

RUNNING TITLE: Policy Overreaction Doctrine

**Policy overreaction doctrine:
From ideal-type to context-sensitive solution in times of crisis**

Moshe Maor
Department of Political Science
Hebrew University of Jerusalem
Mount Scopus, 91905
Israel

moshe.maor@mail.huji.ac.il

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Abstract

At times, policymakers deliberately overreact in order to swiftly and decisively end a crisis involving panic and popular fears and restore confidence. What should policy actors do and which policy template should they conform to if they wish to overreact in order to restore public confidence? Is there a set course of policy overreaction that actors may adhere to rather than ‘bet’ or improvise? Based on the tradition that views policy design as policy content and on ideal-type methodology, this chapter dissects a policy overreaction doctrine by elaborating on six attributes of such a doctrine. The arguments advanced are that policy overreaction could be designed in the meaningful sense of this term, and that a policy overreaction doctrine that comes close to the ideal type may produce the desired effect, even without the need for its implementation. To bolster a doctrine’s overall credibility, policymakers may design a favorable information environment, resolve governance issues (e.g., limited authority and the balkanization of authority), and review the preferred balance between passive and proactive use of overwhelming government force. Naysayers to policy overreaction may be dealt with by incorporating ethical principles into such doctrines.

Introduction

Among policy scholars there is an impression that policy overreaction or overinvestment are policy mistakes. For example, U.S. presidents' foreign policy mistakes have been described as 'too much' policy—which occurs following a mistake of commission in the diagnosis stage of decision-making—and as implemented 'too soon'—which is the result of a mistake of omission in the prescription stage of decision-making (Walker & Malici, 2011). Further, the study of policy overreaction is considered by many policy scholars as an academic minefield because it is both context-sensitive and has a problematic counterfactual, namely, proportionate policy response. It is therefore no surprise that policy scholars have largely ignored the study of this phenomenon. Still, at times, policymakers deliberately overreact in order to swiftly and decisively end a crisis involving panic and popular fear and restore confidence. They use the state's power in a given policy area and a large amount of 'statecraft' resources (Hood, 1986) to cognitively and emotionally overwhelm the relevant target populations in pursuit of their policy goals. What should policy actors do and which policy template should they conform to if they wish to overreact in order to restore public confidence? Is there a set course of policy overreaction that actors may adhere to rather than 'bet' or improvise?

Based on the tradition that views policy design as policy content or substance (Schneider & Ingram, 1997; see also Dahl & Lindblom, 1953; Stone, 2002) and on ideal-type methodology, this chapter dissects a policy overreaction doctrine by elaborating on six properties that are compatible with each other but unlikely to be equally present in all cases. The focus of this chapter is therefore on positive, rather than normative, policy design—a specific type of policy formulation based on the collection of information concerning the effects of policy tool use on target populations and its application to policy development and implementation in order to attain desired policy goals (Bobrow, 2006; Bobrow & Dryzek,

1987; Weaver, 2010). The chapter revolves therefore around the design of policy doctrines which, if implemented, are deliberately intended to deliver a policy overreaction response. This type of response may include policies that impose social costs without producing offsetting benefits (Maor, 2012); are perceived by policymakers to be disproportionate; or are grounded in the language of disproportionality, for example, as a form of drama (Hilgartner, 2000). The arguments advanced are that policy overreaction could be designed in the meaningful sense of this term, and that a policy overreaction doctrine that comes close to the ideal type may produce the desired effect, even without the need for its implementation. To bolster a doctrine's overall credibility, policymakers may design a favorable information environment, resolve governance issues (e.g., limited authority and the balkanization of authority), and review the preferred balance between passive and proactive use of overwhelming government force. Naysayers to policy overreaction may be dealt with by incorporating ethical principles into such doctrines.

The chapter is organized as follows: the first section discusses related literature and introduces the definitions of the terms discussed here, the second elaborates on the six dimensions of the ideal-type of policy overreaction doctrine, the third discusses major elements in the process by which the overall credibility of a policy overreaction doctrine may be established, and the fourth elaborates on the possible opposition to such a doctrine by moral fundamentalists and discusses potential strategies to pacify or neutralize such criticism. The chapter concludes by providing directions for future research.

Related literature

Policy process theories, such as system theory, public choice theory, advocacy coalition theory and multiple-streams theory, do not examine the details of policy content or analyze policy characteristics (Schneider & Sidney, 2009). Two approaches, however, touch

on some aspects of proportionality in public policy. Incrementalism fosters proportionality in public policy if policy problems change gradually (e.g., Lindblom, 1959); the punctuated equilibrium theory challenges this approach by suggesting that policy responses oscillate between periods of underreaction to the flow of information coming from the environment into the system, and overreaction due to disproportionate information processing (Jones & Baumgartner, 2005). This oscillation may be derived from a vivid event that symbolizes everything that is wrong (Birkland, 1997) or from an accumulation of problems over a longer period (Jones & Baumgartner, 2012). However, the policy agenda literature provides little nuance regarding what the government is actually doing and how it affects the public (Dowding et al., 2015). In addition, it does not emphasize the characteristics of the policy itself but rather the ways in which social problems are put on the agenda and are translated into public and then political issues (Schneider & Sidney, 2009, p. 113). Amongst scholars in policy studies, policy design researchers have recognized the importance of the content of policy since the late 1950s (Dahl & Lindblom, 1953), and have developed a set of categories for specifically describing policy content (Schneider & Ingram, 1997). However, they have not paid much attention to what the characteristics of disproportionate policy options and actions are.

In an attempt to infuse the concept of policy overreaction with a robust conceptual identity—that is, one that goes beyond the analytical reach of the terms ‘too much’ and ‘too soon’ (Walker & Malici, 2011)—two concepts have recently been developed, namely policy overreaction and policy overinvestment. Policy overreactions “are policies that impose objective and/or perceived social costs without producing offsetting objective and/or perceived benefits” (Maor, 2012, p. 235). Policy overinvestments occur “when government overinvests in a single policy instrument beyond its instrumental value in achieving a policy goal [...] (Jones et al., 2014, p. 149). Whereas the former definition appeals to considerations

of national interest, broadly defined, the latter, although easily measurable and tractable, often appeals to considerations of economic efficiency. In addition to the concepts that have been developed, accounts of disproportionality in public policy link the dynamics of underreaction and overreaction to evaluations of risk and overconfidence by policymakers (Maor, 2012; 2014a). Further studies capture the notion of sustained overreaction or overinvestment in a policy relative to its goals and offer the concept of policy bubbles (Jones, Thomas & Wolfe, 2014; Maor, 2014b; 2015a; 2015b). Recently, the role of emotional entrepreneurs has been explored in policy valuation processes, through which public policies are becoming valued, overvalued and undervalued (Maor & Gross, 2015), and so has been the role of moral entrepreneurs, meaning entrepreneurs, standards and performance metrics entrepreneurs, and reputational entrepreneurs in such processes (Maor, 2015c). In addition, the *disproportionate policy perspective* has been articulated and then used to challenge some of the tenets of the new policy design orientation (Maor, 2016a).

In a recent advance, Maor (2016b, p. 10) has distinguished between two types of policy overreaction options, namely doctrine and rhetoric. *Policy overreaction doctrine* refers to “a coherent set of policy principles which presents an “all or nothing” policy commitment in pursuit of a policy goal no matter what the costs are”. According to Maor, “[a]t the heart of a policy overreaction doctrine lie principles for the use of overwhelming government force in order to achieve a decisive and quick policy outcome in a particular policy domain (p. 10). ‘Overwhelming force’ is understood to be “a credibly large amount of committed resources available to use with discretion during a [...] crisis” (Gorton, 2014, p. 1). These resources can be money, time, political and moral capital, as well as ‘statecraft’ or implementation tools—namely, authority, treasure, organization and information (Hood, 1986; Howlett, 2011, p. 53). ‘Decisive’ means a definite outcome that leaves no room for interpretation, while ‘quick’ suggests that the desired policy outcomes can be achieved in a matter of days or weeks, rather

than months or years. According to Maor (2016b), “[a] policy overreaction doctrine rejects a gradualist approach to the use of government power, and instead seeks to implement, or to communicate to target populations, an all-or-nothing policy approach that leaves no room for compromise and therefore ties the hands of policymakers and raises the political costs of any use of government force” (p. 11). *Policy overreaction rhetoric*, a sub-set of policy overreaction doctrine, refers to “arguments that policymakers employ to reach and persuade the target populations of their “all or nothing” policy commitment to achieve their policy goal, no matter what the costs are” (Maor, 2016b, p. 11).

Policy overreaction doctrines are often designed in the run up to a potential crisis or during a crisis itself. Crises are treated here “as extended periods of high threat, high uncertainty, and high politics that [significantly] disrupt a wide range of social, political, and organizational processes” (Boin & ‘t Hart, 2003, p. 3). In such times, the balance between order and other values (e.g., freedom) shifts to a considerable degree in favor of the government’s ability to deal with the threats to the national well-being (Gross 2011) and to “bring things back to normal” (Boin & ‘t Hart, 2003, p. 3). Furthermore, traditional systems of checks and balances may be broken down, and the political right and left may be inclined to mobilize behind their governments in support of a drastic action (Gross, 2011).

The usefulness of the term ‘policy overreaction doctrine’ lies in its convenience as a shorthand for the set of broadly similar policy options that often dominate the crisis management agenda in various policy domains in many countries (Maor, 2016b). But what are the essential features of such a doctrine? How can one identify such a doctrine? To answer these questions, this chapter now seeks to dissect the key features of a policy overreaction doctrine that is often designed as an off-the-shelf option to be used in times of crisis.

A policy overreaction doctrine: An ideal type

According to Howlett (2014), “policy designs can be thought of as ‘ideal types,’ that is, as ideal configurations of sets of policy elements which can reasonably be expected, if adapted to meet the parameters of a specific contextual setting, to deliver a specific outcome” (p. 193). I therefore use the ‘ideal type’ construct as a methodology suited for making comparisons between the type and empirical reality. The ideal type of policy overreaction doctrine may contain an indefinite number of particular policy overreaction doctrines. The idea is to make clearly explicit only the broad, yet necessary (i.e., unique) characteristics of this ideal typical policy option. The ideality of a typical policy overreaction doctrine lies therefore in its simplicity and lack of detail. By comparing an actual policy overreaction doctrine with an ideal typical one, the deviations of the former from the latter become clearly evident and easily visible. Further, the deviations can be used for measurement purposes.

A smaller set of critical dimensions underlies the complexity of policy overreaction doctrines. These dimensions include the motivation for the intended policy overreaction; the principles that drive the intended policy response; the content of the policy option insofar as the use of overwhelming government force is concerned; the amount of committed resources required to cognitively and emotionally overwhelm relevant target groups; the self-imposed constraints incorporated in the doctrine, as well as the means to bolster their public visibility, and to boost public visibility of the use of overwhelming government. Table 32.1 summarizes the meaning and typical justification of each of these dimensions. An actual policy overreaction doctrine would be likely to have some elements of most of these features. These elements are compatible with each other because they have a single rationale: to achieve a quick and decisive outcome before public support and confidence in the government’s ability to resolve the policy problem fade away.

<TABLE 32.1 HERE>

The first element is an all-or-nothing motivation expressed via rhetorical means, that is, through policy overreaction rhetoric. This element is expressed through a clear-cut statement that, according to Maor (2016b, p. 11), “may include reference to policymakers’ intention to use overwhelming government force; to respond forcefully, aggressively or excessively to a potential or a given policy problem; to use all the means at their disposal in order to achieve a policy goal, and to avoid restraint (e.g., break loose).” The credibility of these statements lies in the consistency that exists between all-or-nothing motivation and the other elements in the doctrine. For example, a rhetorical position is more credible when it is accompanied by a large amount of committed resources available to use with discretion during a crisis and with symbolic rather than substantial constraints on the implementation of the doctrine. The more credible the statement is, the greater the odds that it will be seriously taken by the target populations, thereby reducing the need for actual government overreaction. In other words, the higher the credibility of the doctrine is, the more likely that it will be able to achieve its desired ends without being implemented on the ground. An example of an all-or-nothing motivation was the following statement made in July 2012 by Mario Draghi, the head of the European Central Bank (ECB), regarding the fragility of the Euro: “Within our mandate, the ECB is ready to do whatever it takes to preserve the Euro. And believe me, it will be enough.”¹ The meaning of such a statement is that there is no room for questioning the government’s resolve to solve the policy problem. Another example is Prime Minister Benjamin Netanyahu’s statement made in January 2016 that “[i]f we are attacked from the tunnels in the Gaza Strip we will respond with great force against Hamas, with much greater force than we used during Operation Protective Edge.”²

The second element is the emphasis on the general principles undergirding a policy overreaction doctrine rather than the formulation of a detailed operative plan. Such a doctrine is pitched at a strategic level, and lays the foundation for more detailed operational and

tactical plans. It therefore communicates to the target groups an easily understandable snapshot of policymakers' likely mindsets under condition of unfolding events which intensify the gravity of the policy problem at hand. In addition, the focus on principles provides policymakers some flexibility on the operative plan. Once policymakers have made it clear that they are willing to do whatever is needed to resolve the crisis and restore public confidence, they can then calibrate the policy tool selected according to their perception of the gravity of the crisis.

A classic example in the financial domain is Bagehot's (1873) rule which is "encapsulated in a set of principles for successful lending of last resort operations" (Bignonet al., 2009, p. 2). The rule states that, to end a financial crisis, the central bank should lend freely (principle 1), at a high rate (principle 2), and on good collateral (principle 3). Ben Bernanke, U.S. Federal Reserve Chairman during the 2007-2008 financial crisis, put it this way: "[Bagehot] had a dictum that during a panic central banks should lend freely to whoever comes to their door; as long as they have collateral, give them money" (Bernanke, 2013, 7).

Ben Bernanke reported that during the 2007-2008 subprime crisis, the Federal Reserve followed Bagehot's rule (Bernanke, 2014a; 2014b). An August 10, 2007 press release by the Federal Reserve stated that the Fed would provide reserves as necessary due to the "unusual funding needs because of dislocations in money and credit markets."³ In implementing the rule, Bernanke added a secrecy component. As noted by Bernanke (2009b), "Releasing the names of [the borrowing] institutions in real-time, in the midst of the financial crisis, would have seriously undermined the effectiveness of the emergency lending and the confidence of investors and borrowers" (p. 1). The idea was to instil confidence by hiding the identity of the borrowers through the use of auctions, a competitive format that does not suffer the stigma attached to weak banks and other financial institutions when they use the

conventional method of ‘money in the window’ (Gorton, 2014; Gorton & Ordonez, 2014). Consequently, all the lending programs created during the financial crisis, namely the Term Auction Facility, the Term Securities Lending Facility, the Primary Dealers Credit Facility and others, were designed to use auctions to make loans in secret (Gorton, 2014). The source of the funding necessary to follow Bagehot’s rule originated within a month of Lehman’s bankruptcy, when Congress passed the Troubled Asset Relief Program (TARP). In the framework of TARP, \$700 billion was allocated by Congress to address the banking crisis; the bill passed on October 3, 2008. However, only \$125 billion was actually injected as a first step into the nine largest financial institutions in the U.S. banking system (Gorton, 2014). Once the banking sector and the economy had stabilized, calibration of the disproportionate policy response took place. Ultimately, the Dodd-Frank Wall Street Reform and Consumer Protection Act reduced the amount available to address the crisis to \$475 billion of the original \$700 billion.

The third element of a policy overreaction doctrine is the intended use of disproportional or overwhelming government force to respond to a crisis involving panic and popular fears. At the outset of a crisis, events are not clear; they may be chaotic and fast moving (Gorton, 2014). Policymakers may not know initially what is actually happening or how to respond. Still, they may find themselves forced to respond—at first in reaction to events as they unfold, and then in a more structured way. If an off-the-shelf policy overreaction doctrine is available to shape government response to a particular policy problem, the immediate government reaction, following an assessment of the gravity of the situation, may be more likely to include the use of disproportional or overwhelming government force.

A classic example is the Dahiyah doctrine, named after the southern residential suburb of Beirut known as the *Dahiyah*, that was home to Hezbollah leadership as well as to

Shiite supporters of this terror organization, and was flattened by Israel in sustained air raids during a 34-day war with the Shiite group in 2006. The flattening of the Dahiya has been seen as a relevant model for policymakers to consider following the perceived failure of the Israel Defense Forces (IDF) during the Second Lebanon War to bring an end to the launch of rockets against Israeli civilian areas by Hizbullah and Hamas despite the military weight of the Israeli army. The derived doctrine refers to a military strategy that focuses on using disproportionate air power and artillery against a non-state terrorist and guerilla organizations. The targets against which the IDF should focus disproportionate force may vary between villages from which rockets are fired (Eisenkot, quoted in Nahmias, 2008), the political, social or religious strongholds of the Resistance Network (Siboni, 2008), or the civilian infrastructure of the political entity within which the Resistance Network operates (Eiland, 2008; Siboni, 2008). The idea is therefore not to hunt down individual missile launchers, but to punitively destroy the entire area from which rockets are fired. It is hoped that the destruction, or the threat thereof, will convince the local population to stop cooperating with the Resistance Network. Gadi Eisenkot, then head of the IDF's Northern Command, threatened Hamas (in Gaza) and Hizbullah (in Lebanon) by stating that "[w]hat happened in the Dahiya quarter of Beirut in 2006 will happen in every village from which Israel is fired on [...] We will apply disproportionate force on it and cause great damage and destruction there. From our standpoint, these are not civilian villages, they are military bases" (Eisenkot quoted in Nahmias 2008). "This is not a recommendation", Eisenkot argued in another interview, "[t]his is the plan and it has been approved" (Eisenkot, quoted in Fishman & Ringel-Hoffman, 2008). This position was confirmed by the then-Prime Minister, Ehud Olmert, who was quoted in the *New York Times*: "The government's position was from the outset that if there is shooting at the residents of the south, there will be a harsh Israeli response that will be disproportionate."⁴ This doctrine was implemented in Operation Cast

Lead in Gaza (December 2008 to January 2009), in which the total number of Palestinian non-combatants who died ranges from 295 (IDF figures, quoted in Lappin, 2009) to 926 (according to the Palestinian Center for Human Rights, quoted in Haaretz⁵).

The fourth element is the stress on a credibly large amount of resources—that is, backing financial policies with a sufficiently large amount of money, or backing a military operation with maximum available force. The amount of resources committed determines policymakers' ability to cognitively and emotionally overwhelm the target groups and to manage the expectations of the relevant target populations as well as the general public. The commitment must be perceived as credible, meaning that the government will follow through (Gorton, 2014). It also has to be perceived as sufficient to restore public confidence in policymakers' resolve to solve the policy problem.

Take, for example, Operation Desert Storm, which occurred following Iraq's invasion of Kuwait under the leadership of President Saddam Hussein. Operation Desert Storm was the largest deployment of U.S. forces since Vietnam, with nearly 470,000 active duty U.S. troops and nearly 217,000 reserves called to active duty (Kozaryn, 2001). More than 500,000 American troops were placed in Saudi Arabia in case of an Iraqi attack on the Saudis, and 180,000 U.S. soldiers were on the battlefield (Brooks, 2004). On February 24, 1991, after a devastating 39-day air campaign, the ground war began. Just 100 hours after the attack was initiated, American ground troops declared that Kuwait had been liberated. No Iraqi attack on the Saudis was recorded. According to Powell, “[t]he Gulf War was [...] a limited-means war – we did not use every means at our disposal to eject the Iraqi Army from Kuwait. But we did use overwhelming force quickly and decisively” (Powell, 1992, p. 93).

The fifth element is the introduction of self-imposed constraints, their incorporation in strategy and tactics, and the creation of mechanisms that bolster the public visibility of these constraints. The idea is to minimize collateral damage which may derive from the use of

overwhelming government force and to increase internal and external legitimacy. In the military domain, for example, one type of constraint includes moral principles, such as the principle of just war and the derived principle of just cause (e.g., self-defense). These constraints are indicative of the fact that obtaining and using overwhelming government force is complicated by politics.

Because the use of overwhelming government force is likely to result in disproportionate economic, political, moral and other costs, it is important to build internal and external legitimacy. This may be done by demonstrating that conventional strategies have been exhausted. In just war theory, this is known as the principle of last resort.

‘Conventional’ alternatives may include strategies performed by the government in question or by other governments encountering a similar policy problem in terms of gravity, scope and root causes. The government may need to convince those who are about to bear the costs that things may get a lot worse if conventional strategies are sustained. Building internal and external legitimacy may also be done by enhancing the public visibility of the aforementioned constraints. Before decisions, commands and proposed actions are implemented, an official review and public debate may be undertaken in order to determine whether actions appropriately manifest the moral and ethical principles of the state and comply with national and/or international law.

An example of self-imposed constraints, in the form of the principle of last resort, can be found in the Weinberger-Powell doctrine (Weinberger, 1990; Powell, 1992), named for Caspar Weinberger (Ronald Reagan’s Secretary of Defense), and Colin Powell (Chairman of the Joint Chiefs of Staff during Operation Desert Storm, and later George W. Bush’s first Secretary of State). This doctrine revolves around the principle that “military force, when used, should be overwhelming and disproportionate to the force used by the enemy” (Jones et al. 2005, p. 20) so that military conflicts will end quickly and with minimal loss of life.

Specifically, the main tenets of this doctrine are that “military action is the last resort, to be used only when national interests are clearly at stake; force, if used, must be overwhelming; strong support from Congress and the Public is necessary, and a clear exit strategy is essential” (Fitzgerald, 2013, p. 90). This doctrine was implemented in Operation Desert Storm, discussed earlier in this section.

The sixth element is the public visibility of the use of disproportionate force. Policymakers may wish to regain control in the contest between frames and counterframes in order to “impose their frames upon the public understanding of the crisis and its wider implications” (Boin et al., 2008, p. 287). This aim may be achieved by social constructions (e.g., Schneider & Ingram, 1993, 1997), as well as by incorporating components other than language into the doctrine, for example, highly visual and dramatic information that is easily remembered (Ferreira et al., 2001). The belief held by policymakers employing this mode of action is that confidence can be restored through more intensive, credible and convincing communication that revolves around facts, evidence and past experience of policymakers (Siegrist et al., 2007, p. 283). A relevant example is the U.S. military doctrine of massive nuclear retaliation which emerged in spring 1953 following growing unease with rapidly rising government spending. The administration’s statement of Basic National Security Policy concluded that “the risk of Soviet aggression will be minimized by maintaining a strong security posture, with emphasis on adequate offensive retaliatory strength and defensive strength” based on “massive atomic capability” as well as conventional readiness (NSC 161/2, quoted in Rosenberg, 1978, p. 267). The emergence of this military doctrine has consisted of two parts: “integrating tactical nuclear weapons more fully into military planning at the operational level, and waging a concerted public relations effort to make use of nuclear weapons politically acceptable” (Tannenwald, 2007, 167). During 1953-1960, the public was informed that the president retains the decision to use nuclear weapons, and this assurance, in

turn, has facilitated the strategic integration of nuclear weapons into the U.S. military doctrine “with the explicit goal [...] of treating them as conventional and as available for use as other munitions” (Tannenwald, 2007, 167). This example demonstrates the effort undertaken by policymakers to persuade the target population that they have the capacity and will to swiftly and decisively resolve the aforementioned policy problem, and that their words can be trusted. At a more general level, it is reasonable to expect that if policymakers succeed in doing so, it is highly likely that the doctrine will never be implemented. If they do not succeed, the doctrine is likely to become the basis for the implementation of policy overreaction.

Given that a policy overreaction doctrine is a commitment by policymakers to overreact under certain conditions, the overall credibility of the policy commitment and of the policymakers who designed it is of utmost importance. This point requires some elaboration.

The overall credibility of a policy overreaction doctrine

A policy overreaction doctrine acts as a signalling device (Spence, 2002). It is designed in part to reduce information asymmetry between policymakers and target populations as well as to send messages to target groups and the general public about who is deserving of what, and why (Schneider & Ingram, 1993; 1997). During the policy design process—when policy content is produced (e.g., Linder & Peters, 1988)—policymakers signal their unobservable mindset to target groups via the observable quality of their doctrines as well as via other elements which are discussed here. Depending on the credibility of policymakers and the policy overreaction doctrines they designed, such policy options may provide a means of predicting future behaviour.

In the process of establishing the credibility of a policy overreaction doctrine, policymakers may pursue a three-fold strategy: (i) designing a favorable information

environment, (ii) resolving structural issues of limited authority and the balkanization of authority, and (iii) reviewing the preferred balance between passive and proactive use of overwhelming government force. With regards to the information environment, in the run-up to a potential crisis as well as during a crisis itself, information is suppressed (Gorton, 2014, p. 8). Consequently, policymakers may work to shape an information environment that is conducive for the implementation of a policy overreaction doctrine. Some may wish to manage expectations of relevant target populations in the context of an information environment which directs attention at systemic factors, because institution-specific information may undermine the said doctrine; others may prefer managing expectations when attention is directed at institution-specific information, because information regarding systemic factors undermines the doctrine; and some may prefer to manage expectations by diverting attention away from the doctrine and towards an unrelated issue. Further, a policy overreaction doctrine itself may contain incentives for policy actors to produce information regarding systemic, institutional or other factors desired by the government or to avoid the production of certain information that undermines the doctrine.

Relatedly, policymakers may use emotional appeals to manipulate the information environment and facilitate consensus around a policy overreaction doctrine. By opting for emotion regulation (Maor & Gross, 2015), they may rely on evidence that voters behave differently in different emotional states (e.g., Marcus 2000), that fear-arousing rhetoric may be selectively deployed to support political purposes (De Castella et al., 2009; De Castella & McGarty, 2011), and that politicians can more easily use fear for their purposes when a citizenry's psychological profile makes it less motivated or able to adapt to fear appeals (Lupia & Menning, 2009).

Regarding opportunities for structural changes, a policy overreaction doctrine may force policymakers and legislators to resolve issues of limited authority in the run-up to a

potential crisis. In order to increase the effectiveness of the policy response, a policy overreaction doctrine can be used by policymakers to make significant changes in the way that decisions are made and government operates in the relevant sector. Policymakers may use this opportunity to concentrate authority, thus facilitating the swift use of a disproportionate policy response when the need arises. By the same token, a policy overreaction doctrine may force policymakers to resolve issues related to the balkanization of their authority in the relevant policy sector which occur when different tools are in the hands of different officials with different strategies and different perceived responsibilities (Geithner, 2014, p. 224).

Regarding the balance between policy overreaction strategies, the credibility of a policy overreaction doctrine may be bolstered if, during the design of such a doctrine, a process of strategic review is undertaken which considers the preferred balance between passive and proactive use of overwhelming government force. In a passive mode of policy overreaction, the government provides ‘resources in the window’ for individuals and institutions in need as well as for ‘free riders’. In a systemic banking crisis, for example, the government may lend freely—that is, provide money ‘in the window’ for banks in distress and for other weak financial institutions. In a catastrophic natural crisis, the government may provide food, housing and medical aid ‘in the window’ for individuals in distress. In the passive mode, therefore, government operates as a passive actor, awaiting individuals and institutions in need to approach it for assistance.

A proactive mode of policy overreaction, in contrast, includes the design of a more complex programs or methods that allow policymakers to be selective in the use of overwhelming policy response. An example is the idea of an individual or institutional stress test undertaken during a crisis or immediately after. Whether or not this response is considered proportionate or an overreaction depends on the margin of safety for the threshold

separating the fundamentally healthy institutions or individuals from the terminally ill or weak. It is reasonable to assume that during a crisis involving popular fears and panic, the government will deliberately select a threshold with a large margin of safety so that all those in need, and border cases, will be assisted. To increase the perceived credibility of this move, the government will be disinclined to publicize the threshold or any other information regarding it. A case in point is the bank stress tests that aimed at assessing the resilience of financial institutions to a hypothetically adverse market scenario. These stress tests were innovatively designed and introduced by the Fed during the 2007-2008 financial crisis. Although the results of these stress tests were made public, the process employed by the Fed in order to achieve the results was not (Gorton, 2014).

To summarize, one of the main challenges facing policymakers designing a policy overreaction doctrine is the establishment of its credibility. The information environment in the policy sector, the way that decisions are made and government operates in the relevant sector, and the trade-off between passive and the proactive approaches to the use of overwhelming government force constitute significant dimensions that require policymakers' attention if they wish their policy overreaction doctrines to be seen as credible.

Dealing with naysayers to policy overreaction doctrines

Central to every discussion regarding the design of policy overreaction doctrines is the concept of morality. This is because policy overreaction doctrines involve the aggressive use of policy instruments and are therefore likely to be challenged on moral grounds. In the military arena, for example, the contemplation of the use of overwhelming force (e.g., government-initiated assassinations, preventive killing, or the use of disproportionate air power and artillery on populated areas from which rockets are fired by terrorist and guerrilla organizations) may be easily portrayed as an assault on civilians and a violation of

international humanitarian law. In the financial arena, charges may revolve around the belief that a policy overreaction leads to so-called moral hazard—for example in a financial crisis, that government bailouts will lead banks to take even bigger risks because they expect the government to rescue them.

According to Timothy Geithner (2014), who served as president of the Federal Reserve Bank of New York (and Vice Chairman of the Federal Open Market Committee of the Federal Reserve System) and then as U.S. Treasury Secretary, during the crisis of 2007-2008, “[t]he moral hazard risk [with bailing out Bear Stearns] was real” (p. 151); “[I knew] I would later be criticized as a walking source of moral hazard” (p. 145); “I found the more hawkish obsessions with moral hazard and inflation during a credit crunch bizarre and frustrating” (p. 131). And after the collapse of Lehman Brothers: “I had heard enough moral hazard fundamentalism” (p. 217). In fact, the term ‘moral hazard fundamentalists’ originated earlier on in the crisis. In an op-ed in the *Financial Times* (23 September 2007), economist Larry Summers points out that moral hazard, which originated in insurance, is invoked in the financial arena “to oppose policies that reduce the losses of financial institutions that have made bad decisions. In particular, it is used to caution against creating an expectation that there will be future ‘bailouts’.” At the heart of the op-ed is Summers’ claim that so-called moral hazard fundamentalists “fail to recognise the special features of public actions to maintain confidence in the financial sector”, and that “moral hazard is not always a negative with respect to policy responses to financial stress.”

Although moral-based arguments form the basis for criticism of a wide range of policy overreaction doctrines (and actions), such doctrines may be imperfect for many reasons besides moral ones. Assuming that moral or moral hazard issues are not the cause of the crisis at hand, it is reasonable to argue, as Gorton (2014) does, that a crisis is not the time to deal with moral challenges. Instead, such challenges may be addressed, and attempts made

to change the culture that gives rise to such challenges, during the policy design process. One way to minimize moral hazard is to incorporate ethical principles into the policy. An example of this is the design of principles of military ethics for fighting terror, formulated at the Israel Defense Force (IDF) National Defense College. Kasher and Yadlin (2005) have proposed 11 principles: two on the level of the state, including the Principle of Self-Defense Duty; six related to military preventive acts against activities of terror, including new formulations of a Principle of Military Necessity, a Principle of Distinction, and a Principle of Military Proportionality; and three related to consciousness-directed activities, namely, a Principle of Permanent Notice, a Principle of Compensation, and a Principle of Operational Deterrence. These ethical principles governed the IDF's conduct during operation Cast Lead in Gaza (Harel, 2009)

These ethical attributes notwithstanding, there also are reasons why constraints on the use of overwhelming government force might actually weaken a government's ability to use such force. This, in turn, may undermine the credibility of the policy overreaction doctrine, forcing a government to implement it rather than enjoying the advantages of a credible doctrine that bears fruit with no implementation required on the ground.

Conclusions

In this chapter, I have tried to illuminate the ideal typical features of a policy overreaction doctrine. Based on the tradition that views policy design as policy content, I have identified six essential features of a policy overreaction doctrine: an all-or-nothing motivation; an emphasis on principles; a commitment to use overwhelming force; the commitment of a large amount of resources; self-imposed constraints; and public visibility of the use of force. This intellectual exercise has brought the challenges of the credibility of such a doctrine and its potential opposition into sharper focus. A successful policy

overreaction doctrine produces the desired effect without the need for implementation; policymakers may increase the credibility of such doctrines by designing a favourable information environment, resolving issues of limited or balkanized authority, and striking an appropriate balance between passive and proactive use of overwhelming government force. Naysayers to policy overreaction doctrines may be dealt with by incorporating ethical principles into such doctrines.

The focus of this paper on a particular mode of disproportional policy response could be challenged on grounds that the term “proportionality” is a colloquial expression that does not have a firm grounding in the literature on policy formulation. An interesting development in the field of legal studies, wherein this term has a solid grounding, nicely demonstrates the importance of engaging with the phenomenon of (dis)proportionality in public policy despite criticism that might be leveled against the concept itself. Recently, scholars of legal proportionality have studied the factors that play a role in the formation of proportionality judgments (Sulitzeanu-Kenan et al., 2014). In an experiment with a sample of 331 legal experts (lawyers and academics) in the policy domain of the anti-terrorist military practice of targeted killings, they found that respondents tended to judge the proposed plan as more proportional with the increase of the normative importance of its goal and the decrease in the infringements of human rights it entailed, and that there is strong correlational evidence for the effect of ideological preferences on such judgments. They concluded that proportionality judgments are anchored jointly in the experts’ policy preferences and the facts of the case (Sulitzeanu-Kenan et al., 2014).

These results raise a few general questions for policy scholars interested in proportionality analysis. What is the role of the facts of the case as well as irrelevant information (e.g., policy and ideological preferences) in judgments by decision-makers and the general public regarding the proportionality of public policy? To what extent are

proportionality judgments by policymakers and the general public subject to ideologically biased information processing? What is the likelihood that a policy option (an overreaction, an under-reaction or a proportionate reaction) will be judged as proportional if the judgment results from a comprehensive proportionality analysis, or if no such analysis is undertaken?

All of this suggests additional questions for researchers to pursue. What are the conditions under which proportionality analysis takes place during the policy formulation stage, and when is it less likely to occur? What are the causal mechanisms driving the design of policy overreaction doctrines, and why do they stimulate reforms in the allocation of authority in certain circumstances and not in others? What stereotypes and value-laden components are incorporated into policy overreaction doctrines to make sense of the reality as policymakers see it? To what extent do policy overreaction doctrines create educational effects and/or generalized priming effects? What consequences do policy overreaction doctrines have for democracy? Under what conditions are governments more likely to opt for policy overreaction rhetoric vs. doctrine? And what are the implications of such governmental strategic choices of rhetoric over doctrine, or vice-versa? Regardless of which questions are ultimately pursued in future research, a theory of the policy process that integrates the design and implementation of policy overreaction doctrines, as well as other modes of disproportionate policy responses, will be richer than one that unconsciously focus on what's going on 'on average.'

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Table 32.1 Components of a Policy Overreaction Doctrine

No.	Component	Meaning	Typical Justification
1.	All-or-nothing motivation, expressed via rhetorical means	No room for compromise	Need to achieve quick and decisive outcome before public support fades away
2.	Emphasis on principles rather than on a detailed operative plan	Flexibility for operators on the ground	Need to swiftly achieve policy goals at all costs
3.	Use of overwhelming government force	Decision is based on assessment of the gravity of situation	The enormity of the crisis requires the use of overwhelming force
4.	Commitment of a credibly large amount of resources	Money, time, political and moral capital, and others	Amount of resources is required to cognitively and emotionally overwhelm relevant target groups
5.	Stress on self-imposed constraints; their incorporation in strategy and tactics, and on their public visibility	The establishment of legal, ethical, moral or other constraints without limiting the scope of government action	Efforts to minimize collateral damage and to increase internal and external legitimacy
6.	Public visibility of the use of government force	The use of highly visual and dramatic information; a spectacle	Imposing policymakers' frames upon the public understanding of the crisis

¹ <http://www.ecb.europa.eu/press/key/date/2012/html/sp120726.en.html> (accessed 9.5.2016).

² Quoted in the Jerusalem Post online; available at: <http://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-to-Hamas-Israel-will-strike-with-greater-force-than-2014-war-if-attacked-from-tunnels-443425> (accessed 9.5.2016). According to the United Nation (2015, p. 4), between 7 July and 26 August 2014, a total of 2,220 Palestinians, including 1,492 civilians, were killed. The Israeli fatality toll from the hostilities was 71, predominantly military, 66 soldiers.

³ <http://www.federalreserve.gov/newsevents/press/monetary/20070810a.htm> (accessed 9.5.2016).

⁴http://www.nytimes.com/2009/02/01/world/africa/01iht-mideast.3.19845135.html?_r=0 (accessed 9.5.2016)

⁵<http://www.haaretz.com/news/un-envoy-gaza-op-seems-to-be-war-crime-of-greatest-magnitude-1.272513> (accessed 9.5.2016).