Policy Competition and Friction

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Abstract

I review a number of variables that are key to understanding policy stability, change, and the disjointed nature of policy responsiveness. One key element is that incumbent policy regimes often do not work in isolation from one-another, and the clash of values that is inherent in our many and often competing policy goals makes inevitable that policy regimes will come into conflict. I list various elements that I believe must be understood if we are to further our collective understanding of the non-proportionate nature of policy responsiveness.

Keywords: policy change, punctuated equilibrium, framing, policy friction

I outline a series of areas for reflection which I hope will add something to the discussion. As one who has previously written about friction and non-proportionate policy responses, I do not want to re-hash previous writings. At the same time, I think an overview of broad topics of investigation can be helpful, and these overviews necessarily involve ideas that have not yet been developed into full research programs. So, rather than present the results of recent research (see Baumgartner and Jones 2015 for that), my goal here will be simpler. I point to issues that must be resolved or recognized in order to move the literature on non-proportionate response forward. This is by no means a complete list, and the points are listed in no particular order.

Incumbent Policy Regimes

We have not collectively theorized very well about an interesting problem, though many have touched on it, sometimes in some detail. This could be described as the potential resistance of gate-keepers, and has often been discussed in terms of veto-players because of the gate-keeping functions of those in certain institutional positions. But there is a broader issue and a more fundamental way of thinking about it; while it includes institutional veto-points, the issue is in fact much more encompassing.

One element typically present for any existing public policy is that some set of policymakers enacted it. And they are usually still in power. Or at least the institutional positions that oversee or administer a given policy are often very long-lasting. I like to think of that as the "incumbent policy regime" because that is a general term and it reflects an idea that, for different policies, these may take different shapes. Some, such as the Federal Reserve Board, are extremely powerful and work with great autonomy from the larger system. Others are more integrated into a broader network and work with shared control or rival institutions competing with them. Of course, there can be some policies that have no institutional masters or sponsors,

such as policies where the entire issue is ignored. From the perspective of those who feel there should be a policy, there is no incumbent policy regime. But for the most part it is worth thinking about the role of the incumbent policy regime. And in those areas where a policy is lacking, this may be because another set of incumbents keeps it so.

The power, autonomy, stability, and views of the incumbent policy regime are an important element in any story about friction. Because of world-views, organizational standard operating procedures, professional training, or for any of a series of reasons, incumbents may resist change. Sometimes they see it as a challenge to their authority, and sometimes they oppose it simply because they are the architects of the status quo policy and may not view it as negatively as critics do. Of course, they need not oppose all change, but the attitude present among leaders of the incumbent policy regime is an important variable.

Understanding variance in the levels of resistance and power of the incumbent policy regime is a first element in understanding the nature of policy change that may come about. Where power and resistance are high, friction is at its highest. Where power or resistance is low, change may be smoother. In any case, I mean here simply to bring attention to a concept that can be used systematically: the orientation and autonomy of the "incumbent policy regime."

The Clarity of Institutional Control

One element inherent in the discussion above is that some incumbent policy regimes have greater autonomy than others. There are many reasons why this may come about: Professional selection and prestige; technically sophisticated or highly classified subject matter; institutional development; or for other reasons. But in some areas, even ones with highly prestigious and generally powerful institutions and professionals in positions of leadership, equally powerful interests from another domain interfere. This is the issue of clarity of institutional control. No

matter how powerful a given set of institutions, they may face attack from another equally powerful set, unless they enjoy a jurisdictional monopoly. So the degree of institutional clarity in the policy domain of interest is a second variable that determines many of the dynamics of policy change. The story of change in smoking and tobacco policy in the US is not one of the US Department of Agriculture slowly shifting its position on the health consequences of smoking; rather it is one of venue-shopping and institutional conflict within government, with health-related institutions asserting increased control. Of course, the story for smoking is more complicated than that, but my simple point is that there was a powerful incumbent policy regime in the case of smoking, and it lost power because the clarity of its institutional control was progressively weakened over time.

With Bryan Jones, I have recently documented the dramatic growth in the US government from 1947 through the mid-1970s, with a leveling off since then (Baumgartner and Jones 2015). That is no surprise. However, more importantly, we distinguished between the "spread" of government and its "thickening." More institutions working in the same policy domains, operating an increasing number of programs must necessarily interfere with one-another more than a smaller number of agencies or programs in those same policy domains. Whether these interferences come in the form of state, local, and federal agencies dealing with similar issues; different federal agencies with increasing overlap in their organizational missions; or within Congress and different committees increasingly encroach on the jurisdictions of others, we see a trend toward increased policy overlap, or "thickening" of government. Such thickening means reduced organizational autonomy for any incumbent policy regime.

Institutional clarity must be assessed not only in terms of the number and types of institutions involved in a policy, and whether that is a complex network of overlapping groups or

a clearer hierarchy of organizational control. More importantly, the question is whether all members of the network or organization share a common vision of the policy goals, working from what Peter Hall (1993) would call a single paradigm, or whether there exists a second institution or set of institutions with a hostile, competitive, or rival view. So any assessment of institutional clarity should incorporate policy goals or world view into the treatment. Three institutions all sharing the same view provide less clarity than a single monopolistic institution. But the same number of institutions, one of which wants to destroy or dramatically reduce the power of the other two, is another matter.

Policy Bubbles and Biases in Political Mobilization

In the economic and financial literature on bubbles, they are understood to be inherently unstable: deviations from an equilibrium outcome that cannot last as they contain the seeds of their own, possibly dramatic or catastrophic, demise. In the financial realm we care about bubbles because we want to protect ourselves from their inevitable bursting. (Or see Maor 2013 for a discussion of anti-bubbles in fluid dynamics: their instability is apparent.) In public policy, there can be vast under-attention to this or that policy problem, and that could reflect a bubble. But it could also a stable equilibrium of political mobilization that may or may not be adjusted in the future. Consider the different levels of political mobilization of the airline passengers and the airline industry, or their relative capacities to participate in the policy making process surrounding issues that concern them. Differences in intensity of preference and the free-rider problem dictate that while the industry is highly mobilized, the passenger community is not. This is a vast imbalance but it is not to be mistaken for a bubble: there is no reason to believe it a temporary or unstable situation. So my simple point here is just that we cannot assume that anything that is unjust, unfair, or seemingly undemocratic will necessarily lead to an inevitable

discovery and rectification. Policy imbalances can stem from the dynamics of political

mobilization, and these can be extremely biased for long periods of time. To be sure, lasting

policy imbalances such as that described by Maor (2013) with the slow response to the

HIV/AIDS crisis in its early years because of its association with homosexuality, can be

corrected through a massive mobilization leading then to a catch-up, reflecting the dynamics of a

bubble. But that mobilization is not inevitable in the policy world as it is in the financial world.

Some inequalities are at equilibrium.

Generic Advantages of the Status Quo

No matter what the value of any given existing public policy, or lack of value, any proposal to

change it inevitably encounters a set of generic challenges. A few of these can be illustrated with

this incomplete list. These are also inherent and generic characteristics of under-response to

emerging social issues. All challengers to the status quo must overcome them, and often this

proves to be impossible.

Institutional Threat to the Incumbent Policy Regime
The status quo policy, whatever it is, was put into place by a set of policymakers who may well

still be in power. Getting them to admit that their finely crafted policy is inadequate is often a

problem. Not always of course, but in many cases, leaders of the incumbent policy regime can

feel that significant changes to the existing system must by definition involve some degree of

admitting error. This is an institutional but also a cognitive / emotional issue. Resistance is

often generic.

An Untested Scheme
No matter what we think of the status quo policy, it is in place and we know what it is. By

contrast, and change to it is open to the generic argument that, even if well-intentioned, the

revisions will have this or that unintended consequence. As policies typically are highly

complex and interact with other policies in ways that are sometimes hard to envision, this is not

an argument to be dismissed lightly. My coauthors and I (Baumgartner et al. 2009) discussed

some of the generic arguments we found again and again for the status quo in our study of

lobbying and policy argumentation.

Gains are Good, but Losses are Unacceptable

Prospect theory leads us to expect that policymakers may mobilize more strongly to protect

things they have more than they can be activated to fight for something they want, but do not yet

enjoy. Of course the end result of many policy debates is not consistent with this, but another

generic advantage of the status quo is that, as Baumeister et al. 2001 note, "Bad is Stronger than

Good." As discussed by others in this workshop, the emotional aspects of threat v. gain are

important to understand.

The Manipulation of Emotion

Motivated reasoning suggests that those being presented with unpleasant, challenging, or

unwelcome information will be less willing automatically to accept it than those who are

presented with information that reinforces their preferences, beliefs, values, or policy goals (see

Lord et al. 1979, Kunda 1990). This suggests that leaders of incumbent policy regimes will

automatically and naturally tend to put up powerful cognitive barriers to suggestions for serious

policy change, even if they are not aware of doing so: It is human nature.

The manipulation of emotion is a powerful further element to consider: anger, fear, and

anxiety about proposed changes to the status quo can mobilize more strongly than hopefulness or

enthusiasm (see for example Huntsinger 2013).

Agenda Scarcity

The most basic advantage for proponents of the status quo in the policy process is that, unless the policy in question is a national catastrophe on a scale apparent to all, there are often many more important problems to address. In fact, the scarcity of attention probably keeps more unresponsive, poorly equilibrated, and ineffective programs on the books than any other factor, or at least inhibits their routine adjustment. It also creates a paradox whereby large problems are sometimes easier to address than relatively small ones. My colleagues and I found in our study of lobbying that about 20 percent of the cases we observed went nowhere and in fact instilled no counter-mobilization against them simply because they were efforts to put an issue on the agenda, and as yet had been unsuccessful (Baumgartner et al. 2009). As long as there are "more important" issues already on the agenda, it can be hard—often impossible—to gain attention to a given problem, especially if the problem is, in fact, relatively small. So, a paradox: Small adjustments or corrections to policies that affect just a few people can be harder to enact than policies that affect millions.

Signs of Change

What types of situations would lead us to expect significant policy changes? When do bubbles burst? Some possibilities would include:

Powerful New Information Common Knowledge to All

It is often obvious to all concerned, even those who would rather not see it, that change is inevitable given some new fact or event that enters the information environment. The only issue then is how to respond, and this can lead to important differences. But in the wake of police shootings in the US, and more importantly public attention to them, police departments around the country know that attention will likely be sustained to this issue. And in fact, unpleasant as it may be to them, many incumbent policy regimes are indeed revising their policies and assessing

their deficiencies. Of course, response may be minimal, moderate, or radical depending on the

process that unfolds. But there are many times when all concerned realize that the status quo is

going to change, with the only question being exactly how.

Note that the "new common knowledge" aspect of signs of change can be positive or

negative. In the positive aspect, new information widely known to all members of the

community that, for example, a given type of policy intervention has been demonstrated to be

effective, and which is consistent with broad goals of an institution, makes it more a matter of

when and how rather than if the innovation will be adopted. These can be done often while

enhancing the power and autonomy of the incumbent policy regime, and so are often promoted

with enthusiasm from many actors in the system. They can be a time of budget aggrandizement

as well.

In the negative case, information that reveals serious deficiencies in the management of

existing policies, estimates showing greater severity in the underlying social problem being

addressed, or some other failure in the status quo policy can also be recognized by all, as in the

case of US police departments seeing increased scrutiny with regards to racial profiling. While

they may resist, they also prepare for the inevitable, which often is some degree of policy

change.

Political Realities
An important second type of "common knowledge" is shared recognition not about an

underlying social problem or policy response, but a political one, such as the fact that a major

political or other leader is going to invest in the issue. Knowing that "the train is going to leave

the station" forces all concerned to decide whether to get on board or to attempt to derail the

locomotive. Of course, there can be a battle about whether the policy will really be adopted, but

my point is that policymakers typically are simultaneously watching the same events. News that comes out reinforcing the power of those seeking change to the status quo is typically not secret, or does not remain that way for long. Similarly, when a major leader or organizational actor with important power within the community makes clear their plan to invest in this or that issue, this can cause others to recognize the inevitability of change. They do so not on the basis of a single person, perhaps, but they can see the tipping point when it occurs.

Changing Professional Norms

A somewhat under-studied cause of important policy changes seems to be that of slowly evolving professional norms. Herbert Jacob (1988) described the emergence of no-fault divorce in the US during the period between 1960 and 1980: from virtually absent, it became ubiquitous. And, strangely for the scope of change through brought to the legal landscape or the American family, it was not a huge political battle fought out in elections and on the front pages of the nation's newspapers: it simply developed as a shared but evolving consensus from within a community of professionals.   Similar trends take place in many professional communities, as shared professional knowledge evolves. These may or may not translate into social transformations as dramatic as that of divorce and marriage as described by Jacob, but there are other important examples. For example, Elizabeth Armstrong (2003) describes the invention of the medical diagnosis of "fetal alcohol syndrome" based on the actions of a single group of doctors in the Pacific northwest in the 1970s, leading relatively soon to a national consensus that women should be advised completely to abstain from alcohol during pregnancy; in previous generations a drink or two was thought to relieve some stress. Shifting professional norms can be a powerful source of policy change.

Competing Policy Visions, Clashing Values

Let me conclude by pointing to the difficulty of maintaining clarity in what is the boundary

around a given policy, and therefore whether the incumbent policy regime is team A or team B.

That is, at certain times previously autonomous policy regimes come momentarily into conflict,

sometimes bringing titans of political power, often accustomed to their own bailiwicks of power,

into direct confrontation. These confrontations are, in fact, inevitable parts of the complexity of

policymaking in any system. After his retirement from the US Supreme Court, Justice Souter

mused aloud in a commencement speech:

> The explicit terms of the Constitution … can create a conflict of approved values, and the
> explicit terms of the Constitution do not resolve that conflict when it arises. The
> guarantee of the right to publish is unconditional in its terms, and in its terms the power
> of the government to govern is plenary. A choice may have to be made, not because
> language is vague but because the Constitution embodies the desire of the American
> people, like most people, to have things both ways. We want order and security, and we
> want liberty. And we want not only liberty but equality as well. These paired desires of
> ours can clash, and when they do a court is forced to choose between them, between one
> constitutional good and another one. …
>
> I have to believe that something deeper is involved, and that behind most dreams of a
> simpler Constitution there lies a basic human hunger for the certainty and control that the
> fair reading model seems to promise. And who has not felt that same hunger? Is there
> any one of us who has not lived through moments, or years, of longing for a world
> without ambiguity, and for the stability of something unchangeable in human
> institutions? (quoted in Baumgartner and Jones 2015).

Justice Souter was discussing the conflict between journalists wanting to inform the

public about actions of the US government during the Vietnam War and the government, seeking

to maintain the secrecy of confidential information. But his point is broader: there are no

boundaries across policies, no ability to assert that any given policy is "only" about one value

and has no import for another. So, when we think of a policy being severely under-produced or a

negative policy bubble having been produced, we should be aware that this could in fact be the

consequence of a powerful positive policy bubble or a stable policy action from another domain

that was created not for the purpose for which it is being criticized, but for another reason supported by a completely different ideological or pragmatic goal or value. Is the lack of gun control in the US a negative policy bubble, a positive one, or a stable equilibrium? It depends on how we look at the issue: one person's "right to bear arms" is another person's "failure to enact meaningful gun control."

Frames and their Cultural Resonance

It is apparent that some frames are stronger than others, but we know little about why. Certain policies are buttressed by ideas, as Justice Souter reflects, that are given constitutional legitimacy or have wide normative value within a given cultural system. Free speech rights in the US are more powerful than in other countries, a fact enshrined into our constitution in the First Amendment. Gun rights are made virtually inviolate because of a similar constitutional power. So frames can be made powerful by their connection to the shared documents of governance as well as to shared goals and values, such as national independence, patriotism, or other widely shared goals. To fully understand policy bubbles, or even long-lasting policy imbalances that may seem otherwise inexplicable, we need to understand the cultural and legal resonance of the frames and arguments that undergird various incumbent policy regimes.

Conclusions

The list of considerations I have laid out above is by no means complete. However I hope that they present at least the beginnings of a conversation that can help us clarify exactly what are the variables that must be identified and measured if we are to fully understand not just policy bubbles, but all forms of policy change and stability.

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