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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:

Verlag Barbara Budrich

#### Empfohlene Zitierung / Suggested Citation:

Paul, R. (2020). Analyse and rule? A conceptual framework for explaining the variable appeals of ex-ante evaluation in policymaking. *der moderne staat - dms: Zeitschrift für Public Policy, Recht und Management*, 13(1), 124-142. <https://doi.org/10.3224/dms.v13i1.11>

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Regine Paul

## Analyse and rule? A conceptual framework for explaining the variable appeals of ex-ante evaluation in policymaking

### Abstract

This article integrates disparate explanations for increasing (but variable) turns to ex-ante policy evaluation, such as risk analysis, across public administrations. So far unconnected silos of literature – on policy tools, policy instrumentation, the politics of evaluation and the political sociology of quantification – inconsistently portray ex-ante evaluation as rational problem-solving, symbolic actions of institutional self-defence, or (less often) political power-seeking. I synthesise these explanations in an interpretivist and institutionalist reading of ex-ante evaluation as contextually filtered process of selective meaning-making. From this methodological umbrella emerges my unified typology of ex-ante evaluation as instrumental problem-solving (I), legitimacy-seeking (L) and power-seeking (P). I argue that a) these ideal-types co-exist in policymakers' reasoning about the expected merits of ex-ante evaluation, whilst b) diverse institutional contexts will favour variable weightings of I, L and P in policymaking. By means of systematisation the typology seeks to inspire an interdisciplinary research agenda on varieties of ex-ante evaluation.

**Keywords:** policy tools, policy evaluation, politics of evaluation, institutionalism, interpretive policy analysis

### Zusammenfassung

*Ein integrierter Erklärungsansatz für die variable Hinwendung zu ex-ante Evaluierungstools in der Politikgestaltung*

Der Beitrag entwirft einen integrierten Analyserahmen für das Phänomen der zunehmenden und zugleich variablen Hinwendung zu Instrumenten der ex-ante Politikevaluation, beispielsweise der risikobasierten Entscheidungsvorbereitung, in vielen politisch-administrativen Systemen. Bisher unverbundene und oft kontrastierende Literaturen – zu *policy tools*, *policy instrumentation*, Evaluationspolitik, aber auch der politischen Soziologie der Quantifizierung – konzeptualisieren ex-ante Evaluation als rationale Problemlösung, symbolische Handlung institutioneller Selbstverteidigung oder (seltener) politisches Machtspiel. Der Beitrag synthetisiert solche scheinbar konträren Erklärungsansätze in einer interpretivistischen und institutionalistischen Lesart, nach welcher Akteure des politisch-administrativen Systems den *Toolkits* der ex-ante Evaluation drei verschiedene Leistungsversprechen – instrumentelle Problemlösung, Legitimitätsbeschaffung und Machtgewinn (*ILP-Typologie*) – zumessen. Der Beitrag argumentiert, dass a) diese drei Idealtypen in der Bedeutungszuweisung an ex-ante Evaluationsinstrumente immer ko-existieren, b) diverse institutionelle Kontextbedingungen allerdings eine unterschiedliche Gewichtung der respektiven I-, L- und P-Interpretationsrahmen in der Politikgestaltung begünstigen. Durch Systematisierung bisher nebeneinanderstehender Forschungsstränge soll die integrierte Typologie eine interdisziplinäre Forschungsagenda zu Variation von Politikevaluation und Evaluationspolitik inspirieren.

**Schlagworte:** Politikinstrumente, Politikevaluation, Evaluationspolitik, Institutionalismus, interpretative Policyanalyse

## 1 Introduction

For some decades now, governments and public administrations across the globe have invested heavily in analytical tool-sheds for assessing policy options *before* decision-making. Famous examples include President Reagan's Executive Order 12291 of 1981, requiring that all US legislation be pre-examined with cost-benefit analysis (CBA) (Posner, 2001), or the English demand that all regulatory enforcement activities be prioritised through systematic risk analysis (Hampton, 2005). There is also increased promotion of such tools by international organisations (for risk analysis see: Organisation for Economic Co-Operation and Development, 2010).

Scholars have recently started examining ex-ante evaluation tools, too (e.g., Atkinson, 2015; Black, 2005; Dunlop & Radaelli, 2016; Radaelli, 2005; 2010; Rothstein, Borraz & Huber, 2013) and thus revive their foundational role in the birth of the policy sciences in the tradition of Harold D. Lasswell<sup>1</sup>. And yet: we so far find rather contradictory and scattered conceptual answers to the question why exactly such tools appeal to policymakers and how their appeal varies across contexts:

- On the one hand, standard definitions of so-called “policy-analytical methods” (I adopt the term from Turnpenny, Jordan, Benson & Rayner, 2015, p. 4) in policy studies suggest they fulfil a predominantly instrumental role in policymaking far off political attention or infighting<sup>2</sup>. CBA and its cousins count as precursors for policy formulation and adoption. By analysing policy problems and proposed solutions *before* decision-making they “[generate] options about what to do about a public problem” (Howlett, 2011, p. 29).
- On the other hand, such a technocratic and instrumental conceptualisation of the appeal of ex-ante evaluation is fiercely contradicted in the literature on policy evaluation and instrumentation (Weiss, 1973, 1993; Linder & Peters, 1989; Peters, 2002; Lascoumes & Le Galès, 2007; Kassim & Le Galès, 2010; Raimondo, 2018). Scholars in these fields have amply highlighted the political nature of the design, choice and use of evaluation and policy tools. Read jointly, as this article will, these literatures suggest that ex-ante evaluation involves what I call *positional struggles* over organisational legitimacy, power and political influence in a policy domain.
- In addition, both the policy studies and the policy tools literature disregard insights from the political sociology of quantification, though it offers great analytical mileage for specifying the argumentative underpinnings of legitimacy and power-oriented turns to ex-ante evaluation among public administration actors.

This article argues that we need a systematic integration of insights from across these so far unconnected silos of literature to explain the increasing but contextually variable rise of ex-ante evaluation. Building on the issue's reflections on ‘varieties of evaluation’, I contribute a unified analytical framework for explaining the adoption of policy-analytical methods as stemming from administrators'/policymakers'<sup>3</sup> contextualised perceptions of their likely ability to pursue different sets of goals. I propose a unified typology<sup>4</sup> of instrumental problem-solving (I), legitimacy-seeking (L) and power-seeking (P) to capture the duality of instrumental and more political adoptions of ex-ante evaluation frameworks. My interpretivist premise is that to adopt ex-ante evaluative tools is a powerful act of interpreting and pre-structuring the socio-political world as it is to be known and governed against existing structural conditions.

To develop the conceptual-analytical argument, the article first reviews existing typologies of policy tools and evaluation uses. On that basis, it conceptualises the adoption of ex-ante evaluation tools as *multidimensional* acts of *institutionally embedded* but *selective meaning-making* on the part of policymakers (section 2). On that terminological and conceptual footing, the article then carves out the three ideal types (section 3-5) – my ILP typology – and develops expectations about the institutional contexts in which meaning-making actors will vest instrumental, legitimacy or power-seeking goals in the adoption of ex-ante evaluation. I illustrate the logic of each ideal type through the example of risk-analytical frameworks, a case well-charted in scholarly work. The article last maps out how the unified typology can stimulate a future research agenda on varieties of ex-ante evaluation by examining interactions between and the dynamic evolution of types over time (section 6).

## 2 Ex-ante evaluation as *institutionally embedded* but *selective* act of meaning-making

To anchor my conceptual approach to policymakers' motivations for adopting ex-ante evaluation I start with a brief review of existing typologies of policy tools and evaluation. This also highlights this article's contribution in bridging disparate literatures with a distinct interpretivist and institutionalist framework.

### 2.1 Typologies of policy tools and evaluation uses

In the policy tools literature, typologisation has long focused on different kinds of tools for achieving a nominal policy goal. This is exemplified in the discussion of “carrots, sticks, and sermons” (Bemelmans-Videc, Rist & Vedung, 2011) but also Christopher Hood's (1983) NATO typology of substantial policy tools with four different vantage points for behaviour change (nodality, authority, treasure and organisation). These typologies assume that civil servants within the public administration have a rational view on how a specific tool will achieve a policy goal at the lowest cost, least visibility and most effective targeting of regulatees (for example, incentives for self-regulation vs. sanctioned prohibitions). While such theorisation implies that context will shape perceptions of the appropriateness of tools (both among regulatees and public administration actors), it does not theorise context as an independent variable.

Calls to contextualise policy tool choice in institutionalist perspectives include Peters's argument that tools do not pre-exist ‘conceptualised and defined’ and ready to be picked for problem-solving. Instead, they constitute ‘their own politics’ in interaction with empirical settings (Peters, 2002, p. 553). A more recent discussion of tool choice (Capano & Lippi, 2017) confirms that “neither legitimacy nor instrumentality is objectively given, but is perceived by decisionmakers in a subjective manner, depending on the context in which they act and make decisions” (p. 271). Their typology systematises decision-makers' perception of tools as an attempt to balance between the expected instrumentality of a tool and its perceived legitimacy. Missing, however, is a systematic integration of power-political drivers of tools choice. While the authors acknowledge that a tool “allocates opportunities and duties, creates values or symbols, as well as

stakes, and also distributes costs and benefits” (ibid., p. 279), they offer no explanation of how power-related perceptions might variably interact with policymakers’ instrumental and legitimacy motivations.

Claudio Radaelli’s (2010) discussion of ‘four images’ of regulatory impact assessment (RIA) (2010) distinguishes rational policymaking (=instrumental), symbolic action (=legitimatory), control of the bureaucracy and public management reform. Control of the bureaucracy type arguments, however, suggest a power-political dimension with actors in multi-level politico-administrative regimes negotiating the room for manoeuvring between policy decisions and implementation (Radaelli, 2010, pp. 169, 172 f.). It is less clear how public management reform forms a distinct ideal type, as arguably the goals of such reform have been well shown to connect to all of the other ideas (rational problem-solving, control of the bureaucracy and legitimacy symbolic action) (Pollitt & Bouckaert, 2011). Convincingly, Radaelli develops specific hypotheses about how variable institutional contexts – such as dominant ‘administrative models’, the degree of decentralisation, or the power of the central executive – shape uses of regulatory impact assessment (see sections 3-5).

Critical evaluation studies produced context-sensitive conceptualisations of policymakers’ evaluation use (Weiss, 1973; 1993). Political contexts shape the extent to which evaluations are used “(a) *instrumentally*, to give direction to policy and practice; (b) *politically or symbolically*, to justify pre-existing preferences and actions, and (c) *conceptually*, to provide new generalizations, ideas, or concepts that are useful for making sense of the policy scene.” (Weiss, Murphy-Graham & Birkeland, 2005, p. 13, highlight added) However, this taxonomy, based on extensive empirical research, remains disconnected from systematic theorisation of how institutional contexts shape the charted variety. Political science readings of evaluation provide such comparative systematisation. Christina Boswell (2008, p. 471), for example, argues that the prevalence of a) legitimacy orientations and/or b) policymakers’ attempts to substantiate their pre-existing policy preferences over c) rational-instrumental perspectives on expert knowledge depends on the perceived stability and source of an organisations’ legitimacy (claim a) as well as the degree of contention and mode of settlement with regard to policy goals (claim b). Read jointly, existing typologies highlight the *multidimensionality* of policymakers’ perceptions of policy tools/evaluative frameworks and (to a lesser extent) the relevance of institutional contexts for shaping these perceptions.

## 2.2 An interpretivist framework for building a unified typology

I propose an interpretivist policy analysis framework (e.g. Stone, 2012; Yanow & Schwartz-Shea, 2006) to explain policymakers’ variable (sets of) motivations for adopting tools of ex-ante evaluation. This means 1) to treat the diversity of motivations described in existing typologies not as mutually exclusive but as assemblages of meaning in policymakers’ sense-making processes, and 2) to systematise explanations of variety via a focus on the institutional embeddedness of sense-making processes. Rather than assuming instrumental problem-solving to be a dominant motivator of ex-ante evaluation, analysts must deconstruct its empirical relevance in a *multidimensional semiotic space* through careful interpretive analysis. To systematise the relevant semiotic dimensions as idealtypical yardsticks in a unified typology is the first key contribution of this article.

In so doing my interpretive perspective contributes, second, a nuancing of expected variety. Interpretivists have not only stressed the ambiguity and multiplicity of meanings vested in policies (and tools) but also the *co-existence of substantial interpretations* of policies with perceptions about policies' implications for *positional struggles* in a domain (Béland, 2009; Carmel, 2019). As discussed above, ex-ante evaluation's perceived appeal as a tool in power struggles has been rather underdeveloped in existing typologies. My typology therefore expands existing work – usually involving an instrumental and legitimacy-related (or symbolic) dimension – with a distinct focus on power-seeking.

Third, I contribute a set of expectations on how policymakers' perceptions of ex-ante evaluation *interact with their specific institutional contexts*. Institutions are understood here as both formal (as in the constitutional set-up of a polity and formal interactions between key actors) and informal (specific norms about state-market interactions etc.) rules of interactions in a given context which shape, according to various readings of neo-institutionalism, actors' preferences, senses of appropriateness as well as fuelling path dependencies over time (Hall & Taylor, 1996). These include, for the purposes of our debate, key markers of 'politico-administrative regimes' (Pollitt & Bouckaert, 2011), including constitutional relationships between actors in unitary or federalised polities, degrees of centralisation or decentralisation, and the formal relationships of accountability and competition that emerge from such institutional diversity. They also concern the influence of dominant policy types and policy styles in diverse settings. As part of my conceptualisation around the ILP typology (sections 3-5), I theorise how policymakers' perceptions of ex-ante evaluation will vary alongside diverse institutional contexts and their attempts of negotiating (and potentially also re-make) their own position within these contexts.

### 3 Ideal type I: instrumental problem-solving

Studies on the policymaking process and policy change but also rational choice inspired accounts of policy(-analytical) tools highlight the instrumental appeal of CBA and its cousins in fulfilling pre-set policy goals. They also specify how exactly ex-ante evaluation triggers policymakers' problem-solving orientations through their distinct ability of screening possible solutions to a policy problem before decision-making.

#### 3.1 Policy tools as instrumental problem-solvers

Influential theories of the policy process and policy change situate policy tools – and policy-analytical tools – near the bottom within a hierarchy of scales of change. This is true for both the concept of policy paradigm change (Hall, 1993) and the advocacy coalitions framework (ACF) (Sabatier & Jenkins-Smith, 1993) which design causally complex but yet *hierarchically ordered* heuristics of the policy process with a rather marginal and unpolitical role for tools (let alone analytical tools). Tool choice, design and calibration appear as *functionally subordinated* to politically inaugurated policy goals and wider ideational frameworks. Indeed, in Hall's conceptual world of policy paradigms, tools belong in the realm of rather apolitical 'normal policymaking' occur-

ring far off the (assumably analytically more interesting) scenes of (rare) sweeping paradigmatic change. It is in that sense that a hierarchal view of policy change “remains the essence of *positivistic* notions of *rationality* in policy analytical theory” even in ideational scholarly work otherwise well able to capture causal complexity beyond linear policy models (Béland & Howlett, 2016, p. 393, highlight added).

Scholars of policy tools echo the instrumental view on policy tools when assuming a neat alignment of tools with pre-set goals. This view dominates Hood’s seminal *The Tools of Government* where he writes that “it is by applying its tools that government makes the link between wish and fulfilment”<sup>5</sup> (Hood, 1983, p. 8). Those adopting methods of ex-ante evaluation can hence be expected to seek enforcement of this link by founding each decision on analytical evidence *before* the fact. This assumed instrumentality of policy-analytical methods in the policymaking process also resonates with the idea of an “anticipatory policy style” where (analytical) expertise rationalises bureaucratic decision-making and prevents knee-jerk ‘reactive’ responses to public opinion (Richardson, Gustafsson & Jordan, 1982; Howlett & Tosun, 2018).

Focusing on the instrumental relationship between policy purposes (ends or goals) – the normative decisions about what a policy should aim to achieve – and the means selected to achieve an end (tools) is still in vogue. A recent study on policy tool change in the European Union (EU) captures policy instruments with Hood’s (then) thirty-year-old definition: as “means and techniques in order to achieve policy goals” (Bähr, 2010, p. 15). Once decided upon in political struggles, it seems in such accounts, dominant ideational “prisms through which policymakers [see]” (Hall, 1993, p. 279) policy problems trickle down to determine their perception of the likely performance of (analytical) tools.

### 3.2 Ex-ante evaluation as solution screening

The framing of evaluative tools in other parts of the literature – the studies discussed so far do not include evaluation tools – joins the instrumental proposition. CBA, risk analysis and RIA, for example, count – according to scholarly observers (Viscusi, 1983; Baldwin & Veljanovski, 1984; Sunstein, 2000; Posner, 2001; Majone, 2010; Radaelli, 2010) – as evaluation mechanisms for establishing, *before* decision-making, whether proposed (subsets of) policies are likely to achieve policy goals (effectiveness), whether they can do so in a cost-effective manner (efficiency) and without undesired adverse consequences (impact). In the instrumental reading, analytical tools thus serve as screening devices to identify rational policy solutions.

Giandomenico Majone, for example, argues that to apply the same analytical formula across regulatory issues<sup>6</sup> will make decision-making more consistent, avoid over- and under-regulation and equalise the treatment of regulatees (also see Viscusi, 1983, Sunstein, 2002). Policymaking and enforcement thus “become technical matters of calculation, policy-oriented scientific discourses that transcend political contests” (Tombs & Whyte, 2013, p. 67). Whilst related de-politicisation agendas have been rightly critiqued, for example in the case of risk analysis (e.g., Shrader-Frechette, 1990; Stone, 2012), the ability of ex-ante evaluation to ‘rationalise’ decision-making may well be instrumental from a problem-solving viewpoint.

Exemplary is the use of risk analysis in the United Kingdom (UK). Adhering to the cost-effectiveness goals of ex-ante evaluation, a parliamentary review suggests regulators

across all policy domains use “risk assessment to concentrate resources on the areas that need them most” (Hampton, 2005, p. 7). Since the approach gained statutory force in 2008 through the “Regulators’ Compliance Code” (Rothstein et al., 2019), UK policymakers must escalate their interventions proportionally with risk level. An enthusiastic promoter of this approach, the Health and Safety Executive turned to ex-ante evaluation already in the late 1980s to ensure that the cost, time and effort required to achieve pre-set regulatory goals (work risk reduction in the case of the HSE) be not grossly disproportionate to the benefit gained in its regulations and enforcement policies (ibid.). This example provides, at first sight, a textbook-like adoption of instrumental ex-ante evaluation, but its re-consideration throughout the article equally illustrates the multiplicity of rationales policymakers and policy operators vest in ex-ante evaluation tools.

### 3.3 Institutional contexts to favour instrumental appeals

An instrumental perspective on ex-ante evaluation is likely to emerge in contexts where policymakers perceive problem-solving as their genuine goal. This claim may seem mundane, but its relevance will become obvious in distinction from non-instrumental goals of evaluation (legitimacy-seeking and power-seeking) in the subsequent sections. Based on existing typologies of policymaking/administrative decision-making I theorise the institutional conditions to favour policymakers’ instrumental interpretations of ex-ante evaluation.

The classic policy styles distinction (Richardson, Gustafsson & Jordan, 1982, p. 13) suggests analytical tools’ currency to be rising in settings with an anticipatory policy style whereas those with reactive policy styles will not use ex-ante evaluation for instrumental reasons (they may well use analysis to legitimate decisions ex-post, of course). While the original typology has been theoretically and empirically extended (Howlett & Tosun, 2018), comparative public administration reform research indicates persisting variation as to the relative openness of different politico-administrative systems to expertise and sciences-led bureaucratic decision-making in line with policy style type arguments (Pollitt & Bouckaert, 2011). For example, in his comparative analysis of RIA, Radaelli suggests that this tool will emerge as a form of rational problem-solving in contexts with a ‘strong evaluation culture’ (2010, p. 174).

In a similar vein, Theodore Lowi’s policy types (1972) associate regulatory policies with the strongest role for expertise (this could include pre-decision analysis) while distributive and redistributive policies follow interest group and partisan politics logics, respectively. Even though very much focused on US-American policymaking, Lowi’s typology implies that ex-ante evaluation as instrumental problem-solving might feature strongly in cases of regulatory policymaking, either where a domain leans towards regulatory interventions as a whole and/or because the political setting overall is prone to use regulation (Majone, 1994; Moran, 2003). Exemplary is, again, the British administration which, since the 1990s (Black, 2005; Dodds, 2006), has sought to respond to “alleged over-regulation, legalism, inflexibility and an alleged absence of attention being paid to the costs of regulation” (Hutter, 2005, p. 1) with the development of analytical frameworks for decision-making.

As resource pressure, notions of regulatory crisis and related modernisation agendas have been wide-spread phenomena (Pollitt & Bouckaert, 2011) the instrumental



promises of ex-ante evaluation are likely to gain purchase elsewhere, too. Indeed, the discussion of reform trajectories in different politico-administrative regimes suggests the role of evaluation to be particularly relevant in Neo-Weberian state modernizers (ibid., pp. 168 f.). Accordingly, New Public Management reformer regimes, associated with strict principal-agent-accountability relationships, are likely to use analysis as one of the tools to aid politicians set strategic policy goals and increase the political control over the bureaucracy (as for RIA in the UK, Radaelli, 2010). In the absence of the control requirements associated with agencification (Döhler, 2002) policymakers within a hierarchically-integrated administration will rather adopt ex-ante evaluation as an expertise-driven technical implementation aid.

## 4 Ideal type L: legitimacy-seeking

This section draws together insights from various branches of research which adopt a sociological institutionalist perspective on policy tools, evaluation and specific methods of quantification (such as risk analysis or CBA). Inspired by neo-institutionalist sociology, such research interprets the adoption of ex-ante evaluation as policymakers' endogenous sense-making about the 'appropriateness' of different paths of action (March & Olsen, 1989, p. 23). Though few studies (Black, 2005; Rothstein, Huber & Gaskell, 2006; Radaelli, 2010) address the question of ex-ante forms of evaluation and its drivers explicitly, the joint review enables me to carve out a 'legitimacy-seeking' ideal type of ex-ante evaluation.

### 4.1 Policy tools and evaluations as legitimacy boosters

Institutionalist scholars of policy tools have, for some time now, claimed that considerations of "institutional self-interest" and the stability and legitimacy of the respective administrative organisation (Peters, 2002, pp. 557 f.) co-motivates policymakers' tool adoptions. The literature on the politics of instrumentation specifies this general proposition by arguing that any policy tool implies specific regulatory concepts which can help (re-)structure (strategically or unintendedly so) both the accountability relationships between administrators and regulatees and the ascription of authority in a policy domain (Lascoumes & Le Galès, 2007). In other words: tools come with distinct ideas about who is to be held accountable, affecting the perception of *legitimacy* of an administration, as well as ideas about who should legitimately be in charge.

Correspondingly, the instrument constituencies literature assumes actors from across most diverse organisations (government departments, international organisations, NGOs, interest groups, scientific associations, the media etc.) jointly elaborate policy tools, analytical models and technical solutions (e.g. specific risk algorithms, emission trading certificates or funded pension schemes) and promote – in a distinctly *endogenous* process of knowledge, identity and 'preference' generation – a policy tool as suitable and appropriate problem solution (Voß & Simons, 2014; Béland & Howlett, 2016; Simons & Voß, 2017).

Legitimacy-seeking claims have long been central for scholars of the politics of evaluation, too. They argue that 'political pressures' taint any purely instrumental con-

ceptualisation or use of analytical frameworks (Weiss, 1973). Policymakers can adopt evaluations selectively and strategically, they argue, to “provide support for policies decided on the basis of intuition, professional experience, self-interest, organizational interest, a search for prestige... [or] to buttress an existing point of view” (Weiss, Murphy-Graham & Birkeland, 2005, pp. 13 f.; similar points are made in the newer discussion on the politics of evaluation by Bjørnholt & Larsen, 2014, p. 407; Raimondo, 2018, p. 34). Whilst Carol Weiss, Erin Murphy-Graham and Sarah Birkeland (2005) examine mainly ex-post evaluation, comparative scrutiny of RIA confirms similar “symbolic” – or in my typological language legitimacy – uses of ex-ante evaluation tools in EU member states (Radaelli, 2005; 2010).

## 4.2 ‘Trust in numbers’ and institutional risk management

Key works on the (political) sociology of quantification help us go beyond a general assumption of legitimacy efforts and symbolic policy-making. This so far often ignored literature (from the viewpoint of policy and policy tool studies) specifies how and why ex-ante evaluation appeals as legitimacy booster: ‘trust in numbers’ rallies external support for an organisation and enables it to risk-manage its own mandate vis-à-vis accountability demands.

Theodore Porter (1995), for example, describes quantification in administrative decision-making as a strategy for organisations to counter ascribed legitimacy deficits. Where one’s authority to decide over specific policy issues meets doubt quantification becomes an important “technology of trust” (ibid., p. 15):

“A decision made by the numbers (or by explicit rules of some other sort) has at least the appearance of being fair and impersonal. Scientific objectivity ... provides an answer to a moral demand for impartiality and fairness. Quantification is a way of making decisions without seeming to decide. Objectivity lends authority to officials who have very little of their own.” (ibid, p. 8)

Porter’s vivid example is the introduction of the first ex-ante evaluation tool there was: CBA in the early 19<sup>th</sup> century by the U.S. Army Corps of Engineers (a body responsible for planning and executing drainage, levee and canal projects). Somewhat paradoxically perhaps, the expert regulator turned to ex-ante evaluation precisely because its bureaucratic expert regulation did not enjoy enough legitimacy within the political system. CBA became a strategy of convincing Congress, the Courts, and potential opponents in competing departments that the Corps’ funding decisions on water projects were reasonable, fair, and politically unbiased. Such isomorphic dynamics also feature for our illustrative example of risk analysis: in the UK case, its “apparent objectivity and transparency could be used to explain the allocation of resources, in a way which was well tested and trusted by the business community” (Hutter, 2005, pp. 2 f.).

Importantly, however, the political sociology of quantification goes beyond a conceptualisation of “symbolic” uses of ex-ante evaluation. When Porter argues that the wide-spread trust in numerical evidence enabled the Corps to position itself as legitimate regulator, I suggest, he reaches beyond mere symbolism and window-dressing. Like the politics of evaluation literature he highlights the *strategic institutionalising* role of analytical frameworks for organisations in complex multi-lateral policy domains (Raimondo, 2018; Jankauskas & Eckhard, 2019). Scholars of risk-based decision-making perceive risk analysis as chief organisational strategy for such institution-

alising processes. Ex-ante analysis helps specifying one's mandate, activities, and decision-making processes vis-à-vis the (perceived) expectations of those who can effectively blame an organisation<sup>7</sup>. In addition to abstract legitimacy gains, ex-ante evaluation hence helps policymakers define "the parameters of blame" (Black, 2005, p. 520) or their own "limits of governance" (Rothstein, Borraz & Huber, 2013). Organisations pro-actively manage their own "institutional risks" by stating the limits of their goals and activities upfront, based on forms of analysis that count as rigorous and objective (ibid., pp. 99-103).

An example for such legitimacy-seeking is once more the British Health and Safety Executive. When under pressure to cut costs during recent austerity programs, the agency shifted the focus of its long-established risk-analytical framework from cost-effective problem-solving to one of managing the parameters for being blameable for non-detected health and safety risks at workplaces (Demeritt, Rothstein, Beaussier, & Howard, 2015, on a similar argument for German work safety inspection see Paul, 2016).

### 4.3 Institutional contexts to favour legitimacy-seeking appeals

Two strands of institutional conditions will shape the extent to which legitimacy-seeking matters in the adoption of ex-ante evaluation. The first is a strong perception among public administration bodies as being confronted with severe institutional risks (Rothstein, Huber & Gaskell, 2006), for example due to increased budgetary pressures, a heightened problem load (for example after a focusing event) or perceived regulatory failure and scandals (Hutter, 2005). Comparative risk regulation research confirms that pressure from business and public opinion, as well as the allocation suggests of accountability for dealing with residual risk, shapes the extent of institutional risk perceptions in a public administration body (Hood, Rothstein & Baldwin, 2001).

Second, a legitimacy-seeking perspective is more likely to emerge where public administration bodies experience structural pressure on their mandate. Institutional competition between actors over a regulatory mandate is likely, for example, to create continuous legitimisation pressure for a respective mandate. Such competition is heightened in multi-level settings where the involvement of different levels of decision-making (subnational, national, EU) but also the inclusion of non-state actors in decision-making (corporatist and self-regulatory regimes) reduce the scope for administrations to govern unilaterally (Loughlin, 2017). Radaelli's RIA studies suggest that minority and coalition governments (Sweden and the Netherlands in his case) are more likely to use ex-ante evaluation for 'symbolic' reasons (2010, p. 175). He sees a similar defensive dynamic for the EU Commission which seeks to "defend its proposals vis-à-vis a plethora of aggressive stakeholders" by the help of seemingly rigorous ex-ante evaluation (ibid.).

## 5 Ideal type P: power-seeking

The third ideal type forms around the assumption that actors might consider ex-ante evaluation as a weapon in power-positional struggles. Based on a joint venture of the literatures on policy instrumentation, the politics of evaluation and the political sociology of quantification, I show that analytical frameworks can appeal as tools for restructuring power relations both between different actors and administrative levels *and* as to the vision of how state, market and society ought to interact.

### 5.1 Policy instrumentation as struggle over influence

To be clear, I do not argue that mainstream policy analysis disregards political power in policymaking. Rather, as section 3 highlighted, many analyses treat policy tools more generally (Hood, 1983; Hall, 1993; Sabatier & Jenkins-Smith, 1993), and ex-ante evaluation in particular (Viscusi, 1983; Posner, 2001; Majone, 2010), as rather apolitical and instrumentally subordinated to the outcomes of political struggles over policy goals.

Some scholars of policy tools have, however, acknowledged that the design, choice and use of tools is embedded in positional struggles over “whose ox will be gored or whose nest will be feathered” (Peters, 2002, p. 554). The instrumentation literature, in particular, argues that policy tools always also (re-)define roles and relationships in a domain. This is because they imply, at their very core, specific theories about the “relationship between the governing and the governed” as well as a “condensed form of knowledge about social control and ways of exercising it” (Lascoumes & Le Galès, 2007, p. 1). Not only do policy tools have unintended structuration effects but they can be promoted for how they promise to (re-)structure a policy domain and the relationship of actors within it. It is less relevant, for the analytical focus of this article that such promises may often be disappointed in practice. The instrument constituencies literature shares the notion of power-related positional struggles, arguing that endogenous constituency-building around instruments inherently entails an envisioning of “shift[s] in responsibilities between governmental agencies or organisational departments” (Voß & Simons, 2014, p. 739). In both literatures, policy tool adoptions thus (also) become politically motivated struggles over influence in policymaking in ways their conventional treatment as technocratic and instrumental fulfillers of policy goals overlooks (and in ways which may not easily be discerned empirically).

### 5.2 Evaluation tools and strategic influence-seeking

From a different angle, the politics of evaluation has amply highlighted evaluation frameworks’ appeal for actors who are “manoeuvring for advantage and influence” and seeking to enhance “the influence of a particular division or department” (Weiss, 1973, pp. 180 f.). In a later contribution, Carol Weiss (1993) specified that such “interagency and intraagency jockeying for advantage and influence” (p. 95) concerns both

- abstract questions of relative power within and between public administration bodies
- *and* substantial questions about whose values and normative premises get inscribed into an evaluation framework (p. 99).

Weiss's first point is detailed in actor-centered analysis of specific ex-ante evaluation projects, often situated in institutionalist conceptualisations of international bureaucracies such as the EU Commission. For example, a recent study on the Commission's 2015 Better Regulation Reform concludes that, even if sold as a technical device for instrumental problem-solving and increased accountability, "the reform has contributed to the strategic actorness of the Commission as an international bureaucracy" (Jankauskas & Eckhard, 2019, p. 683). Studies on RIA confirm that ex-ante evaluation tools may tilt the balance of power towards seemingly technocratic actors within the EU, such as the EU Commission's Secretariat (Radaelli & Meuwese, 2010, see similar arguments in the wider literature on the open method of coordination, e. g. Tholoniati, 2010). This also holds true for our example of risk analytical frameworks: the EU Commission has embraced common risk analysis strategically in several domains to expand its influence over member states' administrative decisions *de facto* in *de jure* weakly integrated domains (for flood risk management see: Paul, Boudier & Wesseling, 2016; for border control see Paul, 2017).

### 5.3 Quantification as a governmental technology of power

Weiss's second point – the question of whose norms receive promotion via the specification of an evaluation tool – attracts more attention in poststructuralist critiques of diverse forms of analysis and related scholarly claims of rationality (e. g. for risk analysis: Viscusi, 1983; Majone, 2010). Without space to review this wide-ranging literature here, let me selectively refer to the attempt to deconstruct risk analysis as a political project tied to neo-liberal governmentality and its beneficiaries (Ewald, 1986; O'Malley, 2004; Stone, 2012).

The political sociology of quantification discusses how analytical templates help constitute processes of (neo-liberal) commodification and simultaneous shifts of authority towards central state bodies. Alain Desrosières (2002), in his *Politics of Large Numbers*, stresses the mutually constitutive relationship between the growth of mathematical analytical models, common market formation and governmental authority over populations and subnational state entities. For example, *Statistik* in Germany did not coincidentally emerge in the 19<sup>th</sup> century when the territory was split up into over 300 individual states with highly diverse local identities: comparative analyses were perceived as a chief requirement for the desired creation of a common market, a national identity and unified nation-state. James Scott's discussion of the Napoleonic meter<sup>8</sup> – one of his examples of statutory attempts to increase 'legibility' for enhanced governability – further supports this power-related conceptualisation of analytical and quantification techniques. He argues that, as the meter replaced the locally highly fragmented measurement practices with a common standard, it induced not only a more effective common market but also enabled far-reaching administrative centralisation: "no effective central monitoring ... [was] possible without standard, fixed units of measurement" in post-revolutionary France (Scott, 1998, p. 30).

The example of risk-analytical evaluation frameworks suggests a similar governmentality logic to be at play today. In flooding policies, for example, the introduction of a common model for risk analysis in 2007 by the EU has induced a paradigm shift from security-oriented technical flood defence towards the much less risk-averse ideal

of flood risk management in France and Germany (Paul, Boudier & Wesseling, 2016). Such studies highlight the Commission's attempt to present the evaluative framework as neutral and a-political all while articulating a desire to change member states' own concepts and normative parameters for enforcement (without, however, interfering with their sovereign decision-making).

#### 5.4 Institutional contexts to favour power-seeking appeals

Power-seeking around evaluation tools will be relevant for policymakers in any institutional setting that fragments and/or decentralises authorities policymaking and/or implementation. I suggest that it will be *pronounced in constitutional multi-level systems* where the competences for policymaking are constitutionally shared across different actors and where decentral execution is not simply granted (and withdrawn) at the goodwill of a de jure dominant centre (for the difference between unitary/federalised statehood vs. centralisation/decentralisation see Loughlin, 2017).

Firstly, as for the institutional condition of decentralisation more generally, well-known arguments about politicians' wish to increase political 'control in a bureaucracy' and overcome implementation gaps (see Dunsire, 1978; for RIA: Radaelli, 2010) apply in any setting where policy formulation/decision and implementation are delegated to actors other than those determining policy goal-setting. Control of decentral administrative actors is usually wielded either via ministerial hierarchies in regimes following the New-Weberian state model (such as Germany or France) or, in the New Public Management reform countries (such as the UK or the US), via strict accountability patterns between principal and agent (see Pollitt & Bouckaert, 2011; Paul, 2016 for German risk-based policy-making). Wherever there is a structural need for central level policymakers to ensure vertical policy control in the administrative setting, central level actors will likely value ex-ante evaluation frameworks as tools to align decentral autonomous activities with central-level priorities.

Procedural standards and policy-analytical tools in particular are widely conceived of as tools of softly-induced and non-coercive behaviour change which enable central governments to "pre-dispose" (Balla, 1998) subcentral actors' use of discretion (see the discussion of behavioural policymaking and „soft paternalism“: Strassheim & Beck, 2019). The soft manipulation of autonomous subcentral administrative activities through ex-ante evaluation is more likely in policy domains where central level actors – be it an EU Directorate General or a Federal Ministry – possess the actual power to coerce policy tools onto lower levels. The adoption of ex-ante evaluation tools within multi-level administrations will hence vary with the respective supra-national and national level government's power *and* appetite to shape subcentral policy execution.

This segues into my second claim of institutional variation. With a view on variable territorial state organisation, we can assume that power-seeking rationales vested in ex-ante evaluation in decentralised but unitary states will focus on confirming the status quo of power relations (central level authority as constitutionally granted *ultimo ratio*) rather than seeking to re-arrange formal decision-making powers per se. Instead, from a power-seeking perspective, the *political* currency of analytical evaluation will increase in contexts of constitutionally limited central control where neither hierarchy nor strict accountability bind sub-central executive decision-making. This is typically

(but variably so) the case of federal polities and those integrated in stronger forms of regional integration of policymaking, such as member states in the EU setting. As scholars of federalism and multi-level governance explain, substantial policymaking in such settings increases coordination requirements between actors and therefore also carries with it the need to constantly negotiate one's relative authority and power vis-à-vis others (Benz, 2009; Benz, Corcaci & Doser, 2016). I suggest that, in such settings, policymakers will therefore favour uses of analytical tools which promote their own realm as the *best locus* of policymaking and enforcement in multi-level settings.

## 6 A research agenda on varieties of ex-ante evaluation

This article systematised existing conceptualisations of how and why ex-ante evaluation appeals to public administrations. It provided an integrated conceptual framework with analytical space for instrumental problem-solving perspectives *alongside* more political explanations of legitimacy- or power-seeking. In line with those highlighting that any 'rift' between rationalist and constructivist views on the role of evidence in policymaking is 'obsolete' (Strassheim, 2017, p. 238), my typology includes instrumental *alongside* non-instrumental rationalities and suggests that their specific weighting is shaped against policymakers' perceptions of how to best navigate (and even restructure) their specific institutional contexts (summary in table 1). My unified analytical framework has at least four implications for how the research agenda on ex-ante evaluation in public administrations might move forward, especially in comparative endeavours.

*Table 1:* Three idealtypical appeals of ex-ante policy evaluation

	<b>Instrumental problem-solving</b>	<b>Legitimacy-seeking</b>	<b>Power-seeking</b>
<i>Logic of</i>	consequentiality	appropriateness	influence
<i>Motivation</i>	wish to solve policy problem	wish to defend mandate	wish to expand influence
<i>Expected performance of ex-ante evaluation</i>	analysis helps screen best solution before decision-making and thus increase effectiveness & efficiency of policymaking	'trust in numbers' and appearance of rigorous analysis justifies one's decision-making & secures one's mandate against criticism/competition	analytical frameworks help predispose and control others' decision-making; analytical harmonisation can bypass political fragmentation or even induce harmonisation
<i>Favourable Institutional contexts</i>	dominance of anticipatory policy style; openness to scientific expertise, rationality drive and existence of strong evaluation culture in a policy domain; non-partisan and hierarchically structured civil service	strong perception of legitimacy pressure (e.g. through stakeholder pressure or public opinion, or competition with other actors over a mandate); templates for ex-ante evaluation available and activatable (e.g. via coordination for a)	coercive powers over/ ability to tilt incentive structures for other actors favour control of bureaucracy; multi-level governance settings produce desire to control policy substance and advance one's own influence vis-à-vis others

*Source:* Own illustration.

First, if we understand the adoption of ex-ante evaluation as an institutionally embedded act of selective meaning-making, it follows that a nominally similar analytical method can display highly variable appeals across countries, over time, but also – and

this is often less attended to – across policy sectors *within the same jurisdiction*. This requires overcoming methodological nationalism in comparative research on ‘evaluation regimes’ (see Strassheim & Schwab in this special issue) in favour of cross-sectoral analysis and joins in the longer-standing call to treat policy domains as their own analytical category (Döhler, 2015).

Second, analytical attention in future research ought to be paid to *interaction patterns and dynamics* of I, L or P types of ex-ante evaluation. The unified typology would be grossly misconceived if it were taken to mean ‘everything matters’. Instead, it encourages ideal type-based analytical strategies for identifying patterns within complex variety. Rather than justifying a relaxation of comparative analytical rigor, my typology offers a steppingstone towards systematic cross-contextual analyses and further theorisation of ex-ante evaluation in policymaking: are there specific patterns of ILP interaction in specific domains or countries? Does ex-ante evaluation lean towards specific combinations of I, L, or P in any temporally staggered manner? Is one prerequisite or hindrance for another and, if so, in which specific institutional contexts? Indeed, my own work on risk analysis in the German public administration suggests that policymakers in multi-level governance settings turn to evaluation tools to clear the decks off legitimacy and power struggles in order to enable serious problem-solving in the first place (Paul, 2021/fc).

These are not only theoretically interesting queries. Rather, comparative work evidences that policymakers’ dominant orientations for tool choice durably affects the ways in which a tool is institutionalised in policymaking and unfolds implications for policy outcomes as well as the attribution of legitimacy and power in a domain (for RIA: Radaelli, 2010; for risk analysis Rothstein et al., 2019).

Third, comparative explorations with the ILP typology can help clarify the role of actors in the adoption and diffusion of ex-ante evaluation<sup>9</sup>. While my contribution did not provide a nuanced conceptualisation of actors (see endnote 3) idealtypical analysis with the ILP framework can well explore whether and why specific actors are inclined to develop a particular ideal-typical interpretation of an evaluative tool. Such actor-centered analysis might well find that civil servants, higher-rank political actors such as ministers or EU commissioners, external evaluators or technical experts in a domain adopt different interpretive frameworks on the merits of ex-ante evaluation and could further also examine their relative influence in decision-making.

Last, despite its focus on contextual variation and institutional patterning the ILP framework neither wants to nor can be a predictive model of ex-ante evaluation. The interpretivist paradigm treats complex contexts as dynamic infrastructures which can be mobilised or immobilised, amplified or muted in meaning-making processes (e.g., Stone, 2012; Yanow & Schwartz-Shea, 2006). While institutional environments shape the relative plausibility of instrumental, legitimacy and power-oriented perceptions of ex-ante evaluation, this context does not fully pre-determine actors’ interpretations of the benefits of such analytical methods. As the whole policy process, ex-ante evaluation methods, therefore, ought to be analysed as “context-in-use” (Wagenaar, 2011, pp. 110 f.); as the dynamic, always-preliminary and unpredictable results of contextually filtered but selective meaning-making processes.



## Notes

- 1 Scholarly elaborations on planning, programming and budgeting system models (PPBS) – an analytical approach to decide how to spend public money – stood at the cradle of a mushrooming policy-analytical industry in the US (prominently: Lasswell 1971; Turnpenny, Jordan, Benson & Rayner, 2015).
- 2 This judgement call before decision-making arguably also renders ex-ante evaluation less politically sensitive than ex-post evaluation of policy programmes.
- 3 For better legibility, this article uses the term policymakers as a shorthand for all actors in a politico-administrative regime involved in the adoption of ex-ante evaluation tools.
- 4 I discuss how this relates to existing typologies in section 2.
- 5 Hood (1983) is well prepared to accept that the large variety of potential tools fit to do the job opens tool choice up for political struggles. But he insists that the conception of rationality matters at least “up to a point” (p. 135).
- 6 Majone calls this “procedural rationality”.
- 7 The notion of “laying blame at someone’s door” features prominently already in the seminal study on “Risk and Culture” (Douglas & Wildavsky, 1983, p. 38).
- 8 While James Scott’s study describes striking instances of control failure, the historic episode on the meter can be interpreted as a case of successfully increases ‘legibility’.
- 9 I thank one anonymous reviewer for highlighting this point

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