outcomes. For example, to determine how The Family Security Act performs on the equity criterion, analysts require a metric which enables them to identify expected reductions in child poverty disparities among Black, Latino, Asian, and white families as low, medium, or high improvements in equity. The construction of such metrics is a normative enterprise, demanding fidelity to the ethical concept in question, but also the specification of ethically significant differences in outcomes.

The final step of the analysis involves making and justifying a recommendation. This step is thoroughly ethical, for determining which proposal is best on balance requires making challenging normative judgments and engaging in careful ethical reasoning. First, analysts must consider whether

certain criteria are morally more important than others and so should be weighted more heavily. For example, freedom may be highly important for a particular policy problem and so should be given greater weight than safety or wellbeing in the evaluation of policy proposals. Second, analysts must engage in careful ethical analysis to determine which proposal offers the best balance of outcomes. Some aspects of this analysis are more straightforward than others. If any of the criteria operate as strict constraints, analysts may exclude proposals that violate them. For example, if one or more proposals violate people's rights or are illegal, these may be set aside. But, analysts will often be left with proposals that violate no constraints and vary in their fulfillment of the relevant criteria. Determining which is best requires consideration of the relevant weights of the criteria in question, and which policy proposal offers the best balance of outcomes given these weights.

Turning back to our example, suppose an assessment of the three policy proposals - the expanded Child Tax Credit (ECTC), the Democrats' Child Care Proposal (DCCP), and the Family Security Act (FSA) yields the ranking outlined in Table 2:

Table 2

	Reductions in Child Poverty	Child Development	Efficiency	Parental Freedom	Equity
Status Quo	4	4	4	4	4
ECTC	1	2	2	1	1
DCCP	3	1	1	3	3
FSA	2	3	3	2	2

The status quo is worse along all criteria, and so the Senator should be willing to support all three of the alternatives. But which is best overall? The ECTC is first in reducing child poverty, promoting parental freedom, and equity and second in efficiency and child development. But, depending on the weight one gives to the latter two criteria, one might decide the DCCP is superior.

I will say much more about how analysts should approach this problem in later chapters, but it is important to note here that they should avoid approaches that fail to recognize the distinctive texture and weight of the criteria in question. For some ethical criteria, including efficiency and wellbeing, it may sometimes be appropriate to appeal to people's preferences to determine the amount of benefit different policy proposals offer along these dimensions. By using 'willingness to pay,' moreover, analysts can attach monetary values to these proposals, thus enabling quantitative comparisons across proposals (Bardach and Patashnik 2020, 72). But, such approaches may be inappropriate for other ethical criteria. The value of equity, for example, is not simply a function of the strength of people's preferences for equitable as opposed to inequitable states of affairs. If middle- and upper middle-class people are willing to pay only very small amounts to reduce health or educational disparities among the socio-economically advantaged and disadvantaged, this does not mean that such disparities are not deeply unjust. Relying on willingness to pay to determine the comparative value of certain criteria must be approached with caution.

Still, policy analysis presupposes that the various ethical criteria are commensurable, that is, can be compared on the same measure. While willingness to pay may not offer a viable approach for determining the value of outcomes, if the criteria in question are indeed commensurable, it may be helpful to express these values in monetary form. Some scholars propose employing threshold functions to incorporate deontic wrongs - e.g inequity - into cost-benefit analysis (Zamir and Medina 2008). On this approach, such considerations are assigned a large monetary figure allowing them to be compared against improvements to people's wellbeing or safety which more easily lend themselves to expression in monetary terms. This allows analysts to more systematically compare policy options with different strengths and weaknesses and decide which offers the best balance of outcomes overall. Alternatively, if using monetary values is not helpful, it may still be possible to work through trade-offs through qualitative comparisons. Ethicists have developed frameworks for

determining when certain ethical considerations are outweighed by others, for example, when it is permissible to infringe people's autonomy to promote public health (Kass 2001). Such frameworks lack quantitative precision but may offer analysts useful tools for determining when one proposal is superior to another.

It's worth emphasizing that when determining the relative weight of different criteria, policy analysts must also determine the relative weight of specific ethical *and* practical criteria. For example, suppose the FSA does better than the alternatives on the practical criteria of political acceptability and financial sustainability. How much weight should be given to these criteria? Should practical criteria be given so much weight that policies like the FSA should be favored even though they do arguably worse than the alternatives on the ethical criteria?

To the extent that analysts place great weight on certain practical criteria, including legality, political acceptability, and political sustainability, analyses may favor policy proposals that are closer to the status quo and disfavor proposals that realize more equitable states of affairs through structural change.[1] Such analysts implicitly endorse what Tommie Shelby (2016, 2) calls the "medical model" of policy reform. On this approach, policymakers should identify a social problem, diagnose its causes, and propose an evidence-based, cost-effective intervention to address it. The central problem with this model, Shelby (2016, 2) argues, is that it treats "the background structure of society as given and focus[es] only on alleviating the burdens of the disadvantaged." The "systemic injustice model," by contrast, takes a broader view, starting from an interrogation of the justice of the existing structure of society (Shelby 2016, 3-4). Shelby acknowledges that the medical model is appropriate when policy problems do not raise questions of basic injustice, but cautions that it suffers from several pitfalls and blind spots when they do so. One outstanding challenge for policy analysts is how they should approach policy problems that *are* questions of basic justice but where

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[1] Thanks to SK for emphasizing this point.

there are significant practical obstacles to structural reform. Are policy analyses worthwhile if they adopt the medical model towards policy problems that raise such questions? Alternatively, what's the value of recommending radical reforms that have little chance of being adopted?

In sum, to complete the final step of a policy analysis by making and justifying a recommendation, analysts must engage in careful ethical analysis. More specifically, they must confront and answer the following ethical questions:

1. What is the relative value of the stated ethical and practical criteria?

2. Which proposal is best overall?

Conclusion

My aim in this chapter has been to delineate the ethical dimensions of policy analysis and clearly state the ethical questions analysts must confront and answer. A principal implication of this work is that ethical analysis is a constitutive and prominent feature of policy analysis. To the extent that analysts downplay the role of ethics or rely too heavily on the tools of the social sciences, they are prone to make recommendations that are insufficiently justified. Analysts must recognize and confront the ethical questions that policy problems raise, not avoid them.

I have thus far provided analysts with little guidance regarding approaches to *answering* these questions. The rest of the book is devoted to this task. In the chapters to come, I provide an overview of the most promising justifications for government action, develop defensible accounts of key ethical criteria, including freedom, wellbeing, and equity, and discuss promising approaches to adjudicating trade-offs among these criteria and determining which proposal is most justifiable.

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