Strategic Policy Overreaction as Risky Policy Investment*

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Abstract

Policy overreaction is defined as “policy that imposes objective and/or perceived social costs without producing offsetting objective and/or perceived benefits.” It is therefore an objective fact and, at the same time, a matter of interpretation. Scholars operating in the strongly normative subfields of policy analysis and evaluation, which place efficient goal attainment center stage, view this duality as a problematic ontological issue, thereby categorizing policies that prioritize policy effectiveness over policy efficiency (e.g., policy success “at all costs”) as policy mistakes or errors. Building precisely on the aforementioned duality, this paper assigns specific policy overreaction responses to two empirically distinct categories: namely, the scale of policy in terms of objective costs and benefits and the public perceptions of policy. The derived policy taxonomy highlights four types of overreaction alternatives, which are elaborated and exemplified here, as well as a set of hypotheses about differing patterns of politics and governance associated with the design of these policy choices. These distinctions should facilitate a more systematic empirical test of strategic policy overreaction as risky policy investment.

Key Words: Disproportionate policy, overreaction, rhetoric, doctrine, zero-tolerance policy, President Trump

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What is the actual process of scientific observation in the field of public policy? Or, borrowing from Sherlock Holmes' discourse with Dr. Watson, what do policy scholars see and, more importantly, see but not observe when looking at policy processes? Policy scholars look at the policy landscape using a certain theory of the policy process and thus see punctuations, streams, garbage cans, feedback, advocacy coalitions, narratives, institutional arrangements, and other phenomena. At the same time, they see but do not observe systematic variations in policy overreaction responses, let alone patterns of strategic policy overreaction. Policy overreaction refers to "policy that imposes objective and/or perceived social costs without producing offsetting objective and/or perceived benefits" (Maor 2012, 232). A policy decision is strategic when a government or equivalent authority takes a calculated decision to act in order to advance long-term goals.

In the strongly normative subfields of policy analysis and evaluation, which deal with policy instruments and their impact, this blindness results from theories and approaches that place efficient goal attainment center stage (for an excellent review, see Bovens, 't Hart, and Kuipers 2006; see also Weiss 1998; Williams 1998). Consequently, some scholars are blind to policies which prioritize effectiveness over policy efficiency (e.g., achieving policy success "at all costs"), while others tend to view such policies as arising solely from mistakes or errors (e.g., Hogwood and Peters1985; Walker and Malici 2011). In other policy subfields, this blindness or underappreciation of the benefits that policymakers may reap from policy overreaction by design derives from (i) the negative psychological baggage associated with the term; (ii) its in-built fluidity as comprising objective and subjective dimensions, and (iii) the obstacles in defining and measuring policy costs and benefits from the policymakers'

viewpoint (e.g., “what policymakers feel to be a cost, observers may not so categorize, or vice versa” [Jervis 2017, 115]).

As reality overwhelms traditional policy theories, and as experience and the ordinary part ways, it is becoming increasingly clear that policy overreaction constitutes an extremely important phenomenon. Suffice it to mention the separation of children from their parents at the US border. The Trump administration defended the use of this policy, claiming that it is a deterrent against other potential immigrants, as well as a negotiating tool in the President’s efforts to force Democrats to cave on his immigration demands: thus, it could be considered a deliberate policy overreaction. In recent years, President Vladimir Putin, President Rodrigo Duterte, Prime Minister Binyamin Netanyahu, and many others have also pursued such policy responses, at the rhetorical and doctrinal levels, as well as on the ground. The phenomenon of populist-authoritarianism and its mass appeal as a style of governance (Norris and Inglehart 2018) as well as the behavior of celebrity politicians as celebrities (e.g., Marsh, 't Hart, and Tindall 2010; Street 2018; Wheeler 2013; Wood, Corbett, and Flinders 2016) further emphasizes the importance of policy overreaction by design. Against this background, the present paper endeavors to improve our understanding of variation among strategic policy overreactions.

Building on the premise that policy overreaction is an objective fact and, at the same time, a matter of interpretation, we assign specific policy overreaction responses to two empirically distinct categories: namely, the scale of policy in terms of objective costs and benefits and the public perceptions of policy. The derived policy taxonomy highlights four types of strategic policy overreaction alternatives which, if successful, may confer on policymakers both tangible and intangible benefits, among them increasing their capacity to exercise authority; influencing the policies of rivals; shaping

the psychological environment within which policies are enacted; and garnering popular support amongst the general public or the base of policymakers' support.

The first category includes *zero-tolerance policies* (e.g., zero-tolerance border enforcement policy; zero-tolerance crime policy) as well as *unlimited policies* (e.g., open border policy). Both are characterized by large scale overreaction (i.e., social costs considerably outweigh social benefits due to the policy's insensitivity to the heterogeneity of the target population and/or the implementing agencies), and large segments of the population perceive them as overreaction (e.g., due to disproportionalities in policy outcomes, such as the racial disproportionalities in the prison population).

The second category includes *explicit overreaction rhetoric and doctrine* as well as *precision overreaction* (e.g., targeted killings using invasive coercive measures; police stop and search policy). Both are characterized by small scale overreaction, but large segments of the population regard such policies as overreaction. Regarding the former sub-category, the cost of statements of intent is not incurred upon their issue but only later, if the actors do not live up to them. Furthermore, public perception as overreaction mainly results from the use of unconventional language, such as threats or promises (e.g., Donald Trump's dire threats of conflagration aimed at Pyongyang). Concerning the latter sub-category, small-scale overreaction is facilitated by for example, the relatively inexpensive lethal drone technology, while the perception of such policies as overreaction derives, for instance, from collateral damage to civilians and property; violations of sovereignty resulting from unauthorized entry into another state's territory; or ambiguity in the distinction between legitimate and illegitimate (human) targets.

The third category includes *implicit overreaction rhetoric and doctrines* (e.g., communication of statements of intent via informal diplomatic channels). These are characterized by small scale overreaction and viewed by large segments of the population as proportionate or underreaction. An example is the informal messages that the Israeli Prime Minister, Golda Meir, communicated to Egyptian President Anwar Sadat during the period 1970–1973, via the US as well as non-governmental actors, informing him that continuing the war of attrition would meet with a disproportionate response from the Israeli side.[1]

Finally, the fourth category includes *covert overreactions* (e.g., US systematic torture and surveillance programs). These are characterized by large scale overreaction (i.e., due to the cost of maintaining "black" sites for covert policy, developing and employing advanced technologies, developing modes of covert operations, concealing sites and operations, and so on) and are regarded by large segments of the population as a proportionate response and/or underreaction (e.g., due to restrictions on the visibility of the policy domain and on public accountability). Making these distinctions sets forth a vocabulary for the description of strategic policy overreaction; clarifies some of the practical alternatives for employing such policy, and facilitates a more systematic empirical test of such responses.

The paper is organized in the following way. We begin with a brief discussion on the perils of the efficient goal attainment bias. We then review the relevant literature and elaborate on the proposed taxonomy. We thereafter present a set of hypotheses regarding differing patterns of politics and governance associated with the design of these policy choices. We conclude by paying attention to a broader question around which this paper revolves.

The Perils of the Efficient Goal Attainment Bias

Although knowledge of the policy process has advanced by enormous strides in the last thirty years or so, the study of this topic remains notoriously difficult. At times we understand what is happening in the policy system under investigation; this often occurs when policy punctuations are very calm and tame. Policy process theories that were devised a few decades ago (e.g., system theory, advocacy coalition theory, multiple-streams) can make sense of such moderate punctuations. On other occasions, however, policy punctuations are wild and strong (Jones and Baumgartner 2005) and this, in turn, may indicate that the policy world is much more complicated and counterintuitive than we ever really imagine it to be. In addition, the filter through which many policy scholars see the policy landscape is biased. The strongly normative fields of policy analysis and evaluation place efficient goal attainment center stage (Bovens, 't Hart, and Kuipers 2006) and this has several consequences which are relevant regardless of what causes the policy overreactions.

First, many scholars in the fields of policy analysis and evaluation tend to see policy outcomes in objective cost-benefit terms, thereby paying little attention to or completely ignoring the ideational and symbolic aims of the policy. Consequently, they miss the reduction of symbols/ideas to operational purposes which occurs when policies are designed for use as signaling devices, context setters (e.g., enabling policymakers to resolve issues relating to the fragmentation of decision-making), or for purposes other than implementation on the ground.

Second, policy scholars operating in the fields of policy analysis and evaluation tend to pay little attention to or ignore the impact that contextual conditions may have on the incentives for overreaction faced by policymakers in complex national and international environments. When overreaction involves an electoral punishment, policymakers may behave differently to those operating in environments which tolerate

overreaction, not to mention contexts wherein a demand for overreaction is soaring among large segments of the general public or the base of policymakers' support.[2]

Third, policy scholars operating in these fields tend to pay little attention to or completely ignore policies which are based on worst-case policy scenarios. As a result, they may miss a possible general trend: worst-case thinking is increasingly becoming the filter through which many policy solutions are viewed. Furthermore, if policymakers and government agencies are designed to think along a military or police model (i.e., prioritizing maximalist response over a proportionate one, while constantly assuming that the unanticipated all too often happens), policy scholars may miss the resulting shift in the relationships between policymakers and the general public.

Fourth, policy scholars in these fields seek hard-boiled proofs for assessing policy outcomes; they are therefore great advocates of performance indicators systems. This, in turn, leads to increased focus on operational aspects at different organizational levels and positions (politicians, top civil servants, middle managers, street-level bureaucrats, and actors outside state structures), at the expense of uncovering new ways of interpreting salient policy issues that may be developing among policymakers and the general public. For example, global and domestic threats, coupled with the rising number of people who are skeptical about politicians and political institutions, imply that policy overshooting is increasingly necessary to ensure that the public perceives a policy action as sufficient and politicians as competent, at least in the short-term. This neglect is akin to geography scholars ignoring the climate change in the Arctic which is re-shaping the global economy by opening shorter trade routes and extending shipping lanes through melting ice.

Relatedly, policy scholars in the fields of policy analysis and evaluation do not devote enough attention to the evolution of new sensitivities that may guide

policymakers in complex environments. New standards for evaluating action, reaction, and counteraction may be gradually evolving amongst policymakers, whereby proportionate response is defined not in accordance with existing objective cost-benefit ratios but in line with relational systems that revolve around new yardsticks. One yardstick may be the preference for a policy which exhibits a direct and immediate relation with the results, making it clear that the outcome was caused by the policy at hand and not by another factor or actor.[3] Other yardsticks may include the preference for a political game or conflict which can be broadcast live in all of its nuances, as well as the preference for a policy the (disproportionate) nature of which is directly linked to narratives, images, stories, and other ideational and symbolic carriers of meaning that societies tell themselves. A classic example is President Trump's disruptive approach to trade policy, as well as his manipulation of the migration debate (Greenhill 2018). A more generic example may be a focus on solving policy problems based on discretion (i.e., a judgment call), including sometimes taking unprecedented action, rather than rules.

Fifth, policy scholars in the fields of policy analysis and evaluation do not pay enough attention to situations in which policymakers are designing policies with an eye to their rivals' mode of operation, be they political, social, economic, or military. For example, policymakers may design policies which, in terms of scale and/or perception, correspond to "walking on the edge." Doing so enables them to leave all policy options open; sustain continued friction with their rivals; and try to induce the latter to retract. Policymakers may achieve this by applying repetitive overreaction on a small scale: each policy move communicates a seemingly unthinkable threshold which, if crossed, will trigger an overwhelming, drastic response. President Trump's tweets concerning

the threats of nuclear war with North Korea and Iran provide a classic example of such a strategy. The responses of the respective leaders offer further examples.

Sixth, policy scholars in these fields do not sufficiently consider certain policy areas which manifest a startup (company) rhythm. The changing nature of the immigration crisis, as well as the evolution of other cross-boundary threats, requires unorthodox policy solutions because public fears and panic do not allow policymakers to cope with the substance of such policy problems before neutralizing strong emotions. Indeed, when policymakers devise policy solutions, they must consider the mental state of the public, its emotional reserves, the prevailing narrative of the policy problems, the value orientation which is enshrined in each of the policy aims, and many more factors beyond objective cost-benefit calculus.

Seventh, policy scholars in these fields tend to implicitly assume that in any policy design, approval, and implementation process, the policymaker will, on the one hand, enter the political fray to approve the policy and implement it but, on the other, maintain his or her legitimacy for the next round of the policy cycle. This assumption is of the utmost importance in evaluating the proportionality of policy responses because the need to enter into political fights, while maintaining legitimacy for the next policy cycle, imposes restraints on policymakers' strategies, moderates their behavior, and shapes perceptions regarding proportionate behavior and policy response. This may not be the case when a policymaker is unaffected by any of these motivations, mainly seeking to push forward his or her preferred policies "at all costs" while ignoring political conventions and norms regarding "things that are not done."

It seems to me that the tendency of numerous policy scholars to ignore modes of policy overreaction, let alone strategic overreaction, is closely connected with their propensity to focus on cases of status-quo policy arrangements, as well as moderate

fluctuations. It is time to uncover the next level of policy reality that lies underneath strong and wild fluctuations. We now turn our attention to a brief review of the existing literature and, thereafter, attempt to provide a useful way of organizing the reality of strategic policy overreaction alternatives for the reader.

Taking Stock of Policy Overreaction Research

The topic of policy overreaction resembles a minefield. Costs and benefits may be objective and subjective; tangible and intangible (e.g., the loss of reputation following political behavior which violates non-legal principles of appropriate behavior and accepted practices), and they may be incurred by policymakers, target populations, the general public or segments thereof. In addition, what appears to be an overreaction at a certain point in time may be perceived differently later, as the magnitude of a policy problem or relevant events becomes more apparent. Further, the salience of the costs and benefits conferred upon different parties may vary, and so may their degree of concentration. This aspect cannot be underestimated: individuals react differently to transparent costs and benefits than to hidden ones (McCaffrey and Baron, 2006), as well as to diffuse as opposed to concentrated ones.

Although research examining overreaction in politics and policy remains at an early stage, it is clearly developing along three paths. The first stream of research largely comprises psychological explanations that identify a pattern of overreaction thinking which systematically deviates from concepts of rational choice. This research mainly centers on how systematic cognitive biases in human decision-making (Kahneman 2011; Kahneman et al. 1982) inform anomalies in individual and collective behavior (Tversky and Kahneman 1974; Lichtenstein et al. 1978; Slovic et al. 2007; Kahneman and Tversky 1973; Sunstein 2002; Sunstein and Zeckhauser 2010; Lichtenstein et al. 1982; Moore and Healy 2008; Patt and Zeckhauser 2000; Jones and

Baumgartner 2005; Baumgartner et al. 2009). Its conceptual structure consists of micro-foundations (e.g., bounded-rationality)—key elements of human cognitive processes—which can thereafter be explicitly linked to collective activities in governments and at other societal level systems. The second stream, which is still in its infancy and, so far, remains conceptual in nature, concerns the independent effect of institutions (Peters et al. 2017). The third, also in its infancy and conceptual in nature, advances the idea that, at times, overreactions in politics and policy reflect intentional choices which may successfully achieve the intended goals (Maor 2017a, b, c).

The analytical framework guiding the third stream, as well as this paper, is the *disproportionate policy perspective* (Maor 2017a), which provides a general frame for strategic overreaction based on the premise that (disproportionate) power exists only when it is put into action (Dahl 1957; Bachrach and Baratz 1962; Foucault 1982, 788). The framework has four central tenets. First, under certain conditions, policymakers may face incentives to design and implement disproportionate policy options which, at times, may be successful in achieving a policy goal. Second, under certain conditions, policymakers may prioritize policy effectiveness over policy costs (policy overreaction or overinvestment) whereas, in other circumstances, a cost-conscious response may be chosen over an effective one (policy underreaction or underinvestment). Third, disproportionate policy options may be designed for use as signaling devices, context setters (e.g., enabling policymakers to resolve issues relating to the fragmentation of decision-making), or for purposes other than implementation on the ground. Fourth, policy overreaction will be pronounced when the emotional context of policy (e.g., hysteria) may be equally, if not more, important than the substantive nature of the policy problem (e.g., in cases of suspected contagious disease).

Strategic explanations posit that policymakers may be motivated to overreact, for example, in order to restore confidence in a policy within a matter of days during crises involving panic and popular fears; to produce an overwhelming effect as an act of leadership; to abruptly shift the contours of public debate; to create and secure a legacy; and to apply a grand strategy to policy problems and the public interest, especially over issues about which voters share a common preference, such as security and economic performance (Maor, 2017a). They may also be inclined to overreact when a policy problem cannot be disaggregated and therefore needs to be addressed in a large scale, as well as when policymakers expect that positive feedback on policy will be overwhelmed by negative feedback. In international politics, and other areas in which verification and enforcement mechanisms are deficient, policymakers may be motivated to overreact in order to give the other side an accurate idea of their intentions, thereby strengthening coercive diplomacy and avoiding unnecessary wars (Jervis 2017). Numerous examples of policy overreactions by design and proposed methodologies (Maor 2014a; 2017a; 2017b; 2017c; 2018), as well as an innovative attempt to measure disproportionate policy response (De Francesco and Maggetti 2018), have been presented elsewhere.

The discussion so far brings to the fore the fact that not all policy overreactions have the same root cause, and therefore, that every policy overreaction differs in significant ways—especially in the modern era of active media involvement in policy processes (e.g., Wolfe, Jones, and Baumgartner 2013; Montpetit 2016). One could consequently conclude that the beneficial consequences of successful policy overreactions, when they indeed occur (e.g., deterrence), are probably due to luck rather than design. Here we adopt an opposing view, namely that some of the benefits of policy overreaction may derive from calculated, yet risky decisions. In other words,

strategic policy overreaction should be treated as a risky policy investment, rather than policy error. Without information about the expected value of strategic policy overreaction for policymakers, we have no way of knowing whether such a policy choice arises from a policymaker' mental illness (e.g., Sachs and Lee 2018), biased judgment, or a calculated policy investment.

We therefore apply the disproportionate policy perspective to gauge modes of strategic policy overreaction. This is a risky task because "people lack privileged access to their own motives and calculations, which means that people develop retrospective explanations for their own behavior" (Jervis 2017, 5). Policymakers are therefore unlikely to admit that they deliberately designed policy overreaction alternatives. Further, in current political and policy sciences, the trade-off between rigor and relevance favors rigor, resulting in a decrease in relevance. Against this background, the next section tips the balance toward relevance by ascertaining modes of policy overreaction from the generic, empirical characteristics of disproportionate policy response.

The reader should note that we do not claim that the examples presented herein are strategic policy overreactions (although we encourage scholars to examine this question), nor that the proposed taxonomy includes all types of strategic overreactions. Our modest claim is that the taxonomy explores what are perhaps the four most important categories of the phenomenon under investigation and this, in turn, enables us to tap into the menu for strategic policy overreaction faced by policymakers who wish to pursue such policy responses.

Modes of Strategic Policy Overreaction

Two dimensions of policy overreaction are both empirically observable and measurable and can therefore be used for *ex ante* policy advice as well as *ex post* policy evaluation:

(i) the scale of the policy response insofar as objective costs and benefits are concerned, and (ii) how the general public, or segments thereof, perceives the policy response. The former dimension represents apolitical (i.e., value neutral), unbiased, quantitative expectations or assessments of policy outcomes that should support optimal decision making. It thus provides a measurement of (expected or actual) policy performance in an objective manner, or as practically as possible, in line with the rationalistic policy evaluation tradition (e.g., Hawkesworth 1988, Lynn 1999, Mabry 2002). The second dimension, the (expected or actual) perception of policy response, roughly corresponds to the concept of policy image (Baumgartner and Jones 1993), yet here it reflects different conceptions about the proportionality of the policy. It is obviously context-sensitive, a biased evaluation which is influenced by politics and power (McConnell 2010; Bovens and 't Hart 1996) and accords with the argumentative policy evaluation tradition (e.g., Fischer and Forester 1993; Fischer 1998; Yanow 2000).

Based on these dimensions, and focusing principally on states rather than subnational governments, we have identified four alternatives of strategic policy overreaction—depicted in Table 1—that reflect differences in the nature of proposed or implemented policy.

Table 1 about here

The first category includes *zero-tolerance policies* as well as *unlimited policies*. When implemented on the ground, the totality of such policies' aims requires (i) significant committed resources available for use with discretion, and (ii) insensitivity to the heterogeneity of the target populations and/or implementing agencies. Heightened public visibility of the amount of committed resources, the extent of

delegated responsibilities across numerous agencies, the drastic weakening/bolstering of individual rights and freedoms, as well as the huge scale of policy implementation, which is often reinforced by ongoing predominance of negative news regarding things that went wrong, govern the perceptions of these policies as overreactions. In the US, classic examples of zero-tolerance policies include the Morgan Act, the US Crime Act, and President Trump's zero-tolerance border enforcement policy. In the UK, examples of zero-tolerance policies include the Crime and Disorder Act, Crime Reduction Partnership, and the Home Office national objectives (Garland 1996; Gilling 2001). In Israel, an example is the zero-tolerance policy utilized during 2017 on both the Gaza-Israel and Syria-Israel borders. A classic example of unlimited policy is Angela Merkel's open border refugee policy.

The second category, which includes *explicit policy overreaction rhetoric and doctrines*, is characterized by small scale overreaction accompanied by public perception as overreaction, whereas the third category includes *implicit policy overreaction rhetoric and doctrines* that are characterized by small scale overreaction and perceived by the public as proportionate or underreaction. Let us first explain the meaning of policy overreaction rhetoric and doctrines. *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" (Maor 2018, 52). At 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. A policy overreaction doctrine rejects a gradualist approach to the use of government power, instead seeking 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. A policy overreaction doctrine communicates to the target populations and the general public that, on this particular policy issue, effectiveness takes precedence over policy costs (Maor 2017c).

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 2018, 53). It reflects a single constraint—to achieve a policy goal regardless of the costs—which is endogenously imposed on policymakers by way of the all-or-nothing public commitment they make and will be very costly to maintain in terms of the nation's welfare, should the need arise (Maor 2017c).

In both the explicit and implicit categories, it is clear to the recipient what threats and/or promises are being communicated as well as the intended message. In addition, as statements of intent, both strategies involve costs that are incurred not when the statements are issued, but only later, if the actors do not live up to them. However, only in the explicit strategy is it clear to the recipient what others (e.g., the general public, other organizations, countries, and so on) will think is being communicated. This is due to the heightened public visibility inherent in the explicit form, which often involves dramatic, coarse, cruel, and other types of inappropriate and unconventional language—**breaching every known custom of diplomacy—in order to** impress the policymakers' resolve upon perceivers. As the language used becomes more aggressive and excessive (e.g., threats to use brute force), it is increasingly likely that the perceiver will be "captured," that is the target will be able to determine what policymakers are trying to say and will be controlled. The physical and concrete character of the intended policy instrument is unlikely to generate ambiguities and uncertainties, leaving no cognitive gaps and dead ends for perceivers and observers. The more physical and

concrete (rather than abstract) the policy tools which actors propose to employ excessively when the time comes, the more authoritative and commanding the threats or promises, the less vulnerable these threats or promises will be to narrative-grounded evaluations by 'experts' and other commentators which contradict the statements of intent. Statements that include a creative aspect or image of an excessive nature, which is well crafted in terms of words, images, political tone (Hart, Childers, and Lind 2013), and the values it conveys, are likely to reinforce the message. Thus, when employing the explicit strategy, the totality of the message ensures that the initiators of overreaction rhetoric and doctrines, the receiver, and all observers interpret it in the same way. The difference between the two strategies lies therefore in the channels of communication. Whereas the explicit strategy is publicly communicated, the implicit one is imparted through secret or informal channels, either directly or via third parties, unofficial/official mediators, and so on.

The second category, which includes *explicit overreaction rhetoric and doctrines*, also encompasses *precision overreaction*, such as targeted killings using more or less invasive coercive measures, as well as police stop and search policies. Regardless of whether this strategy is overused, it is (i) relatively small scale and, in the case of lethal drone technology (i.e., human-controlled robotic aerial systems capable of inflicting human death), involves lower costs compared to the alternatives, such as the use of aircrafts, cruise missiles, and special operations forces (Buchanan and Keohane 2015, 16), and (ii) perceived by the public as an overreaction. The latter may derive from a lack of transparency; an absence of accountability (e.g., the lack of regulation and compliance with the laws of war in the case of lethal drones); mismanagement and lack of oversight; problems of user errors and abuse; collateral damage to civilians and property; violations of sovereignty resulting from unauthorized

entry into another state's territory; ambiguity in the distinction between legitimate and illegitimate (human) targets; or other moral or legal aspects. Whereas some of these aspects are immediately visible publicly, others, such as user errors and abuse, may be detected following reports by "whistle-blowers," survivors, observers, researchers, and the like (Buchanan and Keohane 2015, 16).

The fourth category—large scale overreaction and public perceptions of policy response as proportionate or underreaction—is *covert overreaction*. The costs of such policy involve maintaining sites for covert policy (e.g., CIA black sites; surveillance sites); developing and employing equipment, instruments, and advanced technology; developing modes of operation; employing and training highly qualified personnel; concealing the aforementioned sites and operations; and so on. It may be possible to ensure that the public perceives such a response as proportionate or an underreaction by using administrative restrictions on the visibility of the policy domain, on public accountability, and on the voicing of dissent by employees, as well as by releasing inaccurate information concerning the effectiveness of the policy at hand to Congress, government departments, and the media.

An example is the Central Intelligence Agency's (CIA) torture program which operated during 2001–2006 around the globe (e.g., the American prison complex at Guantánamo Bay, Cuba). The CIA authorized the use of enhanced interrogation techniques (EITs) (e.g., prolonged sleep and sensory deprivation, enforced nudity, and painful body positions) following the 9/11 attacks, despite the fact that the United Nations considers EITs torture. There was ample evidence regarding the unreliability and questionable legality of coerced confessions (Iacopino, Allen, and Keller 2011, 34), and even the CIA's Counterintelligence Interrogation (KUBARK) manual observed that "in general, direct physical brutality creates only resentment, hostility, and further

defiance" rather than yielding valuable information (CIA 1963). Not surprisingly, the Senate Select Committee on Intelligence (2014) concluded that the EITs employed in the program were an ineffective means of acquiring intelligence or gaining cooperation from detainees. It also concluded that the CIA repeatedly provided inaccurate information to the Department of Justice, impeding a proper legal analysis of the CIA's Detention and Interrogation Program, and that it actively avoided or hindered congressional oversight of the program, effective White House oversight, as well as supervision by the Office of the Inspector General at the CIA (Senate Select Committee on Intelligence 2014).

The aforementioned taxonomy brings to the fore four distinct empirical categories since none of these policy responses falls into more than one category. Building on this sharp distinction, attention now turns to the explanatory and predictive resources which scholars can extract from the aforementioned empirical construction.

Policy Overreaction as Risky Policy Investment: Hypotheses

The taxonomy advanced here produces a set of hypotheses about differing patterns of policy process and governance that may be connected to modes of strategic policy overreaction. Scholars may hypothesize, for example, that zero-tolerance policies, as well as unlimited ones, involve a high level of concern amongst policymakers regarding the relative status of their state (i.e., decision-makers are significantly dissatisfied with their "standing, or rank, in a status community" [Renshon 2017, 4]) and therefore the excessive nature of the policy response. This hypothesis is based on the premise that attempts to advance a state' status and prestige are costly and risky, yet "if they succeed, they can bring rewards all out of proportion to [those] costs by influencing the psychological environment and policies of other decision-makers" (Jervis 1989, 8).

Scholars may also hypothesize that zero-tolerance policies, as well as unlimited

ones, involve broad consensus among the general public and members of the political elite regarding the nature of the policy problem and the preferable solution; a low level of compromise (i.e., little government effort to accommodate minority interests); a weak role for experts due to the negligible role accorded to scientific and technical information in the policy process; an exclusion of economic considerations (e.g., policy implementation "at all costs"); a rise of formidable bureaucratic machinery in order to implement the policy at hand; and an emergence of agents that have incentives to publicly produce and communicate information about the costs and benefits of the policy.

Policy scholars may also hypothesize that covert overreaction by states may involve violation of international and/or domestic laws, and an important role for scientific and technical information in the policy process and, therefore, a dominant role for experts. Covert overreaction may also entail a wide gap between publicly expressed preferences by government agencies and actual behavior; a subordination of moral considerations to operational ones; and a tendency for whistle-blowing by those who are forced to live in silence while aware of the true nature of government actions and what they have been party to doing.

Scholars may hypothesize that explicit overreaction rhetoric involves an informal, direct, and provocative (even uncivil) communication style; a clear-cut threat/promise; and a reinforced dichotomous mental map by government agencies, using positive self-representation and negative other-representation. It may also entail attempts to create categories, to legitimize or delegitimize actors and actions, and to create a sense of national unity. By contrast, one may hypothesize that implicit overreaction rhetoric involves a much more formal communication style (although communicated through informal channels), and a clear-cut threat/promise.

Furthermore, scholars may hypothesize that precision overreaction by states involves a series of interlocking "gates" that guide policy decisions at the highest level of government or no "gates" at all (i.e., decisions based on suspicions [read, instincts] by street-level bureaucrats about a person's appearance and behavior). In both cases, decisions are largely based on interpretive judgments and evidence of a primarily indirect nature rather than on accurate and up-to-date information and intelligence. This, in turn, allows higher levels of discretion and reasonable latitude for policymakers and/or implementers to undermine individual human rights while executing the tasks at hand, on the one hand, and, on the other, increases the vulnerability of operative decisions to ambiguities in legal interpretations and to poor handling and abuse.

Although these categories reflect different policy alternatives, some could be used in unisom. Scholars may hypothesize that there are at least four practical possibilities: zero-tolerance policy–explicit overreaction rhetoric and doctrine; unlimited policy– explicit overreaction rhetoric and doctrine; explicit overreaction rhetoric and doctrine–implicit overreaction rhetoric and doctrine, and precision overreaction– explicit overreaction rhetoric and doctrine. In addition, there are incentives to free-ride and let the overreacting agency bear the costs and risks. Different policy overreactions can lead to different patterns of free riding.

All the aforementioned propositions are testable questions that can be addressed comparatively.

Conclusions

Over the last few years, and especially with the election of President Trump, the phenomenon of policy overreaction has become increasingly important for scholars and practitioners seeking to understand dramatic and highly unconventional policy moves

at the levels of rhetoric, doctrine, and action on the ground. Traditionally, this has been explained by questioning leaders' mental stability or focusing on cognitive biases and opportunistic tendencies. This paper presents an alternative view, and hopefully a new intellectual path, which "detoxifies" the phenomenon under investigation by considering some policy overreactions as strategic and risky policy investment, not necessarily a policy mistake. This view naturally spawns a thicket of problems, most importantly that policy overreaction is an objective fact and, at the same time, a matter of interpretation. Given the concomitant levels of the importance of and ambiguity about policy overreaction, it seems a good time to conduct an interesting exercise using this "problem" as a basis to devise a taxonomy of policy overreaction strategies and generate testable hypotheses for comparative research.

Although a taxonomic approach to policy classification raises problems of its own (Smith 2002), it can advance our practical understanding by shedding light on clusters of policy responses which are employed to address a great variety of policy problems. Using such an approach, this paper distinguishes policy overreactions by their scale in terms of objective cost-benefits, as well as perceptions of them, which range from over- to underreaction. Among the core implications of the taxonomy advanced here are (i) substantial empirical heterogeneity among policy overreaction responses which could be viewed as alternative strategies available to policymakers who wish to overreact; and (ii) distinct types of overreaction which may be associated with well-defined modes of politics and governance.

Political and policy scientists have already recognized that, in some cases, the success or failure of policies rests ultimately with policy perceptions, not substance, while in others, substance triumphs over image, or a combination thereof is at play (McConnell 2010). Given this recognition, perhaps the time has also come to recognize

that strategic policy overreactions are not just important, but researchable. Rather than stacking up more demonstrations of traditional public policy theories, scholars who are willing to move outside their comfort zones as well as ambitious Ph.D. students should attempt to puncture the idea that policy overreactions arise solely from policy mistakes, while aiming to answer a much broader question: Is the repertoire of public policy alternatives in the twenty-first century, insofar as policy proportionality is concerned, really so different to that of the 1980s and 1990s? And if so, is it due to changes in state capacity to overreact; developments in "taken for granted" status of institutionalized expectations regarding desirable conduct, or changes in politicians' style of conduct? To bring data to bear on this question, scholars and students should contextualize policy costs and benefits from the policymakers' perspective, in addition, employing process tracing methods, interviews, and other methodologies to gauge processes that involve the design and implementation of strategic policy overreactions. Such strategies, we argue here, are costly and risky in terms of both substance and public perception but, if successful, can bring policymakers considerable rewards.

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Table 1. Policy Overreaction Alternatives

Public perceptions of policy	Scale of Policy Overreaction	
	Large	Small
	I	II
Overreaction	**Zero-tolerance/Unlimited policies** (e.g., Zero-tolerance border enforcement policy; Zero-tolerance crime policy; Open border policy)	**Explicit overreaction rhetoric & doctrine** **Precision overreaction** (e.g., targeted killings; police stop & search policy)
	IV	III
Proportionate/ Underreaction	**Covert overreaction** (e.g., state torture and surveillance programs)	**Implicit overreaction rhetoric & doctrine**

[1] I would like to thank Uri Bar-Joseph for this example.

[2] Given the difficulty of measuring the public's preferred levels of policy, scholars should be careful before jumping to conclusions regarding the impact public opinion may have for strategic policy overreaction. "It may be, after all, that politicians change policy in response to changing opinion but that the level of policy under- or overshoots what the public actually wants" (Wlezien 2015, 143).

[3] According to Lakoff (2016, 3), "[m]any of Trump's policy proposals are framed in terms of direct causation. Immigrants are flooding in from Mexico — build a wall to stop them. For all the immigrants who have entered illegally, just deport them — even if there are 11 million of them working throughout the economy and living throughout the country. The cure for gun violence is to have a gun ready to directly shoot the shooter. To stop jobs from going to Asia where labor costs are lower and cheaper goods flood the market here, the solution is direct: put a huge tariff on those goods so they are more expensive than goods made here […]".