Joseph Drew

Selling Public Policy

Rhetoric, Heresthetic, Ethics and Evidence

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Chapter 1
Introduction

Abstract We have all witnessed good public policy fail because of a bad sales pitch, and bad public policy succeed against all expectations. This suggests that there may indeed be an art to selling public policy. Yet the art is largely compartmentalized (in the domains of political science, economics, sociology, ethics and the classics) and is thus difficult for the student of public policy to access—let alone synthesize—into a single toolkit to guide decision-making in the sales process. It is to this gap in the literature that we turn our attention—a gap which when filled should result in more public policy sales being clinched. Clearly a body of work of this type will have benefits for politicians, their staffers and public servants tasked with selling public policy. However, the benefits extend well beyond the self-interest of individuals; because better sales pitches will result in more good policy being sold and more stable public policy (revolving door public policy unnerves markets and makes it very difficult for one to undertake long term planning so there could be a case that successfully selling bad public policy is better than much of the status quo). I outline a case for change and discuss some of the benefits which will accrue to various actors as proficiency develops in Selling Public Policy.

Keywords Selling public policy · Policy success · Public policy

1.1 Motivation for the Book (and Who It Is For)

I am going to start this book with a confession. As will probably become clear I commenced this project back in 2017. At the time I was working with two colleagues who wished to expand their scholarly experience to the broader public policy domain. However, they both subsequently left the university sector and I struggled to motivate myself to finish the book. As subsequent events have testified (such as the abysmal policy selling in relation to the COVID-19 response) it was a mistake to not finish this project. I have come to repent of my earlier delay and have thus returned to re-write some sections of the seven completed chapters as well as construct and finish the very important Part II (whereby students get to see how to apply the theory that they have learned to real world problems).

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Accordingly, some of the material that follows—especially the examples I employ will be a little dated. However, their relevance is unquestionable as is the importance of teaching others to sell public policy.

Many readers will recall fondly the 1980's British sitcom *Yes Minister* (and its sequel *Yes Prime Minister*) in which Jim Hacker, MP for Birmingham-East, attempts to formulate and enact good public policy, despite the obstacles put in front of him by his Permanent Secretary Sir Humphrey Appleby and various political "colleagues". (Those of you who do not recall the series fondly may not have be born when it was first televised (my young students have informed me that similar series are *The Thick of It* and *Utopia*)). In one memorable and witty exchange Sir Humphrey proudly asserts:

> *Almost all government policy is wrong but frightfully well carried out*

If only this were true (the frightfully well carried out bit at least)! In recent decades there has been a plethora of bad sales pitches for putatively good public policy (think of the various Middle East peace deals, the pitch for a carbon trading scheme in Australia and elsewhere, the 'remain' pitch in the Brexit debate, the unsuccessful sales spiel for the Trans-Pacific Trade Partnership, or the revolving door of COVID-19 rules). There have also been a number of notable examples of (arguably) bad public policy meeting with the consent of key stakeholders against all expectations (the Iran nuclear deal immediately comes to mind). My mission is to identify the ingredients of a successful public policy sale—irrespective of the merits of a public policy position—and put together a toolkit for students of public policy which I define quite broadly (see below).

When I first pitched this idea to my publisher I was met with one review that asserted that the theme and title of the book was "too cynical". In reply I might, once again quote Sir Humphrey:

> *'A cynic is what an idealist calls a realist'*

Or simply shrug my shoulders and say "so what? Whether it is cynical or not is largely beside the point—what matters is whether it is *needed*". Those of us who live in revolving-door public policy environs are well aware of a desperate need for our political elites to stop and think about the art of selling public policy (just stopping and thinking would be a good starting point). Moreover, the fact that you are reading this book right now, probably suggests that you also perceive a need for things to be done better than they currently are.

So who does need a toolkit on selling public policy?

The obvious answer is that our politicians need to become more proficient at selling public policy so that they can keep their jobs. So do their political staffers (for much the same reason). It also wouldn't be a stretch to say that public servants also need to understand how to successfully sell public policy: firstly because there may be times when they are called upon, at least morally, to do so for the sake of the nation; secondly, because they will often be manipulated by those charged with selling public policy (and forewarned is forearmed). In addition, lobbyists have a keen interest in selling public policy, sometimes directly to the public, but mostly indirectly through politicians. Yet clinching the deal in public policy sales is also important for the wider economy and the lives of persons. Many developed economies have been in a state of policy paralysis for the last few decades (for instance Australia is still to come up with a stable renewables energy policy) and this inaction tends to frighten economic markets. Worse still, we are increasingly seeing the rolling out of important public policy being followed by backflips by the same administration on the same public policy at a later date (for example, 'Pastygate'[1] in the United Kingdom—which might seem trivial, but not if one is a baker or a Cornish pastry devote). When there is uncertainty in public policy individuals find it difficult to plan their lives. So I contend that better public policy selling may result in more stable public policy which is a good thing for the economy and a good thing for citizens. Ideally good public policy will be sold well and we will all feel better for it—but even poor public policy sold well might be more desirable for the increased certainty that it brings to markets and people's lives. In this sense then, everyone has a vested interest in improving the current state of play and everyone has good reason to become a student of public policy.

1.2 The Public Policy Product Lifecycle

The mission of a public policy salesperson is to sell a "suitable" product to their target market and keep the product sold for the duration of the implied returns[2] period. As my readers will discover, this definition has allowed me plenty of wriggle room, which I perceive to be critical in view of the relativism that pervades the sales lifecycle. For instance, I refer to a "suitable" product to emphasize that the product need not be fit-for-purpose according to the end-users' needs, but rather simply deemed suitable by the policy salesperson or their masters. Similarly, I note that the "suitable" product is sold to a target market—not the public at large. Political pragmatism implies that the salesperson need not sell the product to everyone, only to the stakeholders that are critical to the policy being implemented, or have a critical voice in political decision-making (including whether or not to vote for the salesperson or the salesperson's employer). For instance, President Donald Trump probably didn't care that only 5% of Democrats approved of him after his first year in Office because they didn't vote for him anyhow—instead he would likely have been more interested in the fact that he was "more popular with his own party than Barack Obama or Bill Clinton were at the same point" (Meers 2018). Indeed, it is likely to be the case that he was not trying to sell public policy to either the Democrats or the Australian (largely left-wing) media, so he was unlikely to judge his success by the approval that he received from these sources. It may not be pleasant to think of democracy as a winner takes all proposition—it gives a warm fuzzy feeling (just like an opioid) to believe that our leaders rule on behalf of all of their citizens—but it is undoubtedly the case that to the winner go the spoils and that the losers "must suffer outcomes in which one is economically or emotionally deeply deprived…truly it is politics, not economics, that is the dismal science" (Riker 1982, p. 206). Moreover, our working definition notes the importance of keeping the public policy sold—but only for the period that the salesperson or their masters needed it to be sold. Sometimes the after-sales returns period is defined by political or institutional constraints (for instance, the President of the United States can only hold Office for eight years in total (two terms) under the twenty-second constitutional amendment), whilst at other times the period is defined by an implied warranty that the salesperson may have been obliged to extend (or foolish enough to volunteer) as part of the sales pitch.

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[1] Pastygate was the proposal to levy value added tax on pastries such as sausage rolls and Cornish pasties which were allowed to cool on the shelf (in March 2012)—the Chancellor of the Exchequer later reversed his position.

[2] Here I refer to the retail concept of a returns period—this is the maximum time period for which a retail store will accept a return of a product for refund due to either change of mind, failure of product to be fit-for-purpose, or a warranty claim.

The public policy sale occurs over three distinct phases (see Fig. 1.1). First, a sales campaign is planned, the product need is identified and a product is manufactured, the marketing campaign is prepared in cognizance of the target market and a price is determined (which as we will see sometimes comes at the expense of those who have little political power, and at other times comes at the cost of a convenient scapegoat). Second, the schmooze is executed and the target market is invited to buy the product. The final phase is after-sales care—this is where the salesperson may make adjustments to the product in an attempt to avoid a return of the product over the implied returns period. Each phase requires different skills and different tools and can result in different judgements regarding the success of the salesperson. Moreover, I argue that it is only at the very end of the lifecycle that the judgements of key stakeholders can be combined to render an overall assessment of the policy's success and that even then the judgement would seem to be very much in the eye of the beholder (notwithstanding the fact that an entire field of scholarship, the media, and many observers spend considerable time pronouncing their judgements as if an objective measure could indeed exist).

I also argue that it is important to remain mindful of the fact that there are different types of public policies that are manufactured by salespersons for very different purposes. For instance, some products have obsolescence designed into them. Examples of this kind of policy are the grand schemes that are announced by an incumbent government who knows that they will certainly lose an impending election. I don't believe for a minute that these sort of products are meant to work or garner political support for the salesperson—they are designed to burden the next government with something that will sap its revenue and time or ultimately have it identified with something that will inevitably end in disaster (did someone say National Disability Insurance Scheme?). Other products are designed to be viewed fondly as antiques in due course—to be held up as a seminal moment in the history of a nation, even

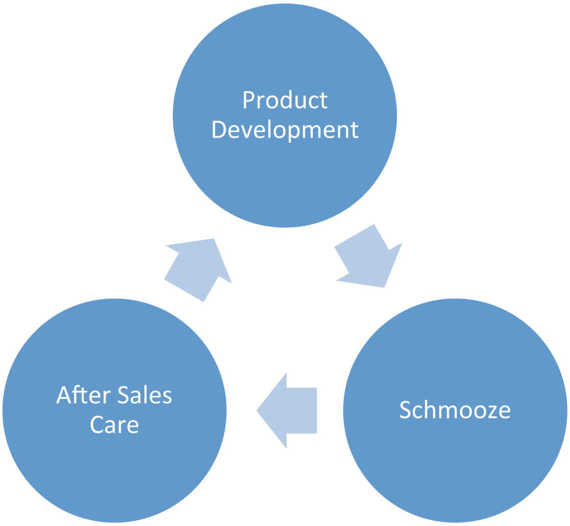

Fig. 1.1 The public policy sales cycle

though they might meet with considerable opposition in the interim (perhaps legalizing same sex marriage). Yet another type of public policy product is meant to mature with age—like a fine goat cheese—an example of this might be the Kyoto Climate Protocol which was always meant to be renegotiated and reinvigorated over time. Then there are what we might call products of necessity—these aren't desirable products and aren't meant to excite the target market—they are products that are born because there is a need that absolutely must be met, even if meeting the need may well end badly (an example of this kind of product is the invasion of Afghanistan following 9/11—there had to be some sort of response to an attack on the American homeland even though most players probably realized that it would ultimately end in a quagmire like the Soviet invasion in the 1970s).

However, this book is not about identifying types of products and establishing objective determinants of success—I will leave that for the public policy analysts to do. It is, instead, all about ensuring that public policy salespersons have the tools that they need to succeed. Accordingly, what I have just discussed will not be a feature of ensuing chapters, but will be constantly in the background of my various explications, and appealed to as necessary. However, despite the fact that the aforementioned is not a focus for this book, it is important for prospective public policy salespersons to be cognizant of the public policy product lifecycle and the different types of product out there (hence my brief discussion).

1.3 Outline of the Book

This book is presented in two parts, each of which has an important pedagogical purpose. Part I is what I refer to as ‘Lessons from The Ivory Tower’–it presents the key ideas and some of the major theorists[3] for what I believe to be the important ingredients to public policy success. However, it is not a textbook and it is (I hope) far from a dry academic discourse (there are plenty of those in the scholarly literature if that is the reader’s preference—I know because I have been guilty of writing some of them). Instead, it is an introduction to the quite disparate literature—all in one place and all eminently accessible—sprinkled with some real-life exemplars to add meaning and to also demonstrate why the lessons are so important.

Since I started in academia I have prided myself on always seeking to give old ideas a big new twist and I have tried to do so at every opportunity throughout Part I. For me writing this book, has been an engaging (and very long) adventure, and I hope my readers will agree that it has resulted in a provocative piece. One of my heroes (Hirschman) was declared the great dissenter—I hope (or more likely I dream) that I might one day go down as a great provoker! If this book makes you angry, or curious, or perplexed, or confused—in short if it moves you out of your current comfortable intellectual abode – then I will have achieved my goal (this includes any less-than complimentary book reviews written by academics who enjoy criticizing the work of others—a common past-time for some it seems).

In Chapter 2 I take on the imposing task of defining what public policy success looks like. This is no simple matter because success is not only largely in the eyes of the beholder, but it also depends a lot on when the eyes of the beholder are open. However, without a firm idea of what success will look like to different stakeholders at different times it would seem quite impossible for any prospective public policy salesperson to take deliberate actions to engineer a successful sale. I argue for the saliency of “who” one asks and “when” one asks the question, with respect to judgements on the success of a public policy sell (I leave the “why” largely to those who are intrigued with the process of the human mind rather than the outcome of the human person). Moreover, I note how the importance of “facts” and “impressions” change throughout the public policy lifecycle and the implications of same for the salesperson who must therefore give priority to certain tools at certain times. On the basis of this understanding, I propose a model of policy success that illustrates both the lens through which judgements are made at the distinct phases of the sale, and also how facts and impressions influence judgements throughout the lifecycle. I finish the chapter with a brief enumeration of the important lessons for understanding public policy success for those wishing to get a fit-for-purpose product sold to their target market and keep it sold for the duration of its implied returns period.

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[3] Inevitably in a book of this length—which has the sole purpose of introducing public policy students to the major strands of literature—I will miss someone who considers themselves to be a major theorist in their respective field. Should this person still live (most of the giants in the literature have sadly passed away), then I unreservedly offer my apologies.

Chapter 3 looks at the rhetoric of a public policy sell. I start with the father of rhetoric—Aristotle—and his definition of rhetoric as finding all the available means of persuasion which might allow the rhetor to come as near to success as the circumstances allow. This is followed by contributions from more recent scholars, notably Albert Hirschman, the late great dissenter, and "one of the world's most original social scientists" (Adelman 2013, p. vii) who claimed to have developed a taxonomy of public policy rhetoric—a claim that public policy architects and their opponents are "impelled" to argue according to just six "theses" (or lines of argument) when disputing public policy (Adelman 2013, p. 308). I then augment the work of Hirschman to also cover empirical rhetoric, before briefly considering how new communication mediums allow rhetors to tailor messages to identifiable stakeholders with great precision and thus maximize the chance of success. Thereafter I present my rhetoric heuristic chart followed by a brief discussion of the main lessons for those wishing to clinch the sale by employing rhetoric.

Heresthetic—the craft of political strategy—is the lesson which I offer to my readers in Chapter 4 of the book. A term coined by the late William Riker to describe what he referred to as the art of political manipulation, heresthetic has had a chequered history in the scholarly literature, not least because of the failure to "prove" the concept empirically. Yet heresthetic—which is comprised of agenda control, voting games and dimension control—is used on a regular basis by politicians in the real world. I believe that spelling out political strategy can help to make the public policy proponent more conscious of the options available to them to structure the world so that they can win. I also extend Riker's literature to make plain the costs (opportunity, contingency and legacy) associated with heresthetic ploys and the dynamics of heresthetic reprisals. I complete my account of this powerful yet largely neglected concept with an enumeration of the main lessons for budding public policy salespersons.

The topic of the fifth chapter is blame games—a concept as old as humankind (embodied in the practice of laying one's iniquities on the head of a scape-goat and banishing it to the wilderness) and a frequently employed tool of the political class (in particular). I explain the opportunity costs associated with the classic lightning rod strategy and use the concept of negativity bias to show why agents willingly forego possible credit and accolade in order to avoid blame. I then extend the literature to look at the emergence of two relatively recent trends in blame avoidance: the "expert brand" and deployment of weapons of mass-expertization. Both of these innovations offer great promise to the blame avoider (and public policy salesperson) but they are also prone to backfire if not carried out carefully. Consistent with all the other chapters, I present a heuristic decision chart for prospective public policy salespersons before setting out the main ways in which blame games can help to clinch the sale.

In legal parlance "evidence" is given to mean "any object or information …which tends to prove or disprove the existence of a fact in issue" (Butterworths 2004, p. 156). Yet it is clear—or at least it will be for those who read this chapter—that when it comes to evidence the main aim is often to create an impression of proof rather than to rigorously establish fact. I provide my readers with an overview of the concepts (rather than detail) of how each major "proof" works. This will allow for an appreciation of what questions users of such proof should ask (and what questions those selling public policy on the basis of evidence should try to avoid). In addition, I discuss how information costs can be used to the public policy salesperson's advantage. I present this information in a convenient heuristic chart and finish our account with my observations on how evidence might be best employed to clinch the sale.

Part I concludes with an examination of the "moral dimension" which, as the Right Honorable Jim Hacker in *Yes Minister* found, can be both a compass to those charged with formulating public policy, but also a devastating weapon to use for one's own advantage. I commence the chapter with a brief overview of ethical paradigms in order that they might demonstrate to the reader that "fair" is a very contestable concept (and moreover a concept that has changed markedly over time). In particular, I spend some time on the oft-neglected field of the natural law, which seems to me to be more important than ever in a world marred by both abandonment of reason and extreme relativism. I then show how ethics—contrary to common belief—is the bedrock of economics and how, moreover, a strict understanding and application of what is referred to as the Pareto Optimum state would mean that no public policy would ever be executed. This is followed by a brief account of how the economist's "get out of jail card" works (and I also note how unsatisfactory the remedy is), before presenting a much more defensible position derived from (of all places) the theological treatise of St Thomas Aquinas. I chart the decisions which must be made on the "moral dimension" by public policymakers in my heuristic which follows the aforementioned explications. The chapter concludes with the main lessons on how the moral dimension can be used to sell public policy.

Thus end the lessons from the Ivory Tower.

Part II illustrates lessons from the school of hard knocks which our public policy makers have kindly given to us over recent years. Gone are the neat solutions to hypothetical cases that one might find in the Ivory Towers. Instead, I throw my readers into the rough and tumble of no-holds-barred disputatious public policy. Part II has two main objectives: first, I wish to show how the tools discussed in Part I can be *synthesized* to clinch real-life public policy sales; second, I wish to underscore that no single tool will ever be sufficient to successfully execute the "sale of the century" (another television show well-known to us senior citizens).

In the first case study I examine the practical challenges of selling extremely accommodative fiscal and monetary policy. One wouldn't think that giving away free money would be a difficult sell, but the experience of the Australian government begs to differ. In this chapter (9) I examine the sales success of economic intervention policies in response to COVID-19, with particular emphasis on avoiding buyer's remorse. The chapter draws on Part I of *Selling Public Policy* with a view to showing how students of this work might have been expected to have optimised outcomes with respect to selling fiscal and monetary response in the years immediately following the pandemic outbreak. Notably, our application of theory to real world problems uncovers some new lessons regarding the attributes of suitable scapegoats and also underlines the critical importance of properly acknowledging legacy costs with respect to election cycles.

The second case study focuses on Putin's attempts to sell his 'special military operation' to the world. In this chapter (10) I focus on what might be learned from examining policy failure. This second case study also draws heavily on Part I of Selling Public Policy with a view to showing how students of this work might have made different choices leading up to, and in the aftermath, of hostilities. Once again new lessons are uncovered—such as the futility of trying to avoid unavoidable words with unexamined power—and old lessons (such as the importance of salami tactic heresthetics) are underlined. Notably, the context of the chapter is not meant to be an endorsement of the war or anyone's position regarding war—instead war is portrayed as a sad consequence of human failings and probably the trickiest matter for public policy salespersons to navigate.

I believe that these case studies of some of the most imposing public policy challenges of modern history provide strong demonstration of the importance of competently selling public policy. I trust that my readers will agree.

1.4 What This Book Is

First, and foremost, I have endeavored to provide an entertaining read. When it comes to learning, the old maxim "no gain, no pain" may often be true, but I do not feel that it *must* be true. To achieve this objective I have tried hard to resist the academic urge to impress with big words and jargon (although I concede that I have not always been successful), and have attempted to defy years of (probably well-meaning) academic training that tends to suppress disclosure of opinions and original thought. Readers will get to know what I think on a range of matters—and no-doubt some will disagree vehemently with me—and will also be exposed to original thinking (rather than thinking constrained to academic precedent). I hope that by largely setting aside the straight-jacket of stodgy academic writing, I can enter into a meaningful dialogue with you, the reader. Moreover, it is my hope that you find this dialogue engaging, just as I have found the more relaxed dialogue of some of my scholarly heroes (Maimonides, Riker, Hirschman, Ronald Coase—all of whom were never shy to tell the reader exactly what they thought about a matter), both entertaining and refreshing. I often lament that academia has become bogged down in recent decades—by the constraints of precedent, also a kind of laziness owing to cheap computing power which promotes empirical work over rational thought, and a 'group-think' of sorts—and I guess the kind of conversation I have tried to engage in here, is my small effort to reverse what I perceive to be a worrying trend.

This book is also a toolkit for public policy salespersons. The whole motivation for this project is to improve the state of public policy selling—so it was important for me to link the theory to practice at every opportunity. Otherwise stated, this book is geared towards applied learning. One of the important elements of the book are the heuristic decision charts, which lead the public policy salesperson through the steps and decisions which must be made to successfully sell public policy. The other important way that I have sought to ensure that the lessons might be applied is through