

RUNNING TITLE: Disproportionate Policy Perspective

**The Implications of the Emerging Disproportionate Policy
Perspective for the New Policy Design Studies***

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Abstract

This paper articulates the *disproportionate policy perspective* and uses it to mount four challenges for the new policy design orientation. First, in contrast to the new policy design thinking, disproportionate policy options may be systematically designed, and at times, successfully implemented. Second, in contrast to the new policy design thinking, there are certain conditions under which policymakers may tend to develop *effective response* no matter what, with economic efficiency considerations becoming only secondary in importance if at all (read, policy overreaction), or *efficient response*, with effectiveness considerations becoming only secondary in importance if at all (read, policy underreaction). Third, in contrast to the new policy design thinking, disproportionate policy options may be designed to be used as signalling devices or as context-setters. Fourth, in contrast to new policy design thinking, there are certain conditions under which the emotional arena of policy may be equally, if not more, important than the substantive one. The paper concludes that so far the literature on new policy design has not responded to the emergence of the disproportionate policy perspective, but a robust research agenda awaits those answering this paper's call for action.

Keywords: Disproportionate policy; Policy design; Policy overreaction; Policy underreaction; Emotions

Introduction

In recent years the new policy design orientation has been articulated as the road map for policy design scholars (Howlett 2014; Howlett and Lejano 2013; Howlett, Mukherjee and Woo 2015). At the same time, an approach has emerged that aims at explaining the phenomenon of *disproportionate policy response*, which is understood to be “a lack of ‘fit’ or balance between the costs of a public policy and the benefits that are derived from this policy, and/or between a policy’s ends and means” (Maor 2016a: 3). The foundational patterns of disproportionate policy response include policy over- and underreaction (Maor 2012, 2014a). Sustained patterns of these policy responses are termed policy bubbles (Jones, Thomas and Wolfe 2014; Maor 2014b; 2015, 2016b). Not only has disproportionate policy response been a focal point for policymakers seeking swift and radical change (Hall 1993) or no change at all (McConnell and 't Hart 2014), but such action has time and time again also made a dramatic impact upon the direction and the character of policy and politics (e.g., the U.S. response to 9/11). However, little attention has so far been devoted to the implications of the emerging area of disproportionate policy response for the new policy design studies. The reason may have been that disproportionate policy response is an anomaly which, in addition to its rarity, poses methodological challenges because it is both context-sensitive and has a problematic counterfactual, that is, proportionate policy response. To bridge this gap, this paper articulates the *disproportionate policy perspective* and uses it to mount four challenges for the new policy design orientation.

This paper draws on insights derived from recent attempts to connect the policy design agenda with the idea of disproportionate policy response by defining and

illustrating a repertoire of *disproportionate policy options*, namely, *policy over- and underreaction rhetoric and doctrines* (Maor 2016a; forthcoming). These studies have advanced the arguments that disproportionate policy options are part and parcel of the policy menu faced by policymakers, and that during pre-crisis and in-crisis periods, policymakers may deliberately formulate disproportionate policy options in order to signal policymakers' preferences to the target populations and/or to deliver the disproportionate policy responses sought by policymakers. These arguments challenge the prevalent views that disproportionate policy responses are solely the result of unintentional actions (Walker and Malici 2011), disproportionate information processing (Jones and Baumgartner 2005), policymakers' overconfidence (Maor 2012), or mis-estimation of risk (Maor 2014a).

The *disproportionate policy perspective* articulated here highlights four lacunae in the new policy design orientation. First, in contrast to the new policy design thinking that focuses on the need of policymakers to cope with the risk of under- and overreaction, the disproportionate policy perspective revolves around the idea that under certain conditions policymakers may face incentives to design and implement disproportionate policy options, and that, at times, the implementation of these options may be successful in achieving a policy goal. Second, in contrast to the new policy design thinking that revolves around the design of effective and efficient policies, the disproportionate policy perspective emphasizes certain conditions under which policymakers may tend to develop *effective response* no matter what the costs are, with economic efficiency considerations becoming only secondary in importance if at all (read, policy overreaction), or *efficient response*, with effectiveness considerations becoming only

secondary in importance if at all (read, policy underreaction). Whereas the Federal Reserve response to the crisis of 2007-2008 provides an example of the former, a no-regrets carbon reduction policy (or any other policy in the area of climate change mitigation that is worth undertaking on economic grounds whether or not there are climate-related reasons for doing so) provides an example of the latter. Third, in contrast to the new policy design thinking that revolves around designing policy for implementation purposes, the disproportionate policy perspective emphasizes that disproportionate policy options may be designed to be used as signalling devices or as context-setters which enable policymakers to either undertake significant changes to the way that decisions are made and government operates in the relevant policy sector, and/or to resolve issues related to the balkanization of their authority. Fourth, undermining new policy design thinking that distinguishes between the influence of symbolic frames on policy goals and the influence of cognitive aspects on choices of policy means, the disproportionate policy perspective takes more seriously the finding that thinking is suffused with feeling (Lodge and Taber 2013: 19) and that discrete emotions are strong predictors of policy support (e.g., Smith and Leiserowitz 2014), and argues, therefore, that the emotional arena of policy may be equally, if not more, important than the substantive one. The paper concludes that so far the literature on new policy design has not responded to the emergence of the disproportionate policy perspective, but a robust research agenda awaits those answering this paper's call for action.

I begin by presenting the definitions of the terms discussed here and the main tenets of the disproportionate policy perspective. The next four sections then elaborate on

four challenges posed by the disproportionate policy perspective for the new policy design orientation. The last section concludes.

The Definition Ground

Disproportionate policy design refers to the articulation of policy over- or underreaction goals as well as to the means or mechanisms through which such goals are given effect. It largely takes place at the formulation stage of the policy cycle and deals with plans for the implementation stage—how forcefully or weakly policy instruments are implemented, and with the communication of these plans to target populations. Disproportionate policy response could take one of two forms: policy overreaction or policy underreaction. *Policy overreactions* “are policies that impose objective and/or perceived social costs without producing offsetting objective and/or perceived benefits” (Maor 2012: 235). These costs and benefits may be incurred by policymakers, target populations and/or the general public, depending on the perspective taken by the researcher. One manifestation of policy overreaction is the concept of policy overinvestment, which occurs “when government overinvests in a single policy instrument beyond its instrumental value in achieving a policy goal [...]” (Jones, Thomas, and Wolfe 2014: 149). A similar distinction applies in the case of *policy underreaction*, which refers to “systematically slow and/or insufficient response by policymakers to increased risk or opportunity, or no response at all” (Maor 2014a, 426). This implies that it is “a policy whose actual net utility [...] is smaller than a counterfactual net utility [...]” (Maor 2014a: 428). Adapted from Jones, Thomas and Wolfe (2014), policy underinvestment occurs when policymakers underinvest in a single policy instrument below its instrumental value in achieving a policy goal. Whereas the definitions of policy over- and underreaction appeal to considerations of public interest

broadly defined, including, for example, economic efficiency, social welfare, social justice, sustainability and individual well-being, the definitions of policy over- and underinvestment, although easily measurable and tractable, often appeal to narrow considerations of economic efficiency.

Building on the aforementioned concepts and on the approach that views policy design as policy content (Schneider and Ingram 1997), Maor (2016a) has defined and illustrated a repertoire of *disproportionate policy options*, that is, policy options which lack ‘fit’ between policy costs and benefits and/or between policy ends and means; which are perceived by policymakers to be disproportionate; or which are grounded in the language of disproportionality, for example, as a form of drama (e.g., Hilgartner 2000). Let me define key policy options in this repertoire. *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 2016a: 10). *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 2016a: 11). *Policy underreaction doctrine* refers to “a coherent set of policy principles which presents a conditional commitment for achieving a policy goal based primarily on policy costs considerations” (Maor 2016a: 12). *Policy underreaction rhetoric*, a subset of policy underreaction doctrine, refers to “arguments employed by policymakers to reach and persuade the target populations of the former’s conditional commitment to respond to a policy problem based primarily on policy costs considerations” (Maor 2016a: 12). These concepts — which are supported by pertinent examples — allow scholars to address

upfront the idea that, at times, disproportionate policy options are deliberately designed. This insight, in turn, provides a convenient starting point for the articulation of a disproportionate policy perspective which brings to the fore the core elements of the phenomenon of disproportionate policy response.

The *disproportionate policy perspective* has four central tenets: (i) that under certain conditions policymakers may face incentives to design and implement disproportionate policy options, and that, at times, the implementation of these options may be successful in achieving a policy goal; (ii) that under certain conditions policymakers may prioritize policy effectiveness over economic efficiency, leading to the design of policy overreaction options, and under other conditions, economic efficiency over policy effectiveness leading to the design of policy underreaction options; (iii) that under certain conditions disproportionate policy options may be designed to be used as signaling devices or for purposes other than implementation on the ground, and (iv) that under certain conditions the emotional arena of policy may be equally, if not more, important than the substantive one. Each of the major tenets of the disproportionate policy perspective — which will be elaborated in the next four sections — poses a challenge to the new policy design orientation to which attention now turns.

Embracing the Benefits of Policy Over- and underreaction

Perhaps the most central idea underlying the new policy design studies is ‘*adaptive policy-making*’ (Hoffman 2011), understood as the need “[...] to cope with the risk of under-investing and over-investing (or wrongly investing) in future policies” (Walker et al. 2010: 922). It is certainly not evident that policymakers will engage in designing disproportionate policy options. In fact, there is an impression that policy overreaction or

overinvestment are policy mistakes. For example, U.S. presidents' foreign policy mistakes were categorized into "too much" policy, which occurs following a mistake of commission in the diagnosis stage of decision-making, and policy that is implemented "too soon", which is the result of a mistake of omission in the prescription stage of decision-making (Walker and Malici 2011). And if disproportionate policy responses are mistakes or errors, there is little need for policy design scholars to devote scholarly attention to this topic.

But there is evidence that disproportionate policy response is one of many competing responses to policy problems; that policymakers do engage in designing and implementing policy options which are perceived by them as disproportionate responses, and that these policy responses may at times be successful in achieving policy goals (Maor 2016a). Regarding the design of disproportionate policy options, policymakers wishing to decisively and swiftly end a crisis, especially one that involves panic and popular fears, may use *policy overreaction rhetoric and doctrines* in order to communicate to target populations or to implement an all-or-nothing policy approach aimed at resolving the policy problem no matter what. In addition, policymakers wishing to respond to uncertain risk projections in order to create net social benefits under all future risk projections, with no or low costs and committed resources, and in a way which can be framed as cost-effective without involving hard trade-offs with other policy objectives, may use *policy underreaction rhetoric and doctrines*. Disproportionate policy response may therefore be an articulated policy choice (Maor 2016a; forthcoming).

Framing disproportionate policy response as risks, as Walker et al. (2010: 922) do, automatically limits the range of imagined policy options faced by policymakers

while assuming that policymakers wishing to radically change the status quo can always do it over the long-term by employing a proportionate response, and each time, successfully so. But at times, policymakers may wish to radically change the status quo in a matter of days or a few weeks, no matter what the costs are, rather than gradually, say, over a few years. Radical change may appear at critical junctures or during windows of opportunity (Kingdon 1995), such as in times of crises requiring drastic measures, or when positive feedback reinforces political forces (Baumgartner and Jones 2002). They may derive from the emergence of a new paradigm (Hall 1993), ideas (Peters et al. 2005) and core beliefs (Sabatier and Jenkins-Smith 1993), as well as new policy image (Baumgartner and Jones 2002), policy discourse (Hajer 1995) and policy frame (Schön and Rein 1994).

The rationale for policy overreaction, no matter what the costs are, becomes clear when one considers the spectrum of policy response and the estimated reaction to that response by the target population. According to Maor (2014a: n5),

[...] Responding to risk by policy underreaction, if perceived as such by the target populations, is not likely to change the status quo. The same outcome may be reasonably expected when policymakers respond in (what they perceive as) a proportionate manner, which may be wrongly perceived by the target populations as underreaction [especially if the target population overestimate the power of the initiators of the policy response]. By contrast, if policymakers aim at changing the status quo, policy overreaction at the core of the policy problem is likely to leave no room for interpretative error by the target populations regarding the intention of those who overreact.

Policymakers may be aware of this calculation and, when confronting potential threats, may wisely act to design off-the-shelf (tactical and strategic) options of disproportionate policy response before the need arises. The design of disproportionate policy response requires therefore an active effort by policymakers, as well as information, time and resources.

To illustrate, consider how disproportionate policy thinking penetrates cabinet discussions regarding policy response in security matters. Israeli policymakers have sought to contain the Hezbollah threat since the unilateral withdrawal of Israel from Lebanon in May 2000. On July 12, 2006, Hezbollah terrorists attacked an Israeli patrol on the Israeli side of the border and abducted two soldiers. In the ensuing discussion that took place in the Israeli cabinet, Prime Minister Ehud Olmert and Defense Minister Amir Peretz preferred a forceful reaction. One alternative suggested by the Israel Defence Force (IDF) Chief of Staff Dan Halutz revolved around the use of disproportionate force directed at Hezbollah's host, Lebanon. According to Halutz,

The response of a democratic state in the fight against terror must be a response of the sort of “the landlord [read, policymakers] gone mad”. The [policy] recommendation that was crystallized was to opt for a large-scale act that would damage Lebanon's national infrastructures [...] I thought, by the way, that that would trigger a rush of all the international community to this area in order to stop the Israeli who had “gone mad”. Certainly we would have attained a significantly better achievement (TV Interview by Raviv Drucker, Lebanon 2, Hamakor, 12.5.15).

This option was later on rejected in favor of another policy overreaction option: to flatten the Hezbollah stronghold, 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. This strategy has proved highly successful in transforming the status quo. According to Amos Yadlin (2015), former IDF Head of Intelligence, “[t]wo significant moves – impairing Hezbollah's rocket launching ability and destroying its headquarters in Beirut's Dahiya[h] Quarter – were essential components in the restoration and intensification of the Israeli deterrence in 2006.¹

A related example in the same context is the *Dahiyah Doctrine* which arose 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 Hezbollah (in Lebanon) and Hamas (in Gaza) although the Israeli army had the advantage of its military weight. In this context, the flattening of *Dahiyah* residential quarter in sustained air raids during a 34-day war with the Shiite group in 2006, has been seen as a relevant model. The doctrine refers to a military strategy that focuses on using disproportionate air power and artillery to punitively destroy the entire area from which rockets are fired rather than hunting down individual missile launchers. Interviewed in 2008, Gadi Eisenkot, Israel's chief of staff since 2014, threatened Hamas and Hezbollah by stating that “[w]hat happened in the Dahiya[h] quarter of Beirut in 2006 will happen in every village from which Israel is fired on [...] We will apply disproportionate force on it (village) 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. This is the plan and it has been approved” (Eisenkot, quoted in

Fishman and 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.”² This strategy was employed during Operation Cast Lead in Gaza (December 2008 to January 2009) which aimed at stopping rocket fire into Israel and weapons smuggling into the Gaza strip. The total number Palestinians non-combatants who died during the operation ranges from 295 (IDF figures, quoted in Lappin 2009) to 926, according to human rights NGOs. Israel has made several tangible gains during the Gaza campaign, especially the significant decline in the scale of terrorism and the number of rockets and mortar shells launched from Gaza (Israel Security Agency 2010: 2-3).

The need of new policy design studies to embrace the benefits of designing policy overreaction responses is not restricted to the military domain. Take, for example, the transboundary threats posed by some of the world’s most dangerous pathogens for which few or no medical counter measures exist, and the impact these threats have both at the substantive and emotional arena of policy. When contagious epidemics arise in various countries, there is an increasing possibility that infected travelers will spread the disease. The design of the primary mitigation strategy to reduce this risk revolves around exit/entry screening of all persons at international borders for unexplained symptoms of illness which may be associated with the disease. This policy design, recommended by the World Health Organization (WHO 2003; 2014), focuses on those individuals at the highest risk, traveling to and from those countries at highest risk, and involves a combination of screening, quarantine, isolation and communications. However, when

contagious epidemics arise, the derived public fears and panic may pose a problem which may be equally, if not more, important than the substantive one. The need faced by policymakers to reduce public fears and panic often lead them to adopt exit/entry screening although it is common (professional) knowledge that these measures are ineffective at detecting infectious persons and involve intensive use of resources and relatively high opportunity costs, financially and in terms of the use of scarce public health staff resources during a time of high need (Selvey et al. 2015: 197). For example, during the SARS outbreak of 2003, despite the institution of a combination of border measures in Australia, Canada, and Singapore, no confirmed SARS cases were detected (Selvey 2015: 199). During the influenza pandemic of 2009, of the 151 influenza cases that might have been acquired during travel overseas, only 10 (6.6%) were detected as a result of border screening, and in Singapore, 12.9% (15/116), in New South Wales, Australia 6.7% (3/45), and in Auckland, New Zealand 5.8% (4/69) (Selvey et al. 2015: 198). And during the Ebola crisis of 2014, entry screening program at five U.S. international airports detected no confirmed cases (Brown et al. 2014). Although border screening provides a classic example of policy overreaction, it has been implemented time and time again as an off-the-shelf mitigation strategy. It is reasonable to argue therefore that the dilemma ‘to screen or not to screen’ in cases of viruses for which few or no medical counter-measures exist, has so far been resolved in favor of screening, that is, in favor of deliberately overreacting, probably in order to reduce panic and popular fears of dreaded diseases, to avoid blame directed at the president or prime minister of not doing whatever he or she can to prevent the spread of the disease, and to gain favorable media coverage, thereby increasing his or her political capital. Policy

overreaction may be politically beneficial for policymakers as well as other policy actors in the aforementioned circumstances and thus, should be considered as a viable policy alternative which is highly likely to occur in cases of Ebola, Marburg, severe acute respiratory syndrome, Middle East respiratory syndrome, Nipah, Lassa fever, Rift Valley fever, and Crimean Congo hemorrhagic fever – all of which are “likely to cause severe outbreaks in the near future” (World Health Organization 2015).

In sum, in contrast to the new policy design thinking that focuses on the need of policymakers to cope with the risk of under- and overreaction, the disproportionate policy perspective revolves around the idea that disproportionate policy may be systematically designed, and therefore merit the attention of new policy design scholars.

Embracing the Efficiency-Effectiveness Conundrum

A central idea underlying the new policy design orientation is the development of more or less *efficient and effective* policies that are likely to succeed in attaining their desired goals (Bobrow and Dryzek 1987; Bobrow 2006; Montpetit 2003). Governments are therefore assumed to apply knowledge and experience about policy issues in such a way as to ensure that their goals are effectively achieved with a minimum of effort and cost (Weimer 1993) or, more or less, in an efficient and effective way (deLeon 1999; Potoski 2002). This is a rather naive approach which primarily emphasizes normative concerns which emerge during routine policy design over practical considerations that emerge under non-routine circumstances.

Take, for example, a catastrophic crisis involving panic and public fears. Under these circumstances, the need may arise for policymakers to cognitively and/or emotionally overwhelm the target population/s so that the policy problems will be solved

no matter what the costs are, and that this outcome will be publicly visible and easily understandable. In such cases policymakers may tend to develop *effective* response no matter what (read, policy overreaction), in the substantive and emotional arenas of policy, with economic efficiency considerations becoming only secondary in importance if at all. A successful policy design under these circumstances may point at policy tools that, after their initial impact, could be easily calibrated in accordance with policy outcomes (Howlett and Cashore 2009). By contrast, under conditions of uncertain risk projections, especially in the context of no-regret potentials, policy intervention may be justified for economic efficiency reasons, regardless of other objectives (Ostertag 2002: 157). For example, in the area of climate change adaptation, the ‘no-regrets’ doctrine implies that any climate adaptation measure that yields benefits even in the absence of climate change is considered viable within this doctrine. So, in the area of flood preparedness, for example, practices such as rainwater harvesting to improve water efficiency are justified on the grounds of economic efficiency, regardless of objectives to mitigate climate change. Under conditions of uncertain risk projections, therefore, policymakers may tend to develop economically efficient responses, with effectiveness considerations only secondary in importance if at all (read, policy underreaction). A successful policy design under these circumstances may point at policy tools that, after their initial impact, create net social benefits under all future risk projections, with no or low costs and committed resources, in a way which can be framed as cost-effective and does not involve hard trade-offs with other policy objectives.

The response of the U.S. federal government to the financial crisis of 2007-2008 illustrates the point regarding policy overreaction. In the financial crisis, 12 out of 13 of

the most important financial institutions in the United States were at risk of failure within a period of a week or two (Ben Bernanke, quoted in the Financial Crisis Inquiry Commission 2011, 354). Perhaps more important was the resulting panic due to concerns about the solvency of the U.S. financial institutions (Ben Bernanke, quoted in the Federal Open Market Committee Minutes 2008: 149). The response of Bernanke has been to follow a policy overreaction doctrine, namely, Bagehot's (1873) rule that, in a crisis, the central bank should lend freely, at a high rate, and on good collateral (Benrnanke 2014a, b). A press release issued on August 10, 2007 by the Federal Reserve stated that it would provide reserves as necessary due to the "unusual funding needs because of dislocations in money and credit markets."³ 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 were allocated by Congress to address the banking crisis; the bill passed on October 3, 2008. This amount of resources has cognitively and emotionally overwhelmed market actors as well as the U.S. public, let alone the actors and the general public abroad. However, only \$125 billion were actually injected as a first step into the nine largest financial institutions in the U.S. banking system (Gorton 2015). Once the banking sector and the economy had stabilized, calibration of the disproportionate policy response took place. Although Congress initially authorized \$700 billion for TARP, that authority was reduced to \$475 billion by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). There are therefore circumstances under which policy effectiveness considerations will triumph over efficiency ones.

An example where policy efficiency considerations triumph over effectiveness is the case of climate change adaptation in the UK. Although there is scientific evidence pointing at a change in the world's climate as a result of human activity, the precise impacts on the UK are still uncertain. Therefore the emphasis of adaptation to climate change has been on increasing the nation's resilience to a range of possible futures by adopting the no/low regret doctrine. Indeed, if one looks at the justification of "[...] activities which have taken place as a direct result of climate change or weather related incidences [...]," one can find that "[m]ost current adaptations are justified on co-benefits and/or are 'no regret' options" (U.K. Department for Environment, Food & Rural Affairs 2005: 8). According to a recent report, however, climate change adaptation measures pursued so far have failed to deliver when projected climate change predictions regarding winter floods had materialized (Committee on Climate Change 2014).⁴ Regarding flood risks, for example, although the 2013's floods were "consistent with the projected consequences of climate change" (Committee on Climate Change 2014, 8), these "[e]vents [...] illustrate the costs of a lack of resilience, with many thousands of people forced to leave their homes, businesses and transport disrupted, with the associated costs to the economy and to well-being" (Krebs, in Committee on Climate Change 2014: 4). Policy options which are based on low cost, low risk, or no-regret doctrine, that is, on measures that intend to yield benefits even in absence of climate change and to provide net benefits over the entire range of scenarios, are in fact policy underreactions as the policy is not designed to perform optimally in any scenario.

In sum, in contrast to the new policy design thinking that revolves around the ideal of designing effective and efficient policies, the disproportionate policy perspective

emphasizes certain conditions under which policymakers may tend to develop *effective response* no matter what, with efficiency considerations becoming only secondary in importance if at all, or *efficient response*, with effectiveness considerations becoming only secondary in importance if at all.

Embracing the Idea That a Policy May be Designed for Purposes Other Than Implementation

Another central idea underlying the new policy design orientation is that the design of policies is undertaken in order to improve government actions through the selection of tools for policy implementation (Howlett 2014). A related idea underlying this orientation is that the policy context in which instruments are working should be seriously addressed. Behavioral aspects of policy design, for example, advance the construction of default rules in order to insulate individuals' decision making from psychological effects (Thaler and Sunstein 2009; Leggett 2014). This is undertaken by a choice architect — “[anyone who] has the responsibility for organizing the context in which people make decisions” (Thaler and Sunstein 2009: 3) — with the aim of “influenc[ing] people’s behaviour in order to make their lives longer, healthier and better [...] to steer people’s choices in directions that will improve their lives” (Thaler and Sunstein 2009: 5).

However insightful these ideas are, they rely on the implicit assumption that government designs policies to be implemented on the ground. This assumption ignores the possibility that policymakers may design disproportionate policy options to be used as signalling devices (Spence 2002), that is, as means of deterrence or insurance for a rainy day. A policy overreaction doctrine, for example, acts first and foremost, as a signaling device. It is designed, among other reasons, in order to reduce information asymmetry

between policymakers and target populations. During the process by which policy content is produced, termed *policy designing* (e.g., Linder and Peters 1988), policymakers signal their unobservable mindset to target audiences via the observable quality of their doctrines as well as via other elements, such as the identity of the ministry or department in charge of policy implementation, the ethical constraints imposed on those in charge of policy implementation, or their lack thereof, and others (Maor forthcoming). A policy overreaction doctrine is successful, among others, if it produces the desired effect without the need for its implementation on the ground (Maor 2016a; forthcoming).

Further, policymakers may design a policy overreaction doctrine solely in order to enable them to undertake significant changes to the way that decisions are made and government operates in the relevant sector. Policymakers may use this opportunity, especially when it is accompanied by a manufactured sense of urgency (van Wijk and Fischhendler 2015), to concentrate authority, thus facilitating the swift use of disproportionate or proportionate policy response when the need arises. By the same token, a policy overreaction doctrine may enable 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: 224).

A relevant example of formulating a disproportionate policy doctrine for the purpose of signaling policymakers' mindset is the U.S. military doctrine of massive retaliation by strategic nuclear attacks. This doctrine 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. It was also added that this security posture would have to be achieved “at the lowest feasible cost” for economic reasons (NSC 161/2 quoted in Rosenberg 1978: 267). This example also signifies how efficiency considerations may lead to the design of a policy overreaction options.

Embracing the Inseparable Link Between Thoughts and Feelings

A central idea underlying the new policy design orientation is that symbolic frames and public sentiments influence policy goals (Stimson 1991; Suzuki 1992; Durr 1993; Stimson et al. 1995) whereas cognitive aspects such as policy paradigms and programme influence choices of policy means (Stone 1989; Hall 1993). Current wisdom disputes this view. At the outset, scholars have examined several variables that influence public responses to risks. The ‘risk as analysis’ paradigm, for example, focuses on the use of cognitive deliberation to assess risk while pointing at heuristics and biases used to process and understand risk information (e.g., Slovic 1987; Stedman 2004). The ‘risk as feelings’ paradigm argues that people often rely more on affect and emotion than cognition when making risk judgments and decisions (Loewenstein et al. 2001; Finucane 2008).⁵ This paradigm identifies an ‘affect heuristic’ which is strongly associated with risk perceptions and policy support for a range of risk issues, including global warming (Smith and Leiserowitz 2012; Siegrist Keller and Cousin 2006). And recently, Lodge and Taber (2013) found that “[...] all thinking is suffused with feeling, and these feeling arise automatically within a few milliseconds [...] of exposure to a sociopolitical object or event” (p. 19). The affect heuristic combined with Lodge and Taber’s (2013) finding

undermine the aforementioned distinction made by the new policy design orientation.

A further blow to this distinction emerges from a recent development in the sub-field of emotion and risk: the move away from analysis of affect and affective imagery and towards an analysis of the influence of discrete emotions. For our purpose, two studies addressing the role discrete emotions play in public support for climate change policy are of interest. Sjoberg (2007) has found that positive emotions, including interest, satisfaction, and optimism, were stronger positive predictors of attitudes toward nuclear waste repositories than negative emotions. And Smith and Leiserowitz (2014) have found that discrete emotions were stronger predictors of global warming policy support than cultural worldviews, negative affect, image associations, or sociodemographic variables. In particular, worry, interest, and hope were strongly associated with increased policy support. These findings undermine the aforementioned distinction because people (read, policymakers) may feel a variety of emotions when thinking about policy goals and policy means, and may also assume a variety of emotions held by target populations as well as a variety of potential emotions that may be intensified or deintensified once the policy at hand is made public. And if discrete emotions are indeed the strongest predictors of support for policy across policy areas, it is reasonable to argue that they may be equally influential in cases of policy goals as well as policy means. Further, discrete emotions may be strategically manipulated by *emotional entrepreneurs* – “individual and collective actors that attempt to advance a political and/or policy agenda by regulating expected or actual emotions generated during political and policy processes” (Maor and Gross 2015: 4). Embracing the inseparable link between thoughts and feelings as well as the idea of emotion manipulation would enable new policy design scholars that embrace

the disproportionate policy perspective to better understand the processes by which policymakers and the policies they design may become overvalued or undervalued for reasons unrelated to their ability to affect goals (Jones, Thomas, & Wolfe, 2014; Maor, 2014).

Conclusions

In the preceding, I have argued that, to date, the new policy design orientation has been limited in its ability to develop a broader and more penetrating view of policy design because it has not paid enough attention to studies of disproportionate policy response. As I also note, the disproportionate policy perspective raises four challenges for the new policy design orientation. First, the capacity of the state to engage in disproportionate policy response has so far been underestimated by policy design scholars and so has the will of policymakers, at times, to deliberately design disproportionate policy alternatives. Second, old policy design studies converge around the normative goal of increasing the chances that governments will apply knowledge and experience to policy design by making goals, alternatives, and predictions of consequences explicit, thereby ensuring the more or less efficient and effective realization of their aims (deLeon 1999; Potoski 2002; Weimer 1993). However, so far new policy design studies have not explicitly addressed the contrarian idea, that under certain conditions, policymakers may deliberately put much weight on the effectiveness of a policy, no matter what the costs are, or on the economic efficiency of a policy rather than on its effectiveness. Third, although new design studies address the importance of the policy context in which instruments work, the idea that governments are assumed to design policies to be implemented on the ground still dominates this orientation, thereby ignoring the possibility that policymakers

may design disproportionate policy options to be used as signalling devices or as context-setters. Fourth, the fact that people feel a variety of emotions when thinking about policy goals and policy means is well integrated into the disproportionate policy perspective but is ignored by the new policy design one.

The new policy design orientation could enormously benefit from incorporating the main tenets of the disproportionate policy response perspective. An important part of the significant research agenda that remains to be explored in the new policy design orientation should revolve around the actual activities of designing disproportionational policy options — How do policymakers and policy designers go about identifying design problems that call for disproportionate policy responses? How do they design criteria addressing these problems? How do they decide whether to opt for disproportionate policy rhetoric or doctrine? How do they select policy tools that, if backfired when aggressively employed, can be easily calibrated? How does the nature of the policy means selected for deployment in a disproportionate policy response affect policymakers' degrees of freedom? What are the politics involved in the calibration of policy goals and policy means? Answering these questions will enable scholars to analyze short- and long-term cause-and-effect processes involving the design of disproportionate policy options while taking into account more symbolic, ideational and emotional trends affecting the legitimacy or appropriateness of certain courses of action; their conjunctions with each other as well as with the knowledge and experience regarding alternative possible arrangements of policy tools, and their sequencing, which could add additional explanatory power to the study of policy design and disproportionate policy response.

Policy design scholars should have recognized by now that the study of disproportionate policy response is a gateway to some of the most significant aspects of modern politics. Global and domestic threats coupled with relatively skeptical publics about politicians and political institutions, and rising negativity in democratic politics (Saoroka 2014) imply that policy overshooting is increasingly required for the public to perceive policy action as sufficient and politicians as competent, at least in the short-term. Scholars of new policy design and disproportionate policy response may therefore build on the shared view of government as author of policy. Both perspectives share the view that governments can be selective in looking for policy problems (Baumgartner and Jones 2015), deciding when and how to enter the policy fray, and making use of state capacity to engage in disproportionate policy response. Governments can also choose to override internal or international agreements or arrangements, and restrict, often for the brief period during which the disproportionate policy response is undertaken, the freedom of other policy actors to intervene in the design of goals to be pursued and the means to be employed. Based on this view of government, future new policy design studies would benefit from expanding the conceptual and empirical universe they examine to also include the design of disproportionate policy options. Further, the new policy design orientation would benefit by greater boundary crossing among social science disciplines, especially psychology. For example, the study of policy design and emotions offers new methodologies, concepts, and opportunities to refine explanations of the selection of policy goals and policy means. Overall, the disproportionate policy perspective can advance a more nuanced analysis of policy options at different levels of government.

Combining the new policy design and the disproportionate policy perspective will establish new territory and may offer a promising path for progress.

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¹ <http://www.ynetnews.com/articles/0,7340,L-4660200,00.html> (accessed 5.5.2016)

² http://www.nytimes.com/2009/02/01/world/africa/01iht-mideast.3.19845135.html?_r=0
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³ <http://www.federalreserve.gov/newsevents/press/monetary/20070810a.htm> (accessed 5.5.2016).

⁴ The Committee is an independent, statutory body established under the [Climate Change Act 2008](#), which advises the UK Government and Devolved Administrations on emissions targets and report to Parliament on progress made in reducing greenhouse gas emissions and preparing for climate change.

⁵ Forgas (1992) defines emotions as “intense and short-lived” with a “definite cause and clear cognitive content” (p. 230). Affect, however, refers to a more general positive (good) or negative (bad) feeling (Slovic et al. 2002).