

Policy Studies Journal

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Aims and Scope

The primary focus of the Policy Studies Journal (PSJ) is the study of public policy. Published on behalf of the Policy Studies Organization and the American Political Science Association's Public Policy Section, PSJ publishes individually submitted articles and symposia of exceptional quality by social scientists and other public policy researchers and leaders. The journal addresses a wide range of public policy issues at all levels of government, and welcomes a comparative approach. We accept a variety of manuscript types.

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2013 Public Policy Yearbook: Evolving Scholarship in Public Policy

Hank C. Jenkins-Smith, Sarah Trouset, and Christopher Weible

This marks the release of the fifth edition of the *Public Policy Yearbook*, which continues to serve as a useful tool for examining recent changes in public policy scholarship over the past several years. First, the *Yearbook* allows for a systematic way to identify the broader public policy community. The multidisciplinary nature of public policy research can make it challenging to identify the experts studying various policy problems, and the *Yearbook* provides a convenient and helpful instrument to do so. The annual *Yearbook* is an international listing of policy scholars with their contact information, fields of specialization, research publications, and summary statements of research interests. By providing this content, we believe the *Yearbook* is also an excellent tool for public policy scholars to gain visibility and to network with other researchers, scholars, and graduate students. In addition, the *Yearbook* allows outsiders to quickly identify individuals studying particular policy problems and to easily contact them with further inquiries or questions. Though the *Yearbook* was initiated as a hard-copy volume in 2009, beginning in 2011 we migrated to an open-access, Web-based format (<http://www.psjyearbook.com>), permitting users easy access to *Yearbook* content via the Internet. Individuals can search for an expert through a range of search criteria including a scholar's name, geographic location, institution, or primary research interests. The online website also provides links to scholars' bios, websites, published articles and their abstracts, and review articles.

A second important function of the *Yearbook* is to provide an instrument for individuals to quickly access the current state of public policy research. As part of our aim to promote public policy research, we created 2-year retrospective review articles (<http://psjyearbook.com/content/notes>). Each year, the *Yearbook* produces a set of short review articles that focus on summarizing the most recent scholarship in specific policy subfields listed in the *Yearbook*. The online version of the *Yearbook* allows for in-text citations to be activated, taking readers directly to cited scholars' bios, and in addition, provides listings of other scholars with similar research interests. By providing a snapshot of scholarship in particular domains, the *Yearbook* provides a quick and accessible reference to the current state of scholarship on all aspects of public policy. This provides a resource for policy scholars to easily survey

the most recent research activity within particular policy areas and to identify gaps in the literature for future inquiry. We hope these reviews can aid seasoned scholars in keeping track of important developments, while providing a way for new scholars to familiarize themselves with the current state of literature in subfields of interest.

The *Yearbook* Participant Community

Yearbook membership is free of charge and open to all policy scholars and practitioners worldwide. Since the *Yearbook's* inception in 2009, we have sought to broaden the participation of public policy scholars across disciplines, organizations, and nations. The challenge is that, given the nature of public policy research, the domain of public policy scholars and practitioners is highly varied. Public policy research is multidisciplinary in nature, and policy scholars and practitioners inhabit a wide range of institutional settings (universities, governmental agencies, research labs, nonprofit organizations, think tanks, and many others). Initially our invitations were sent to the listed members of the Public Policy Section of the American Political Science Association, as well as members of the Policy Studies Organization. We worked with editors of public policy journals to reach policy scholars globally. More recently, we sent electronic and printed invitations to public policy and public administration departments across the United States, asking each department to forward the invitation to their public policy faculty members, graduate students, and affiliates. Last, our online member updating system allows for current and new members to offer contact information for fellow colleagues and graduate students who should be included. We are currently seeking to expand the scope of invitations to include major practitioner and scholarly organizations focused on public policy, such as the Association for Policy Analysis and Management. In all cases, we undertake an active recruitment and update effort in the fall of each year to be sure our content is up to date and as broadly inclusive as possible.

One of the contributions of the *Yearbook* is that it provides an annual snapshot of practitioner and academic scholars, their published research, and their future research agendas. Individuals are asked to complete an online form that collects a broad range of information including contact information and institutional and departmental affiliations, most recent publications, a brief paragraph that summarizes current and future research agendas, and public policy specializations (across 5 theoretical and 13 substantive policy subfields). The 2013 *Yearbook* has 701 members, representing a broad cross section of public policy scholars in many countries. While the number of non-U.S. members has not yet reached appropriate levels of representation, their inclusion has been improving each year. In short, we are continuing to make headway toward broad inclusion of a global cross section of public policy scholars and practitioners.

Characterizing *Yearbook* Public Policy Scholars

The 2013 *Yearbook* membership grew by approximately 6 percent over that of 2012, and consists of 701 public policy scholars and practitioners residing in 31

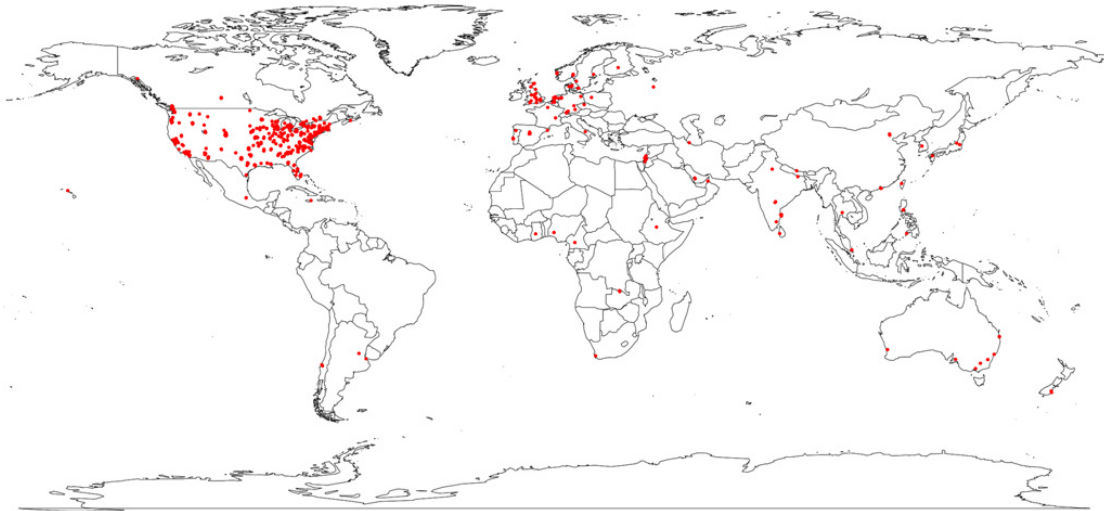


Figure 1. A Global Map Indicating the Residence of *Yearbook* Members.

countries spread across five continents, including: Argentina, Australia, Belgium, Canada, Chile, China, Denmark, Finland, France, Germany, India, Israel, Italy, Jamaica, Japan, Mexico, Nepal, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Korea, Singapore, Spain, Sweden, Switzerland, Taiwan, Thailand, United Kingdom, and the United States (see Figure 1). However, approximately 80 percent (557) of current members reside within the United States (see Figure 2).

Scholars were asked to characterize their professional positions (see Figure 3). Similar to the distribution observed in past years, most members are professors (40.2 percent). However, since 2012 we experienced a growth in representation across all categories except research staff.

Policy Scholarship: New Developments, Snapshots, and Trends

The *Yearbook* was designed to provide insight into recent developments in policy scholarship through the use of several different indicators.¹ First, each year the *Yearbook* publishes 2-year retrospective research reviews. Review articles of this type offer readers quick access to recent developments within the field. Moreover, these review articles can provide a basic introduction and a coherent perspective of the field to emerging scholars interested in understanding various policy problems. Second, the *Yearbook* provides several descriptive indicators that are self-reported by individual scholars who summarize and characterize their evolving research agendas: Scholars are asked to provide a paragraph describing their ongoing research agenda, and then are asked to categorize their research according to 5 theoretical categories and 13 substantive focus areas. By examining these indicators we can gain an interesting snapshot of recent research developments. These trends are discussed below.

Beginning in 2011, the *Yearbook* began including 2-year retrospective research reviews on each of the substantive and theoretical subfields listed within the



Figure 2. Distribution of U.S.-Based Yearbook Members.

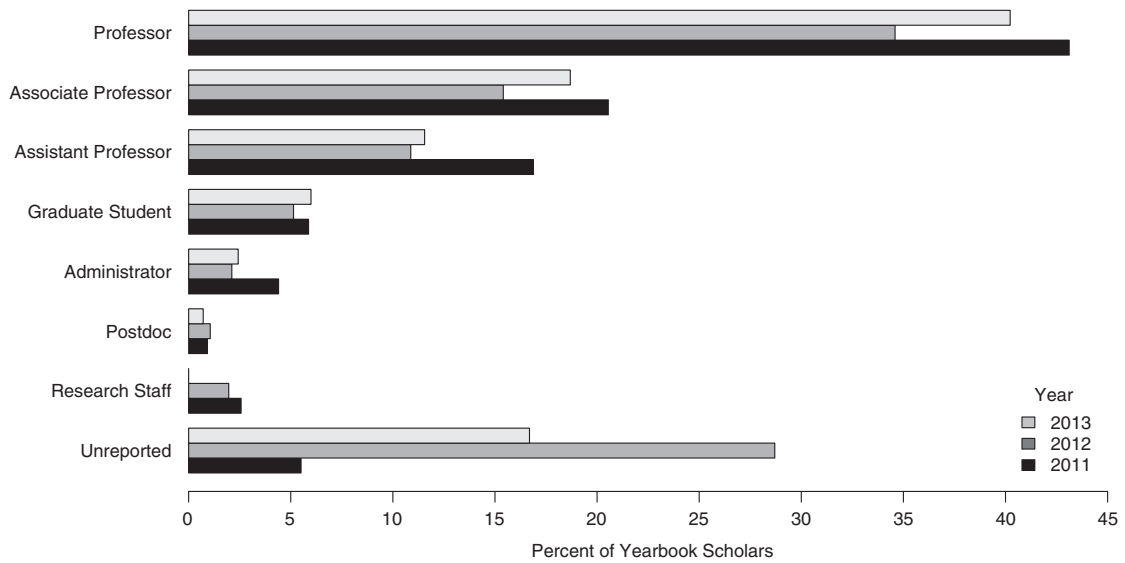


Figure 3. Official Job Titles of Yearbook Members.

Yearbook. We solicited recommendations and sought advanced graduate students working with leading public policy scholars to write these review essays. These articles are published in the *Policy Studies Journal* as well as online on the *Yearbook* website. The articles will be refreshed, with new authors, every 3 years to assure

continuity in tracking the evolution of policy scholarship. Previous essays covered topics including: agenda setting (Pump, 2011), policy analysis (Carlson, 2011), policy history (deLeon & Gallagher, 2011), policy process theories (Nowlin, 2011), public opinion (Mullinix, 2011), defense and security (Ripberger, 2011), education policy (Conner & Rabovsky, 2011), governance (Robichau, 2011), comparative public policy (Gupta, 2012), economic policy (Pump, 2012), environmental policy (Niles & Lubell, 2012), and health policy (Haeder, 2012). While public policy scholars are actively producing a broad array of new and innovative research each year, this special issue contains key developments from three substantive domains, which include the following:

- **International Relations and Public Policy:** Steven Redd and Alex Mintz review recent applications of several decision-making models that explain both foreign policy decision making and national and international security issues. Public policy scholars are making theoretical contributions through the use of several models, which include rational choice, cybernetic model, prospect theory, poli-heuristic theory, organizational and bureaucratic politics, groupthink and poly-think, analogical reasoning, Applied Decision Analysis (ADA), and biases in decision making.
- **Law and Public Policy:** In an effort to identify the boundaries of the law and public policy field and to assess the current state of the field, Anthony Kreis and Robert Christensen focus on a range of substantive policy areas to illustrate the applications of legal concepts and theory. Their focus centers on the most prominent empirical applications that have recently been employed across four substantive policy areas: financial markets, campaign finance, health care, and social policies.
- **Social Policy:** Tatyana Guzman, Maureen Pirog, and Kristin Seefeldt summarize recent scholarship analyzing various social policy issues within the United States, such as food security programs, Social Security, Social Security Disability, Unemployment Insurance, child support, and tax provisions. As part of their analysis, the authors provide a brief discussion of the politics of defining poverty and the difficulties associated with its measurement, comparing applications within and outside of the United States.

For the past 4 years, we have also analyzed and illustrated current trends among policy scholars' work by creating a word cloud populated by the key terms found through scanning the "current research and future directions" summaries in the *Yearbook* entries (see Figure 4). Each year, *Yearbook* scholars are asked to provide a short paragraph that details their current research agendas and future research projects. Scholars may be as brief or as specific as they choose.

By using these summaries of public policy scholarship as data, we can track over-time variations in the aggregate foci of scholars' substantive and theoretical work. Figure 4 below captures the primary words employed in the summaries of current research for the 2013 *Yearbook* entries.² The word cloud illustrates the relative prominence of research interests in the areas of environment, development,



Figure 4. The Relative Size of Each Term Denotes Frequency with Which Key Terms Appear in the Listing of “Current and Future Research Expectations” Section of This Volume.

governance, health, management, and science, as well as in analysis and process-oriented research. This closely matches the trends we observed last year.

The word cloud depiction is consistent with *Yearbook* members’ self-identifications across 18 subfields of public policy.³ The five theoretical categories include the following: policy process theory; policy analysis and evaluation; agenda setting, adoption, and implementation; public opinion; and policy history. In addition, scholars are also asked to categorize their research interests across 13 substantive areas including: comparative public policy, defense and security, economic policy, education policy, environmental policy, governance, health policy, international relations, law and policy, science and technology policy, and social policy. In addition, the 2013 *Yearbook* introduced new categories in Urban Public Policy and Energy and Natural Resource Policy.

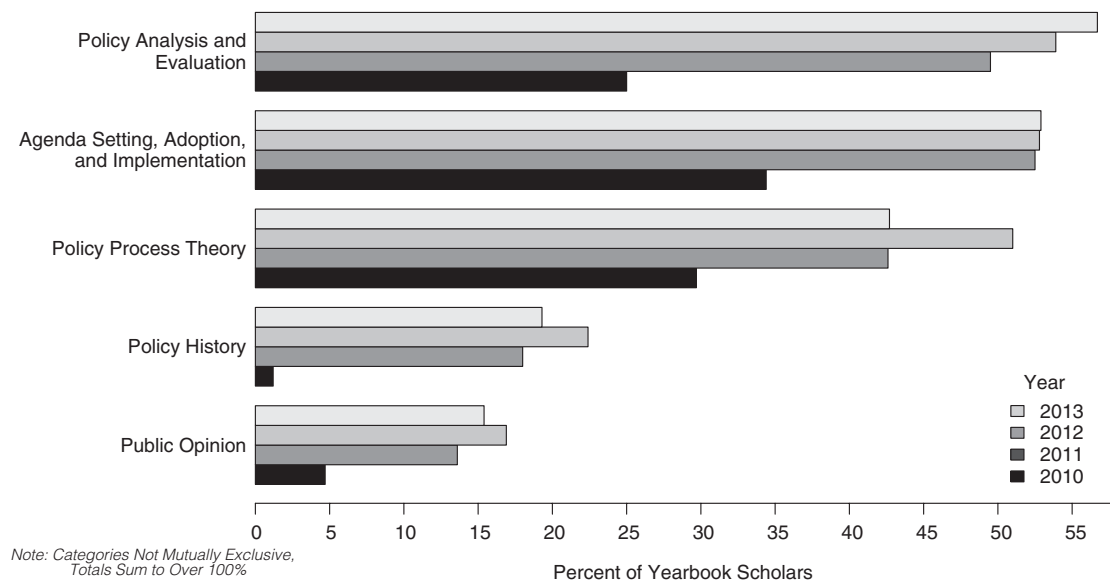


Figure 5. Theoretical Focus Areas.

Figures 5 and 6 show the proportion of *Yearbook* members listing each of the theoretical and substantive specializations. For the second year running, the largest fraction of *Yearbook* members identified the policy analysis and evaluation specialization. Furthermore, among the substantive domains, governance, environmental policy, social policy, and comparative public policy topped the list.

Finally, our last indicator for characterizing patterns in public policy scholarship is an analysis of the combinations of substantive and theoretical foci pursued by policy scholars. This year, we asked scholars to indicate which theoretical and substantive areas they considered to be their *primary* field of study. Approximately 66 percent (462) of scholars responded to this set of questions. The results are represented in a bubble plot (see Figure 7) that shows the proportion of scholars that indicated various couplings of substantive and theoretical areas as their primary areas of study. For example, 4.5 percent of *Yearbook* members indicated that their primary focus was on the substantive area of environmental policy coupled with a theoretical focus on agenda setting, implementation, and adoption. This compares with 5 percent whose focus was on the combination of environmental policy and policy process theories. The highlighted light blue bubbles show the combination of theoretical foci and substantive areas with the highest frequency of responses across that substantive area. Furthermore, for clarity, the graph only specifies percentages greater than 2.5 percent.

Looking across all the research areas, the largest proportion of scholars study governance issues in addition to agenda setting, implementation, and adoption (6.3 percent); policy process theory (6.3 percent); and policy analysis (5.6 percent). By contrast, across all substantive policy areas, relatively few scholars indicated a theoretical focus in policy history or public opinion. Perhaps of particular interest are the gaps evident in Figure 7; the smaller “bubbles” indicate relatively unpopulated areas of research in public policy.

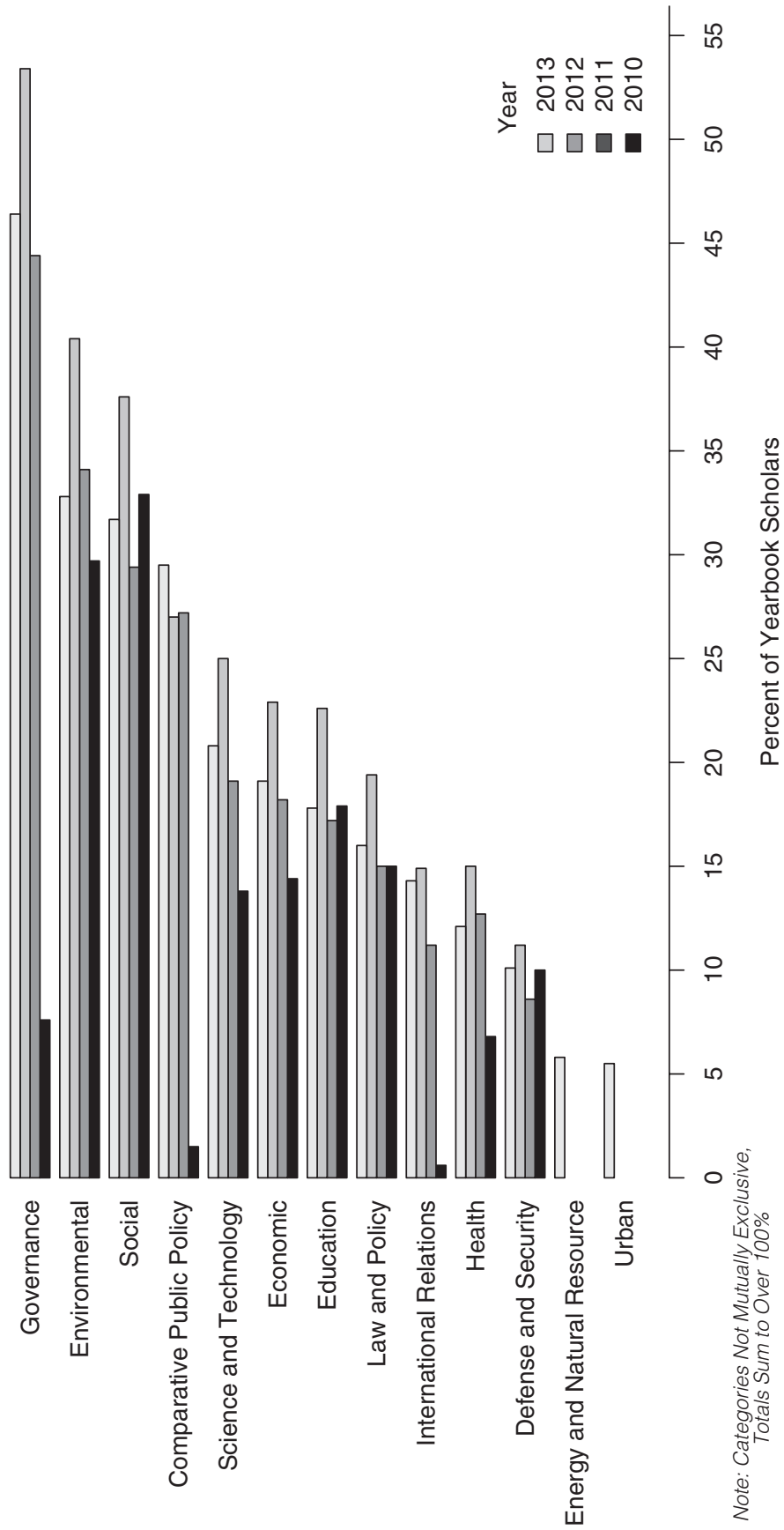


Figure 6. Substantive Focus Areas.

	Agenda Setting, Implementation, & Adoption	Policy Analysis	Policy Processes	Policy History	Public Opinion	None
Comparative Public Policy	•	•	3.9%	•	•	
Defense & Security Policy	•	•		•		
Economic Policy	•	2.6%	•	•	•	•
Education Policy	•	4.0%	•	•		•
Environmental Policy	4.5%	4.5%	5.0%	•	•	•
Energy & Natural Resource Policy	•	•	•			
Governance	6.3%	5.6%	6.3%	•	•	•
Health Policy	•	2.8%	•	•		
International Relations	•	•	•	•		•
Law & Policy	•	•	•	•	•	•
Science & Technology Policy	•	2.6%	•		•	•
Social Policy	2.8%	•	•	•	•	•
Urban Public Policy	•	•	•	•		•

Figure 7. The Combinations of Primary Focus Areas Identified in Each Substantive and Theoretical Policy Area.

Expanding the Scope of the *Yearbook* and Scholar Updates

We are committed to further expanding participation in the *Yearbook* to ensure that it remains the most broadly representative source for information on current policy scholars and practitioners across the globe. As editors of the 2013 *Public Policy Yearbook*, we are grateful to all of the respondents who took the time to respond to several e-mails to update their entries for the 2013 *Yearbook*. To ease the process of updating profiles, we have made several improvements to our member updating system. Scholars are now able to access their profiles at any time and make direct changes to their listings on the *Yearbook* website (<http://www.psjyearbook.com/person/update>). New entries to members' data will be incorporated into the full Web content as soon as changes are submitted. However, we will continue running a full fall recruitment/updating campaign by sending invitations to current and new policy scholars to update their entries in the *Yearbook*. We do this to ensure that *Yearbook* content stays as up to date as possible. We will continue our efforts to include faculty from public policy and public management schools and departments across the globe, as well as reaching out to graduate students, postdocs, and practitioners in public policy that make up the next generation of leaders in public policy research and analysis. We ask that current members assist in this effort by forwarding our invitations to affiliate policy scholars, practitioners, and graduate students.

The production and operations of the *Yearbook* could not have been accomplished without the help of many hands. We would like to thank Matthew Henderson for the design and implementation of the online survey that is essential for data collection, as well as the online website, Web tools, and data graphics. In addition, we thank Cassandra Rigsby for her assistance with checking and editing entries, and Tom Rabovsky for his assistance on the production of graphics. Furthermore, we extend particular thanks to David Merchant and Daniel Gutierrez Sandoval from the Policy Studies Organization and appreciation for the people at Wiley-Blackwell, especially

Joshua Gannon and Kris Bishop. Finally, we are especially grateful for the continuing financial support and encouragement by Dr. Paul Rich, President of the Policy Studies Organization.

We hope that you will find the 2013 *Yearbook* to be a useful resource in your work on public policy and that you will continue to update your entries for publication in future issues. We apologize for any errors that may have escaped our quality control processes.

Hank Jenkins-Smith
Sarah Trouset
Christopher Weible
Yearbook Editors

Notes

1. These data show trends in the research of those public policy scholars who participate in the *Yearbook*. The geographic and demographic changes in *Yearbook* members were described above.
2. This word cloud was constructed using the R-package "wordcloud." (Accessed at <http://cran.r-project.org/web/packages/wordcloud/index.html>.) We included the complete text from each of the "current research and future directions" paragraphs from all 2013 *Yearbook* profiles. The relative size of each term represents the frequency with which that term appeared. For the final analysis, we excluded nonsubstantively relevant words; for example, "Dr."; "professor"; "significantly"; "currently"; etc.
3. When updating their profiles, scholars are asked to check off as many categories as they choose to describe their research agenda.

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Policy Perspectives on National Security and Foreign Policy Decision Making

Steven B. Redd and Alex Mintz

This article reviews major decision-making models with an emphasis on basic theoretical perspectives as well as on how these models explain foreign policy decision making and national and international security decisions. Furthermore, we examine how these models have been utilized in explanations of various international crises. Specifically, for each model, we present examples drawn from the literature on applications of the respective model to foreign policy and national security decisions. The theories we have reviewed are as follows: rational choice, cybernetic model, prospect theory, poliheuristic theory, organizational and bureaucratic politics, groupthink and polythink, and analogical reasoning. We also review the Applied Decision Analysis method, and the concept of biases in decision making.

Introduction

How do leaders actually make foreign policy and national security decisions? How do they process information? Which decision rules do they utilize in making decisions? How do the rules and strategies adopted by decision makers affect the policies they enact? More important, how do scholars of foreign policy and national security decision making utilize decision models in explaining real-world decisions? In this article, we attempt to answer these questions by reviewing various decision-making models and what they tell us about how national security level policymakers process information en route to choice and how this information processing affects the policies they choose. We begin with rational choice theory and then proceed to review the contributions of cybernetic theory, prospect theory, poliheuristic theory, organizational process and bureaucratic politics models, groupthink, polythink, analogical reasoning, the Applied Decision Analysis (ADA) method, and the concept of biases in decision making. We chose these theories and models of decision making because they are generally regarded as the most prominent in the literature on foreign policy decision making and have been examined and applied in numerous cases as demonstrated below. We first briefly summarize each theory, model, method, or concept, and then review how each has been applied in the scholarly literature to actual foreign policy and national security cases.

Models of Decisions Making

Rational Choice Theory

The term “rational actor,” broadly defined, refers to an individual “who makes choices by taking the following steps: (i) searching for relevant information regarding the conditions of choice; (ii) integrating that information so as to discover existing alternatives for action; (iii) drawing upon empirical generalizations to deduce the likely results each alternative will yield; (iv) judging which will best satisfy his or her wants; (v) choosing a course of action accordingly” (Rosenberg, 1995, p. 111).

The rational model is parsimonious and elegant. Few straightforward assumptions explain a wide range of policy decisions. Perhaps the simplest conceptualization of decision making according to rational choice theory is that put forth by Stein and Welch (1997) wherein they state,

Rational choice theory proceeds from a simple and intuitive idea: If we know what people want, we can explain and predict what they do. It assumes merely that people are cognitively competent to match means to ends and to rank options accordingly. In standard formulations, a rational analysis simply needs information about what people want, what alternatives are open to them, and what they know (or can reasonably be expected to figure out) about the likely costs and benefits of alternatives. (p. 52)

The key assumption of the rational choice school in international relations is that “nations are led by rational, forward-looking, expected-utility-maximizing leaders” (Bueno de Mesquita & Lalman, 1990, p. 751). Scholars distinguish between thin and thick rationality (Mintz & DeRouen, 2010, p. 59). Thin rationality refers to the strategic pursuit of stable and ordered preferences (Mintz & DeRouen, 2010, p. 59). Thick rationality assumes, in contrast, that actors have specific preferences. Thus, in politics, for most politicians, the preference is typically perpetuation in office (Mintz & DeRouen, 2010, p. 59).

Rational choice approaches in foreign policy analysis and international relations have centered around several important contributions made by Bueno de Mesquita (1981, 1983, 1984, 1989), Bueno de Mesquita and Lalman (1990, 1992), and others (see e.g., Morgan & Bickers, 1992; Morrow, 1985, 1994; Wittman, 1979). A review of this literature shows that the authors use the rational choice approach to explain and predict *outcomes* in foreign policy and international conflict. In general, the analytic, rational model should lead to better decisions, although not always to better outcomes (Mintz & DeRouen, 2010, p. 58).

Applications of Rational Choice to National Security and Foreign Policy Decisions: Examples. Rational choice theory has been used to analyze many different historical foreign policy and national security choices. Bueno de Mesquita and Lalman (1992) found that rational choice theory was more persuasive in explaining domestic leaders’ decisions pertinent to the Sino-Indian War and the Seven Weeks’ War, just to name a few, than power preponderance theory or balance-of-power theory. Szalai

(2008) used rational choice theory to examine the creation and evolution of U.S. nuclear defense policy in the 1940s. Pollack (2007) applies rational choice to a study of European Union politics including decision making with respect to integration; legislative, executive, and judicial politics within the context of the EU; and public opinion and Europeanization.

Kim and Bueno de Mesquita (1995) used a game theoretic approach to show that decision makers take situational perceptions into account in war and peace decisions. More specifically, they were able to specify the conditions under which differences in perception were more or less likely to lead to war. Fearon (1995, p. 400) explained war as a function of rationalist explanations arguing that “the combination of private information about relative power or will and the strategic incentive to misrepresent these afford a tenable rationalist explanation for war.” Fearon used this focus on private information and deliberate misrepresentation to explain decisions in July 1914 in World War I on the part of the principal actors, as well as on the part of Russian and Japanese leaders in the Russo-Japanese War of 1904.

Mintz and DeRouen (2010) examined New Zealand’s decision to defy the ANZUS Treaty and showed that New Zealand’s decision, while appearing to be perhaps irrational in the sense that it made decisions that caused it to lose important allies in the United States and Great Britain during the Cold War, was actually quite rational. As Mintz and DeRouen state (2010, p. 60), “by establishing itself as a promoter of international peace, New Zealand had conceivably increased its security and saved money that might otherwise have gone to expensive defense systems.” Understanding New Zealand’s decision as rational, however, can only be properly understood by taking domestic politics into account (Bueno de Mesquita & Lalman, 1992), particularly the role of public opinion that focused on antinuclear policies (Mintz & DeRouen, 2010).

Cybernetic Theory

Perhaps the chief critique of rational choice theory was originally put forth by Herbert Simon (1957) in his notion of bounded or procedural rationality, which states that decision makers are still rational, only boundedly so. Specifically, he posited that rational choice models were insensitive to the cognitive limitations of individuals and organizations (Simon, 1992). By claiming that individuals were boundedly rational, Simon recognized the limitations of the information-processing capacities of both individuals and organizations in decision making (Simon, 1957, 1990).

The basic argument is that individuals face constraints that limit decision makers’ computational capabilities, their memory and recall abilities, etc. Because of these constraints, individuals develop decision procedures that enable them to deal more effectively and decisively with both their own cognitive limitations as well as with the demands imposed by the decision environment (March, 1986; Simon, 1955, 1957; Suedfeld & Tetlock, 1992). Simon (1957) used the term “satisficing” to denote these decision procedures. Satisficing implies that decision makers stop searching for information once they have found a satisfactory alternative; moreover, this

alternative need not be an optimal one, merely one that satisfies some *a priori* minimum threshold (Monroe, 1991; Zey, 1992).

Steinbruner (1974/2002, pp. 12–13), in his influential book *The Cybernetic Theory of Decision*, states, “Critics have long noted that rational theory assumes such sophisticated processing of information that it strains credulity to impute such procedures to real decision makers. The mind of man, for all its marvels, is a limited instrument.” Steinbruner attempted to explain decision making as it occurs in reality, i.e., under conditions of complexity and uncertainty. Decision makers operate under conditions of “structural uncertainty” wherein an individual is not able to ascertain the state of the environment, locate available alternatives, or even assess the consequences of a chosen alternative (Steinbruner, 1974/2002, p. 18). Basically speaking, he argued that the cybernetic processes of “incrementalism” and “satisficing” used by individuals explained simple and “routine” decisions. Steinbruner (1974/2002, p. 86) summarizes the cybernetic paradigm by stating that “[its] major theme is that the decision process is organized around the problem of controlling inherent uncertainty by means of highly focused attention and highly programmed response. The decision maker in this view does not engage in alternative outcome calculations or in updated probability assessments.”

Applications of Cybernetic Theory to National Security and Foreign Policy Decisions: Examples. Ostrom and Job (1986; see also James & Oneal, 1991), using several key variables to represent the effect of domestic politics, the economy, and international tension, constructed a cybernetic model of national security decision making for the political use of military force. Ostrom and Job (1986, p. 543) refer to a decision maker’s tendency to “[formulate] simple and manageable decision algorithms.” Specifically, they argue that presidents monitor a limited number of critical factors and then consider a restricted set of decision options (Ostrom & Job, 1986, p. 543).

Ostrom and Job (1986) constructed their cybernetic model to account for three factors originally suggested by Simon (1959): (i) the cognitive structure of the president-as-decision-maker; (ii) the content and formulation of his decision premises; and (iii) the logic of his inference process (i.e., the decision rule) used to reach a decision. Specifically, with respect to cognitive structure, the authors (Ostrom & Job, 1986, p. 544) posit that decision makers focus on a small and relatively fixed number of environmental factors but that they perceive these various inputs in “terms of quite gross distinctions.” In other words, a decision maker will not exhaustively catalog the actual state of the environment as well as the available options. In addressing decision premises, Ostrom and Job (1986) quote Simon (1959, p. 274) wherein he states that each premise specifies the “computational procedures for *assessing* the state of the environment and its implications for action” (italics in the original). Ostrom and Job (1986) state that the president forms his decision premises on the basis of his three major functional responsibilities: commander in chief (international dimension), chief executive (domestic dimension), and political leader (political dimension).

Ostrom and Job (1986) note that the president must decide how to choose among the available alternatives in a given decision task, i.e., he must implement a decision

rule. Again, the authors refer to Simon (1959) and his notion of satisficing wherein a decision maker attempts to find solutions that are “good enough” rather than those that maximize expected utility.

Prospect Theory

Prospect theory was first introduced by Kahneman and Tversky (1979), and has since become one of the leading alternatives to rational choice (expected utility) as a theory of decision under conditions of risk (see also Levy, 1992a, 1992b, 1997a, 1997b; McDermott, 1992, 2004; Mercer, 2005). The work by Kahneman and Tversky and their colleagues forms the foundation upon which other scholars have built as they have applied prospect theory’s basic decision-making concepts to other subfields such as political science.¹

Prospect theory posits that individuals evaluate outcomes not from net asset levels but instead as a function of deviations from a reference point. They also overweight losses relative to comparable gains and are risk-acceptant in the domain of loss but risk-averse in the domain of gain. Their identification of this reference point is a critical variable, and they react to probabilities in a nonlinear fashion (Kahneman & Tversky, 1979; Levy, 1992a, 1992b, 1997a, 1997b).

Instead of evaluating net asset levels, individuals tend to think in terms of gains and losses, specifically choosing among options in terms of deviations from a reference point (Kahneman & Tversky, 1979). Reference dependence is the central analytic assumption of prospect theory (Levy, 1997a; Tversky & Kahneman, 1991). This reference dependence is in violation of the expected utility assumption of an individual utility function that is defined in terms of net asset levels. Reference dependence manifests itself when we see that an individual “may prefer x to y when x is currently a part of her endowment but prefer y to x when y is part of her endowment” (Levy, 1997a, p. 35). The reference point is usually the status quo but is not necessarily so. Levy (1992a) speaks of deviations from an *aspiration level* or even some other reference point that is not synonymous with the status quo.

Because of the differential treatment of gains and losses and the importance of the reference point in determining outcomes associated with these domains, identifying the reference point, i.e., framing the choice problem, can have a critical effect on choice (Kahneman & Tversky, 1979; Levy, 1992a, 1997a; Tversky & Kahneman, 1981, 1986). Framing the choice problem in terms of gains vs. losses has a significant impact on preferences regardless of whether or not the two representations are mathematically equivalent. Framing of the reference point is often predetermined by the situation, i.e., in static environments the status quo equals the reference point. However, under dynamic conditions the reference point is not so well defined, and differences in the way individuals accommodate to gains and losses may affect the framing of the reference point (Levy, 1992a, 1997a).

Levy (1992a, 1997a) notes that prospect theory divides choice processes into two phases: (i) an *editing phase* that includes a preliminary analysis of the choice problem wherein actors identify options, the possible consequences or outcomes of each, and the values and probabilities associated with each of these outcomes; and (ii) an

evaluation phase in which the edited prospects are evaluated and then the preferred prospect is chosen. However, Levy (1997a, p. 42) states that “these parameters [identifying options, possible outcomes, and values and probabilities associated with each] are taken as given and treated exogenously. In its current form, therefore, prospect theory is a theory of the evaluation of prospects but not a theory of the editing of choices” (see also Levy, 1992a). Levy (1997a, 1997b; see also McDermott, 1992) notes that this is a limitation of prospect theory especially if one considers the plausible argument that much of the explanatory power in international relations exists in the specification of the problem, the available options, the values and probabilities associated with possible outcomes, and reference point framing.

However, this is a problem for expected utility and many other decision theories as well (Levy, 1997a). Both expected utility and prospect theory are structural theories rather than process theories. “Given certain parameters of the choice problem, they attempt to explain choices or outcomes, not the processes through which those choices come about” (Levy, 1997a, p. 42; see also Abelson & Levi, 1985).

Applications of Prospect Theory to Foreign Policy and National Security Decisions: Examples. Prospect theory has been applied in various studies of national and international security and foreign policy behavior (see e.g., Boettcher, 2004; Farnham, 1992; Jervis, 1988, 1989, 1991, 1992; McDermott, 1992).

Farnham (1992) examined FDR’s decision-making behavior with respect to the Munich crisis and found that while FDR was initially hesitant to intervene in the crisis, he changed his mind once the crisis was framed as a loss. Specifically, Farnham (1992) states,

Roosevelt’s decision-making behavior shows that his reversal of preferences about the desirability of American intervention in the crisis was not the result of a reassessment of the expected utility of intervening on the basis of new information. Rather, in the midst of the crisis, despite the fact that the objective situation had not changed materially from an American point of view, Roosevelt suddenly reframed the outcome of war as a loss and became anxious to prevent it, even to the point of incurring risks he had previously judged unacceptable. (p. 233)

Farnham (1992, p. 227) further notes that FDR’s change to a loss frame was most likely due to the prospect of impending war in Europe becoming “emotionally compelling to him.”

McDermott (1992) used prospect theory to explain Carter’s decision making in the Tehran hostage crisis. Specifically, she argued that Carter was willing to undertake the risky hostage rescue mission because he had been operating in the domain of political loss as evidenced by low public approval numbers and challenges from within his own political party. Biglaiser and DeRouen (2004) used prospect theory to explain how Latin American leaders, when operating in the domain of loss (economic problems centering around high inflation), were more likely to choose risky liberal economic reforms (see also Weyland, 1996). Fanis (2004) showed how several economic groups in Chile in the mid-1970s were motivated to cooperate with others,

even though doing so went against their own self-interest, and they did so because they were operating in the domain of loss.

Poliheuristic Theory

Poliheuristic theory concentrates on the “why” and “how” of decision making, which makes the theory relevant to both the contents and the processes of decision making (Mintz, 2004). The term poliheuristic can be subdivided into the roots *poly* (many) and *heuristic* (shortcuts), which refers to the cognitive mechanisms decision makers utilize in attempts to simplify complex decision tasks (Geva, Redd, & Mintz, 2000; Mintz & Geva, 1997; Mintz, Geva, Redd, & Carnes, 1997).

The poliheuristic theory of decision making proposes that policymakers employ a two-stage decision process where in the first stage decision makers initially screen available alternatives utilizing cognitive-based heuristic strategies. In the second stage, when the decision matrix has been reduced to a more manageable number of alternatives and dimensions, policymakers resort to analytic, expected utility, or lexicographic rules of choice in an effort to minimize risks and maximize rewards (Mintz & Geva, 1997; Mintz et al., 1997; Payne, Bettman, & Johnson, 1993). The first phase in the decision process typically involves a nonexhaustive search wherein decision makers process information across dimensions in an attempt to select “surviving” alternatives before the completion of the consideration of all alternatives along all dimensions (Mintz, 1993; Mintz & Geva, 1997; Mintz et al., 1997; Payne et al., 1993). The second phase, then, consists of a lexicographic or maximizing decision rule used in selecting an alternative from the subset of “surviving” alternatives.²

Another key premise of the poliheuristic theory is its reference to the *political* aspects of decision making in a foreign policy context. The assumption is that the policymaker measures costs and benefits, risks and rewards, gains and losses, and success and failure in terms of political ramifications above all else (Mintz, 1993). Furthermore, politicians are concerned about challenges to their leadership, their prospects of political survival, and their level of support (Kinne, 2005). Domestic politics is the essence of decision. Because loss aversion (Kahneman & Tversky, 1979; Levy, 1992a, 1992b) outweighs all other considerations, leaders are driven more by avoiding failure than by attaining success (Anderson, 1983). As Mintz and Geva (1997, p. 84) assert “the political dimension is important in foreign policy decisions not so much because politicians are driven by public support but because they are averse to loss and would therefore reject alternatives that may hurt them politically.” The theory, then, suggests procedures for eliminating alternatives by adopting or rejecting courses of action based on this political heuristic in a two-stage decision process (Mintz et al., 1997).

The theory also posits that different decision heuristics may be employed in response to different decision tasks as a function of environmental and personal variations. This premise implies that these decision heuristics and strategies may be suboptimal (i.e., not always the “best”). Again, decision makers not only use different strategies depending on various environmental and/or cognitive constraints (Geva

et al., 2000; Maoz, 1986, 1997; Mintz & Geva, 1997; Mintz et al., 1997), but they also resort to the use of different strategies en route to a single choice (Mintz & Geva, 1997; Mintz et al., 1997). Brulé (2008, p. 266) extensively reviewed the poliheuristic literature and found that it was “progressive in the Lakatosian sense” and superior to other decision models.

Both expected utility and cybernetic theories of decision making assume that decision makers typically utilize compensatory decision rules in the first stage of information processing. In contrast, poliheuristic theory of decision making posits that decision makers employ noncompensatory rules of decision making.

Applications of Poliheuristic Theory to National Security and Foreign Policy Decisions: Examples. Freedman and Karsh (1991, p. 35) state that during the Persian Gulf crisis of 1990–1991, Iraqi president Saddam Hussein rejected outright the option of withdrawing from Kuwait because “there was an absolute certainty in [his] mind of what could not be sacrificed—his political survival.” This description fits poliheuristic theory, which asserts that policymakers will use an attribute, or dimension-based process instead of an alternative-based approach for processing information. A dimension-based (intradimensional) strategy signifies that an individual focuses on a given dimension and then reviews information within that dimension across alternatives and then continues the process for another dimension (Payne, 1976). Russo and Doshier (1983) specifically state that intradimensional, or attribute-based, processing is cognitively easier and hence more likely to be employed in cognitively demanding conditions.

The noncompensatory principle suggests that “a low score on one dimension *cannot* be compensated for by a high score on another dimension” (italics added) (Ford, Schmitt, Schechtman, Hults, & Doherty, 1989; see also Billings & Marcus, 1983; Billings & Scherer, 1988; Hogarth, 1987; Payne, Bettman, & Johnson, 1988; Payne et al., 1993). In other words, decision makers do not make trade-offs between high and low scores. Hogarth (1987, p. 77) states that, psychologically, trade-offs are difficult to make because decision makers find them difficult to execute as a result of “information-processing limitations.”

Mintz (1993), in his study of the Persian Gulf War, began the extension of the noncompensatory principle to the field of foreign policy decision making. Specifically, Mintz (1993) argued that the decision by the United States to attack Iraq followed the noncompensatory principle. Mintz (1993, p. 598) specified the noncompensatory principle for use in foreign policy situations by arguing that the political dimension is the paramount attribute. Moreover, “in a choice situation, if a certain alternative is unacceptable on a given dimension (e.g., it is unacceptable politically), then a high score on another dimension (e.g., the military) *cannot* compensate/counteract for it, and hence the alternative is eliminated” (italics in the original) (see also Mintz & Geva, 1997). By examining historical documents and written accounts of the deliberations leading up to the conflict, Mintz (1993, pp. 606–7) was able to show that the political dimension was the most salient in President Bush’s decision calculus with the military/strategic dimension also playing a critical role. He further

points out that there was no comprehensive, i.e., search for compensatory trade-offs, evaluation of all the alternatives, and in fact it was quite obvious that President Bush did not consider the withdrawal option (Mintz, 1993 p. 607).

Redd (2005, p. 129) examined Clinton's decision making in the Kosovo crisis and found that "President Clinton's decision was influenced by noncompensatory domestic political calculations and the strong influence of his Secretary of State, Madeleine K. Albright." More specifically, President Clinton's decision was heavily influenced by his concern over how Congress and the public would react to his initial decision not to act and then secondly to any possible casualties from a use of force. He greatly feared the loss of American lives and how such losses would influence his political fortunes. Similarly, Brulé (2005) examined Carter's decision making with respect to the Iran hostage rescue decision and found that Carter eliminated in a noncompensatory fashion all options that threatened his chances of reelection. Once he narrowed the choice set down to a few politically palatable alternatives, he engaged in more of a maximizing process that focused on military and strategic concerns (Brulé, 2005, p. 99).³

Taylor-Robinson and Redd (2003, p. 95) examined Eisenhower's decision making surrounding the 1954 U.S.-led coup in Guatemala and found that he "quickly eliminated the do-nothing option as too politically costly. . . . Because of United Fruit's framing, the U.S. public and press, as well as the U.S. Congress and key actors within the administration, were very worried about communism in Guatemala and were pressuring President Eisenhower to take action. Thus, in the first stage of the decision process, Eisenhower employed a noncompensatory decision rule that caused him to eliminate the option of taking no action because it was politically infeasible" (see Mintz and Redd [2003] for a more lengthy discussion of framing in the context of international relations). Similarly, Sathasivam (2003, p. 55) found that Pakistan had "no other choice" than to build and test a nuclear device in response to India's decision to do the same. "Politically, Pakistan's prime minister could not choose the do-nothing option . . . and realistically expect to survive in government" (p. 70).

DeRouen (2003) even used poliheuristic theory to explain decisions "not" to use force, specifically in the U.S. decision not to intervene in Dien Bien Phu in 1954. Again, DeRouen (2003, p. 24) found that choosing not to use force was the politically expedient, noncompensatory option and "domestic politics constrained Eisenhower from using force." Astorino-Courtois and Trusty (2003, p. 47) investigated Israel-Syria peace decisions and found that the "sensitivity of the poliheuristic model to the political aspect of foreign policy choices added clarity and explanatory power to the analysis of apparent changes in Assad's interest in a peace accord, especially from the Rabin to Peres governments."

Below (2008) used poliheuristic theory to examine how Latin American leaders processed information with respect to ratifying the Kyoto Protocol. She found that leaders used cognitive heuristics that eliminated various policy options en route to choice and that their choices surrounding this environmental treaty were often not motivated by environmental concerns but by domestic political calculations. James and Zhang (2005) and Sandal, Zhang, James, and James (2011) examined crisis decision making in China, and comparatively in China and Turkey, respectively,

using poliheuristic theory and found that it does quite well in explaining leaders' crisis decision making.

Groupthink

Groupthink is a theory of defective decision making (Janis, 1982). More specifically, groupthink addresses defective decision making on the part of a cohesive decision-making group in which loyalty to real or perceived group norms takes precedence over independent, critical judgment. Conformity is the result of two possible factors: (i) Conformity from group pressure on the individual. Direct pressure comes from members of the group against dissenters, usually from the emergence of self-appointed "mindguards"; and (ii) Conformity from stress-induced cohesion. Time pressure may cause members of the group to withhold dissenting opinions for the sake of reaching consensus on a decision.

The consequences of groupthink and its resulting defective decision making include an incomplete survey of alternatives and objects, failure to examine the risks of preferred alternatives and a failure to reappraise initially rejected alternatives, poor information search, selective bias in processing information, and failure to work out contingency plans (Janis, 1982).

Applications of Groupthink to Foreign Policy and National Security Decisions: Examples. Perhaps the most famous example of groupthink that Janis (1982) documents is the Bay of Pigs invasion (often referred to as a fiasco) in 1961 in the JFK administration. In fact, Janis (1982, p. 14) even refers to the Bay of Pigs invasion as "a perfect failure." Kennedy and his advisory group suffered from illusions of invulnerability, illusions of unanimity, suppression of personal doubts among the advisers themselves, and the presence of self-appointed mindguards. Janis also includes the Korean War, Pearl Harbor, and the Vietnam War as additional examples of groupthink.

Hart (1994) uses groupthink to examine the Iran–Contra scandal during the Reagan administration. Walker and Watson (1989) argued that groupthink helps explain the flawed decision making on the part of British leaders during the Munich crisis, at least during parts of the crisis. McQueen (2005) argues that the Bush administration's decision to attack Iraq was the result of groupthink, citing an incomplete survey of the alternatives to war, a failure to reexamine previously rejected alternatives, and that there was a selective bias in the manner in which intelligence information was interpreted (see also Badie, 2010; Scheeringa, 2010). Beckner (2012) examined three crises facing the JFK administration for evidence of groupthink—the Bay of Pigs, the Cuban Missile Crisis, and the Vietnam conflict—and found that higher levels of groupthink led to poorer quality decision processes.

Polythink

Mintz and colleagues (Mintz, Mishal, & Morag, 2005; Mintz & DeRouen, 2010, Chapter 3) introduced the concept of *polythink*, which is essentially the opposite of groupthink: a plurality of opinions, views, and perceptions of group members.

Polythink means “*Poly (many) ways of perceiving the same decision problem, goals and solutions*” (Mintz et al., 2005; Mintz & DeRouen, 2010). Polythink can be contrasted with homogenous, uniform, monolithic worldview of group members.

Some of the consequences of polythink are similar to those of groupthink. This is the case *not* because the group is thinking alike or sharing the same views but because the group is failing to carry out any significant collective thinking. However, there are a number of important consequences that are unique to polythink.

As is the case with groupthink, polythink is likely to lead to:

1. Defective, suboptimal decisions
2. Limited review of alternatives, objectives, and risks
3. Selective use of information
4. Paralysis in decision making

However, there are several consequences of polythink that are very different from those of groupthink (listed in Mintz et al., 2005):

1. Greater likelihood for group conflict
2. Greater likelihood for leaks
3. Less likelihood for the group to speak in one voice
4. More likelihood for framing effects
5. No room for errors
6. Adoption of positions with lowest common denominator
7. Broader vision due to plurality of opinions of group members

An Application of Polythink to Decision Making in Negotiation. Mintz et al. (2005) examined whether polythink (or groupthink) existed at the Camp David 2000 Summit and concluded, based on in-depth interviews with all members of the Israeli delegation to the summit, including former Israeli Foreign Minister and former Chief of the IDF, that there was evidence of polythink among members of the Israeli delegation to Camp David. Mintz and Wayne (2014) apply polythink in an analysis of the 9/11 decision and a series of U.S. foreign policy decisions (vis-à-vis Iraq, Afghanistan, Iran).

Organizational Process Model

The organizational process model is, in some respects, similar to the cybernetic model discussed above. It views foreign policy as organizational output. One of the key concepts of the organizational process model is that of standard operating procedures (SOPs), which are routinized courses of action. In every organization there are SOPs, which help determine how the actors in that organization may/will

behave. Organizations do not attempt to estimate the probability distribution of future outcomes, as rational choice theory states. Instead, they avoid uncertainty by having and resorting to these SOPs. Therefore, the best explanation of an organization's behavior at time t is $t-1$, and the best prediction of behavior at $t + 1$ is t .

This model is clearly grounded in the notion that policymakers are boundedly rational, as noted in the reference above to cybernetic models. Because of numerous constraints such as time pressure, cognitive effort, and cognitive skills, which result in an individual's or group's inability to maximize, they instead satisfice (instead of optimizing, they look for alternatives that are good enough).

An Application of the Organizational Process Model to a National Security Decision. Perhaps the most well-known example of the application of the organizational process model is Allison's examination of ExComm decision making during the Cuban Missile crisis (Allison, 1969, 1971). However, Allison concluded that the bureaucratic politics model (see Discussion below) performed better in explaining decision making during the Cuban Missile Crisis than did the organizational process or rational choice models.

Bureaucratic Politics

The development of the bureaucratic politics model can be attributed to Graham Allison's *Essence of Decision* and his further work with Morton Halperin (Allison, 1969, 1971; Allison & Halperin, 1972). This work pioneered the conceptualization of the theory and developed its structure as a way to explain government action. This in no respects means that there is wide acceptance of this model and its implications, and the text was met with both praise (Holsti, 1972; Rourke, 1972; Wagner, 1974) and criticism (Caldwell, 1977; Krasner, 1972). More recently scholars have questioned both the internal logical consistence (Bendor & Hammond, 1992), and its generalizability to other political systems (Kasza, 1987).

There are two fundamental aspects in understanding decision making in this approach: (i) how decisions are arrived at; and (ii) what beliefs the decision maker has about his/her advisors. Allison makes it quite clear that "the name of the game is politics: bargaining along regularized circuits among players positioned hierarchically within the government. Government behavior can thus be understood according to a third conceptual model, not as organizational outputs but as results of these bargaining games" (Allison, 1971, p. 144). Government actors bargain over outcomes due to their different policy goals. The high-level positions that the actors possess in the foreign policy environment allow them to participate in the bargaining game (Allison, 1971, p. 164). Furthermore, Allison (1971) argues that "bargaining games are neither random nor haphazard" where "action channels structure the game by pre-selecting the major players, determining their usual points of entrance into the game, and distributing particular advantages and disadvantages for each game" (pp. 169–70).

As such actors will bargain over policy to maximize the influence they have in implementing a particular policy. They do so to "promote the positions their

organizations have taken in the past" that "are consistent with the interests their organization represents" (Feldman, 1989, p. 13). "Each player's probability of success depends upon at least three elements: bargaining advantages, skill and will in using bargaining advantages, and other players' perceptions of the first two ingredients" (Allison & Halperin, 1972, p. 50). One of the ways in which organizational/bureaucratic actors may increase their bargaining advantage is by altering the group's membership to increase the number of similar advisors. Frequently, problems arising from group composition become the driving force behind restructuring executive agencies. For example, Roman and Tarr (1998) describe the restructuring of the Joint Chiefs of Staff as a way to provide a unified, and more powerful, organizational voice to the president by getting everyone "on the same page." This illustrates how various group compositions affect bargaining advantages. Similar evaluations of information by organizationally aligned advisors increase the bargaining weight of the preferred option.

Applications of Bureaucratic Politics to Foreign Policy and National Security Decisions: Examples. Smith (1984/1985) examines how the composition of advisors to President Carter affected policy choice in the Iran hostage crisis. Smith divides advisors into groups according to perceived and generalized "stances" in dealing with the crisis. Smith concludes that group composition limited the evaluation of the alternatives. The multiple "hawks" at the table outmaneuvered the single "dove," Under Secretary of State Warren Christopher. We could expect a bargaining advantage to exist in such cases of multiple "similar" advisors wherein they would outweigh other single advisors. For example, Smith (1984/1985) illustrates that while Under Secretary of State Christopher illustrated a number of dovish alternatives initially proposed by Secretary of State Cyrus Vance, "Brown immediately dismissed these as 'not impressive,' and he was supported by Brzezinski, Jones, Turner, Powell and Jordan [the hawks], all of whom wanted to go ahead. Christopher was alone in his opposition to the plan" (p. 19). Even when Secretary Vance returned to the bargaining table to present his objections to the rescue mission, "his objections were met by 'a deafening silence' " (Smith, 1984/1985, p. 20).

The second fundamental aspect of the bureaucratic politics model is that actors within the bargaining game represent organizationally formed preferences. Many authors have addressed whether choices are arrived at through interaction of organizational beliefs (Drezner, 2000; Feldman, 1989; Simon, 1957; Smith, 1984/1985), whether manipulation affects the choice outcomes (Maoz, 1990), or how bureaucracies may help prevent such manipulation (George, 1980).

Many authors (see e.g., Allison & Halperin, 1972; Downs, 1994; Drezner, 2000) argue that organizations will try to maximize their influence over a particular policy choice. A policy stance will develop according to either the real or perceived "organizational" mission. In recent work Drezner (2000) argues that "idea based" organizations will have a consistent set of goals and attempt to propagate these goals over policy maintaining their preferences over both the means and outcomes of policy. Organizational actors will have policy preferences that are in line with their stated organizational policy preferences. These organizational interests are "often

dominated by the desire to maintain the autonomy of the organization in pursuing what its members view as the essence of the organization's activity" (Allison & Halperin, 1972, p. 49). Experimental findings presented by Hermann, Geva, and Bragg (2001) indicate that actors that have a high sense of organizational commitment are more likely to prefer their organizational goals within groups having unanimous decision rules.

Hollis and Smith (1986, p. 275), in applying the bureaucratic politics model to President Jimmy Carter's decision to pursue a rescue mission in Iran, argue that organization "allegiances are so striking that one might even surmise that, had the participants switched positions, they would also have switched preferences.

Allison and Halperin (1972) argue that individuals in positions within organizations have preferences over alternatives that are determined by the nature of the position itself. "Given the face of the issue that he sees, each player must calculate how the resolution of the issue may affect his interests. This defines his *stakes* in the issue at hand. In light of these stakes he then determines his *stand* on the issue" (Allison & Halperin, 1972, p. 49). Furthermore, "participants define national security according to the interests of the organization to which they belong. Career officials naturally come to believe that the health of their organization is vital to the nation's security" (Halperin, 1972, p. 66).

Are policymakers beholden to their perceptions of the bureaucratic "actor as advocate?" Research by Tetlock (1999) indicates that experts often utilize defense mechanisms to reinforce beliefs when presented with disconfirming evidence. These actors' beliefs can play a significant role in choice selection as illustrated by Lamb's (1985) research of the Mayaguez Crisis, or Jervis's (1976, 1988) work on misperception of both intentions and consequences of decisions. Geva and Skorick (1999) also find that inconsistency of information plays a role in choice selection (for further discussion see Billings & Hermann, 1998; Herrmann, 1988; Taber, 1998; and Vertzberger, 1990).

Analogical Reasoning

Analogical reasoning implies that individuals operate by "transferring knowledge from past problem-solving cases to new problems that are similar to the past cases" (Sage, 1990, p. 1). Sage (1990) notes that this type of decision process is fundamentally different from deductive inference or inductive inference-based reasoning. Interestingly, cybernetic theory relies on analogies in that information is funneled through a feedback mechanism and human behavior in general is therefore highly dependent on previous experiences. Vertzberger (1990) divides analogical reasoning into two stages: (i) establishing an analogy between two events and another analogy between their causes; and (ii) inferring that similar causes lead to similar outcomes. Instead of relying solely on the information at hand, individuals resort to historical analogies as a guide in making decisions. The implication is that individuals are "less-than-rational" in their reliance on historical analogies, analogies which may or may not be accurate. Obviously, the success in using analogical

reasoning depends on the accuracy of a given analogy to a particular foreign policy problem.

Applications of Analogical Reasoning to Foreign Policy and National Security Decisions: Examples. Prior to the Persian Gulf War, many opponents of the impending conflict attempted to portray the situation as “another Vietnam” and that the United States was being dragged into another foreign policy quagmire. Conversely, President George Bush repeatedly referred to Saddam Hussein as another “Hitler” and that the United States could not afford to “appease” another dictator as Chamberlain had prior to World War II.

Khong (1992) has written a book on the influence of analogies on decisions dealing with war. His primary goal was to demonstrate “how historical analogies, once invoked, influence the actual selection of policy options” (p. 9). Khong (1992) develops what he calls the Analogical Explanation (AE) framework. The AE framework “suggests that analogies are cognitive devices that ‘help’ policymakers perform six diagnostic tasks” (p. 10). These diagnostic tasks aid the decision maker in dealing with complex decision environments and allow the cognitively limited decision maker to rely on “knowledge structures” to assist in decision making (p. 13). Khong then uses the AE framework to examine decision making with respect to Korea, Dien Bien Phu, and Munich.

Applied Decision Analysis

ADA is a procedure for developing descriptive (and predictive) decision profiles of individual decision makers such as political leaders, financial decision makers, other policymakers (Mintz, 2005). The procedure consists of two key steps. First, the analyst must identify the decision matrix—the alternatives, dimensions and implications of the alternatives corresponding to each dimension—of the policymaker. The second step involves the analysis of each decision by uncovering a specific decision rule out of multiple decision rules (e.g., EBA, lexicographic, poli-heuristic, satisficing, or utility maximizing) to understand how the policymaker made the decision and which decision rule and model have been used (Mintz, 2005).

In identifying the decision matrix of the policymaker, the analyst/researcher should:

1. Identify the alternatives
2. Identify the decision dimensions
3. Assign weights to each dimension
4. Assign ratings to each implication of each alternative
5. Infer the decision rule

Step 1: Identifying the Decision Matrix of the Policymaker

A decision matrix consists of a set of alternatives, the dimensions (or criteria) for selecting among these alternatives, and an assessment of the implications of each dimension for each alternative. Weights (or levels of importance) can be assigned to each dimension if the analyst observes that dimensions should receive unequal weight in the analysis. The analyst can also use counterfactual scenarios to analyze potential actions and reactions of leaders.

Alternatives. The set of alternatives includes the likely courses of action a decision maker may reasonably consider when faced with some decision problem. For example, leaders may consider using force, applying sanctions, do nothing.

Dimensions. A dimension or a decision criterion is an organizing theme relevant in evaluating the alternatives. Thus, if the leader considers using applying sanctions, using force, or doing nothing in response to another country's behavior, relevant dimensions could be military, diplomatic, political, and economic.

Implications. The implications consist of a description of the likely consequences of an alternative for a given dimension. Each alternative has implications corresponding to each dimension. For example, in the case of applying sanctions, using force, or doing nothing, each of these alternatives has economic, military, political implications.

Ratings. Implications can be rated by the analyst, e.g., from -10 ("very bad") to +10 ("very good"). For example, if choosing the alternative "Do Nothing" is likely to result in a loss of public support for the decision maker, the analyst should assign a negative rating ("very bad," -7 or -8) to the political implications of "Doing Nothing." In contrast, if "Apply Sanctions" is likely to lead to an increase public support, then this alternative should receive a positive rating (e.g., "very good," or +8).

Weights. Weights indicate the importance level of each dimension, e.g., from 1 ("not important at all") to 10 ("very important"). Thus, in the Apply Sanctions example, the analyst assigns different weights to the military, economic, diplomatic, and political dimensions.

Once a policymaker's decision matrix is constructed, it can then be analyzed to uncover the leader's decision rule.

Step 2: Uncovering the Decision Code of Leaders

In the second stage of the ADA procedure, the analyst determines the decision rule used by the policymaker to make a particular choice (Mintz, 2005). For example, if it is clear that the policymaker stopped before considering all of the alternatives

and selected a “good enough” option, then the decision rule may be consistent with a satisficing rule, such as in cybernetic theory.

It is possible to discern the decision rule used by an individual in making multiple decisions. Mintz (2005) termed this the Decision DNA of leaders. The analyst can examine multiple choices made by the policymaker and classify them accordingly. This will reveal a particular decision pattern, which can be further refined by collecting additional observations.

Data to be inserted into the decision matrix can be obtained by interviewing experts (often accompanied by the use of a Delphi technique), by using actual data, conducting content analysis of publications, or by relying on a key expert.

Applications of ADA to Foreign Policy and National Security Decisions: Examples. Previous research has used ADA to understand decisions made by U.S. presidents (Brulé, 2005; Redd, 2005), nondemocratic leaders (Kinne, 2005) as well as leaders of terrorist organizations—Bin Laden, leaders of Hamas and Hezbollah (Chatagnier, Mintz, & Samban, 2012; Mintz, Chatagnier, & Brulé, 2006). ADA has also been utilized for predictions of decisions of terrorist leaders (Chatagnier et al., 2012).

Biases

National security and foreign policy decision makers are often prone to serious biases in decision making, such as a focus on one alternative, the acquisition of information that is “supportive” of this alternative while ignoring critical information that is contradictory to this option, susceptibility to the “preference over preference” bias and so on. Scholars of international relations, organizational behavior, judgment and decision-making processes point to common biases and errors in decision making (Jervis, 1976, 1988). Kahneman, Lovallo, and Sibony (2011) and Thaler and Sunstein (2008) write extensively on how biases influence decision making in strategic choices as well as in everyday life. They also review strategies for improving decision making and eliminating biases from decision making. Sage (1990, pp. 227–29) has identified and listed close to 30 such biases ranging from adjustment and anchoring biases, primacy and recency effects, to “wishful thinking.” His general conclusion is that “human decision behavior systematically deviates from (or is biased when compared to) a normative model that is assumed to be the optimal way to make the decision under investigation” (see also Jervis’s [1976] work on motivated and unmotivated biases).

Markus and Zajonc (1985) state that bias occurs when individuals become victims of their own cognitive limitations. They divide biases into three general categories: (i) input biases; (ii) output biases; and (iii) operational biases. An input bias occurs when inference relies on data selectively to the extent that some classes of data are given more weight than others. A common input bias is the availability heuristic wherein an individual tends to interpret the frequency or probability of an event based upon what instances or occurrences are brought to mind (Hogarth, 1987; Stein & Welch, 1997; Tversky & Kahneman, 1982b).

Output biases, in contrast, reflect response preferences such as the acquiescence bias wherein there is a tendency to give positive rather than negative answers. Operational biases are generally rules of thumb for inference. Hindsight, attributing a causal structure to past events and blaming ourselves and others for not having foreseen these events, is an example of operational bias (Markus & Zajonc, 1985).

Other biases frequently mentioned in the literature by scholars such as Forman and Selly (2001), Kahneman and Tversky (1979, 1984), Mintz and DeRouen (2010), and others are the following: Shooting from the Hip, Frame Blindness, Lack of Frame Control, Wishful Thinking, Plunging In (Forman & Selly, 2001), misperception (Jervis, 1976, 1988), gain/loss framing (Kahneman & Tversky, 1984), the Poliheuristic Bias (wherein decision makers often reject attractive alternatives because they are damaging politically or personally, resulting in a suboptimal choice), the preference over preference bias, and the “locking” on a preferred alternative rather than examining a broad range of alternatives.

“Plunging In” is defined by Forman and Selly (2001, p. 4) as “gathering information and reaching conclusions without thinking about the crux of the issue or how decisions like this one should be made.” “Frame Blindness” is defined by Forman and Selly (p. 4) as “setting out to solve the wrong problem because your framework causes you to overlook attractive options or lose sight of important objectives.” “Lack of Frame Control” is defined as “failing to define the problem in more ways than one, or being unduly influenced by the frames of others” (p. 4). “Shooting from the Hip” is defined as “trying to keep straight in your head all the information relating to the decision rather than relying on a systematic procedure” (p. 4). “Preference over preference” occurs when the decision maker has a clear preference for a course of action that affects his choices (Mintz & DeRouen, 2010). Closely related to the preference over preference bias is the locking on a preferred alternative bias.

There is no central theory of cognitive bias. Scholars and researchers have identified numerous biases and many are incorporated into various theories of decision making while many scholars focus on a particular bias and examine its impact on information processing and choice (see e.g., Frisch, 1993; Hogarth, 1987; Sage, 1990). Moreover, while many scholars discuss biases in information processing and choice (see e.g., Fiske & Taylor, 1991; Forman & Selly, 2001; Sage, 1990), generally speaking little effort is made to systematically compare biases to each other with respect to origin, similarity, and impact on decision making. Moreover, there is no review of biases in decision making as applied to foreign policy and national security decisions.

For example, while frame blindness, as noted above, refers to the tendency for decision makers to solve the wrong problem because one’s mental framework is focused on a particular piece of information or objective to the exclusion of others, how does this bias relate to other biases such as the preference over preference bias? We would submit that the preference over preference phenomenon refers to a decision maker identifying a preferred option regardless of the information presented, whereas the frame blindness bias implies that the decision maker has misidentified the decision task at hand because of a fixation on a particular goal or objective, not necessarily a course of action *per se*.

Applications of Biases to Foreign Policy and National Security Decisions: Examples. During the July–August 2007 second war in Lebanon, Israel “locked in” on the air campaign course of action. Its chief of staff largely advocated the use of this option even though the air attack was ineffective in shutting off short term the shelling of Katyusha rockets from southern Lebanon into northern Israel. There was clearly a “preference over preference” bias in the Israeli military thinking pertaining to the air campaign as the preferred mode of fighting against Hezbollah (see the Winograd Committee preliminary report, 2007).

Mintz and Redd (2007) have conducted an experimental analysis using the Decision Board simulator with high-ranking military and Pentagon officials, focusing on selecting a counter-terrorism technology. The study revealed many of the cognitive biases reported above in decisions on combating terrorism.

Decisions in Pearl Harbor, the Bay of Pigs, Operation Barbarossa, the Yom Kippur War of 1973, the 2003 Invasion of Iraq, and many other foreign policy decisions suffered from motivated and unmotivated biases in decision making. Ironically, leaders are continually influenced by biases and even repeat the same mistakes.

Conclusion

In this article we have reviewed the major decision-making models that have been used in the literature examining foreign and national security level decision making. To begin, we have spelled out basic tenets of each theory, highlighting key concepts, assumptions, and processes. We then illustrated how each theory has been applied in specific case studies of foreign and national security decision making.

Rational choice theory is the baseline standard against which other theories are often compared. Decision making is purposeful, with decision makers maximizing utility with respect to choice. However, rational choice theory is better adept at explaining decision making outcomes than foreign policy processes.

Cybernetic theory, developed precisely to respond to the rational choice assumption of utility maximization, instead argues that decision makers “satisfice” en route to choice. Policymakers select an alternative that is “good enough.” Prospect theory counters rational choice theory assumptions, positing that decision makers evaluate gains and losses not in absolute terms but based on a reference point. As a consequence, decision makers tend to be more risk-averse in the domain of gain and risk-acceptant in the domain of loss. Poliheuristic theory combines elements of rational choice theory with cognitive approaches to decision making. As such, it can account for both the outcomes and processes of foreign and national security decision making. Decision makers use multiple heuristics en route to choice in response to both cognitive constraints and situational factors, such as time pressure, information overload, etc. The theory also emphasizes the political calculations that policymakers often face, arguing that political calculations are often noncompensatory considerations, i.e., other factors cannot compensate, or override, the political dimension. Finally, according to poliheuristic theory, decision makers tend to process information in two stages, with the first stage

focusing on heuristics and cognitive shortcuts, and the second stage being more analytical in nature.

Organizational process and bureaucratic politics models concentrate primarily on the assertion that groups cannot be “rational” in all aspects that rational choice theory prescribes. Instead, groups employ SOPs and/or make decisions based on bureaucratic interests and preferences. Groupthink, as the name implies, argues that individuals participating in group decision making suppress individual evaluations of the merits of a particular course of action. Unlike the other theories presented here, this theory focuses on particular problems in foreign policy decision making, i.e., groupthink is a theory of defective decision making. Thus, its utility may be narrower in application.

Polythink’s central premise is that rather than a group erroneously focusing on one particular option, instead, too many policy options and alternatives are presented, which results in defective decision making because the group is unable to engage in effective collective decision making.

ADA is an analytic procedure aimed at understanding and forecasting decisions of national leaders. It consists of two key stages: uncovering the decision matrix of the leader and then uncovering the decision rule and decision “DNA” of leaders.

Analogical reasoning posits that policymakers use analogies from previous successful/unsuccessful decisions and decision-making processes to help guide them as they deal with their own foreign and national security crises. However, decision makers often misapply analogies, which results in problems in the decision-making process as well as for the final outcome. Finally, biases and mistakes are common in political decision making.

We have highlighted many different historical and contemporary cases in which these various theories have been applied. In many instances, different theories have been applied to the same case, in which different facets of either the theory or case are manifest. Often times the manner in which a theory is applied to a particular real-world policy decision is a function of the objectives of the researcher as well as the specific strengths and weaknesses of the theory. Researchers may wish to illuminate the processes that led to a particular decision outcome, identify the decision unit, focus on how members in a decision-making group interacted with one another, how previous decisions influenced policy deliberations, how information processing went “wrong,” and how biases influenced the decisions. As discussed above, each of these models focuses on different aspects of decision making and can thus be applied to different features of the decision environment and/or the policymaker himself or herself. Perhaps these considerations help to explain the diversity of decision-making theories and the lack of a central theme in how they are applied to real-world events.

Future applications of decision-making theories in the policy realm may benefit from reconsidering Allison’s (1969) seminal approach wherein he applied three different theoretical models to one case, the Cuban Missile Crisis, and compared and contrasted their explanatory value. By so doing, scholars will be better able to examine the unique contributions of each theory in a comparative manner, rather than attempting to do so in isolation of other theoretical considerations.

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Notes

1. See, e.g., Kahneman and Tversky (1979, 1984); Kahneman, Knetsch, and Thaler (1990, 1991); Kahneman, Slovic, and Tversky (1982); Tversky and Kahneman (1981, 1982a, 1982b, 1986, 1991); Tversky, Slovic, and Kahneman (1990).
2. Mintz and Geva (1997) distinguish between the *adoption* or *acceptance* of alternatives vs. the *rejection* of options. These lead to the utilization of different decision rules.
3. Note that Brulé (2005), McDermott (1992), and Smith (1984/1985) each attempt to explain Carter's decision making in the Iran hostage crisis, albeit from three different decision-making perspectives: poliheuristic theory, prospect theory, and the bureaucratic politics model, respectively.

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Law and Public Policy

Anthony Michael Kreis and Robert K. Christensen

Law and public policy is a dynamic, interdisciplinary area of study that has broad appeal to scholars, policymakers, and stakeholders. Scholarship in the subfield is critical to our general understanding of existing public policies and calls for future and reformed policies. While some of the subfield's utility and commonalities are obscured by diverging methodological approaches and topical foci, this review highlights some common fibers that run through the scholarship streams from public policy, public law, and doctrinal disciplines. We focus on several substantive policy areas to illustrate some of the best studies in the subfield and how scholars might better embrace the strength of the subfield's diversity by coordinating with scholars with similar topical interests. In so doing, we attempt to articulate clearer boundaries that integrate discipline, method, and the distinction between law and public policy.

Introduction

The subfield of law and public policy is a dynamic, interdisciplinary field that has broad appeal to scholars, policymakers, and stakeholders across a diversity of substantive areas like the regulation of financial markets, social welfare, and institutional design. Scholarship in the subfield is critical to our understanding of existing policy as well as to our understanding of the future of public policy as articulated by calls for reform. But with such great interdisciplinary appeal for legal scholars, public policy researchers, political scientists, and practitioners, also comes stark contrasts in conceptual and methodological approaches used in the subfield.

At times these different approaches reflect the nature of the subject matter, and at others the variations reflect the authors' academic training. Authors with law degrees may be more comfortable wading into the doctrinal intricacies and interpretation of legal texts arising from the promulgation of policy that cause nonlawyers to shudder. Similarly, those with legal training might balk at the sight of numbers, charts, and stars indicating statistical significance that are the hallmarks of the political science and public policy discipline—empirical analysis.

We intend to use this piece as a platform to advance two aims. First, we preface our piece by spending some time reflecting on definitions of the subfield of law and public policy. We discuss common ground, boundaries, and offer our own definition that seeks to identify and, to an extent, integrate the rich diversity of this subfield.

Second, in keeping with the aims of the *PSJ Yearbook*, we will highlight the most important literature in the law and public policy field and summarize the key contributions of those pieces.¹ We will focus on four substantive policy areas that have received significant coverage in the past 3 years: financial markets, campaign finance, health care, and social/family policies.²

What Is “Law and Public Policy”?

The subfield of law and policy is multidisciplinary and topically broad. Its nonsingular approach to many of society’s most pressing problems gives scholarly work under the law and policy umbrella a currency that resonates with policymakers, academics, organized interests, and citizens. But its unique strength is also a source of ambiguity that requires a foundational inquiry: What is “law and public policy”? Not surprisingly, we found multiple answers.

One early schism within the subfield was identified to exist between “public policy” scholars and their “public law” colleagues. The key distinction, according to Barclay and Birkland (1998), resides in the fact that even though the groups largely share disciplinary space—much of it political science—public law scholars explicitly recognize that courts are policymakers and are part of political processes. Barclay and Birkland argue that public policy scholars, on the other hand, largely approach courts as somewhat removed from political power and restricted in their ability to influence policy. The first division then might be summarized in divergent perceptions of the role and potency of courts as policymakers.

A second division lies in the relationship between law and public policy scholars and traditional legal scholars. This division is more disciplinary or methodological than the public law and public policy scholarship divide. Unlike the political science and economic approaches common among the public law and public policy scholars, legal scholars examine doctrinal aspects of law with principles of legal reasoning and interpretation, often from a normative approach (see, e.g., Nard, 1995; Schuck, 1989; see also Note 2). However, even this divide between political science departments and law schools is beginning to change. Many legal scholars blend social science methods with traditional doctrinal analysis and normative evaluations (see, e.g., Eisenberg, 2012; Wilson, 2011).

Further complicating the complex nature of the subfield is that these three approaches to the discipline broach a wide array of substantive topics including environmental policy, criminal law, financial regulation, public health, sociology, civil rights, education, and federalism. Indeed, one might argue that the subfield of “law and policy” is really an attempt to create some boundaries around the incorporation of the three different approaches that share much common ground: public policy, public law, and legal doctrine. These strong commonalities notwithstanding, the lack of a unified approach makes it difficult to draw bright boundaries around this subfield.

Our search for an existing comprehensive definition for the discipline of “law and public policy” was unsuccessful—a fact that further highlights the very

disjointed nature of the subfield. Our inquiry began with the top law and policy journals. We hoped to glean a better idea of the subfield's constitution by analyzing these journals' mission statements.

The *Law & Policy* journal defines its mission as embracing "varied research methodologies that interrogate law, governance, and public policy worldwide."³ The *Cornell Journal of Law and Public Policy* states its mantle is to publish "works that examine the intersections of compelling public or social issues and the law. As a journal of law *and* policy, we are a publication that not only analyzes the law but also seeks to impact its development."⁴ The *Yale Law & Policy Review's* description more narrowly echoes the sentiments of Cornell's journal as seeking pieces on the "intersection of law and policy."⁵ The *Stanford Law & Policy Review* states that its goal is to "inform public discourse by publishing articles that analyze the intersection of our legal system with local, state, and federal policy."⁶ While useful in framing broad conceptual interests, we were not surprised to learn that none of these journal missions provided clear boundaries for the subfield from a disciplinary or methodological perspective. Certainly there is little clarification on what it means to be law and public policy scholar.

We therefore find it important to offer a definition of the subfield. As a primary matter, we define "law" and we define "public policy."⁷ For the latter we borrow from Schneider and Ingram's (1990, p. 77) articulation that "policies are the instruments through which societies regulate and control themselves." This definition is a useful starting point for our inquiry; however, it is also problematic. Given the colloquial use of the term "law," Schneider and Ingram's definition could reasonably be applied with equal validity to define "law." In fact, their policy design model begins with statutory law. But the two can be distinguishable—not all policy is law and not all laws are policy. One way to distinguish the two is along the lines of discretion. Law is a body of universally binding customs and structure of governance that are nondiscretionary. In the United States, law constrains policy through judicial constitutional precedent, hierarchy of authority, e.g., federal administrative agencies must promulgate rules consistent with federal law and the federal constitution, separation of powers, federalism, and jurisdictional limitations. Policy better captures the discretionary instruments of regulation that operate within these confines of law. Policy represents the social and political choices that then can become expressed in legal texts or authorities.⁸

To compartmentalize the "law and public policy" subfield as the study of proposed or promulgated, discretionary regulatory instruments that operate within established nondiscretionary legal restrictions fails to capture the true nature of the subfield. This is because it does not capture the complex nature of the American public law governance process, which is comprised of a complicated web of federal, state, and local courts, legislative bodies, administrative agencies, emerging private-public partnerships, and quasi-governmental organizations.⁹ Nor does this definition include that which many policy scholars exclusively focus on and legal academics often overlook—the actual effect of public policy on societal actors. Further, this definition would neglect policy implementation. This is an area that some scholars, like Robichau and Lynn (2009), suggest public policy scholars fail to

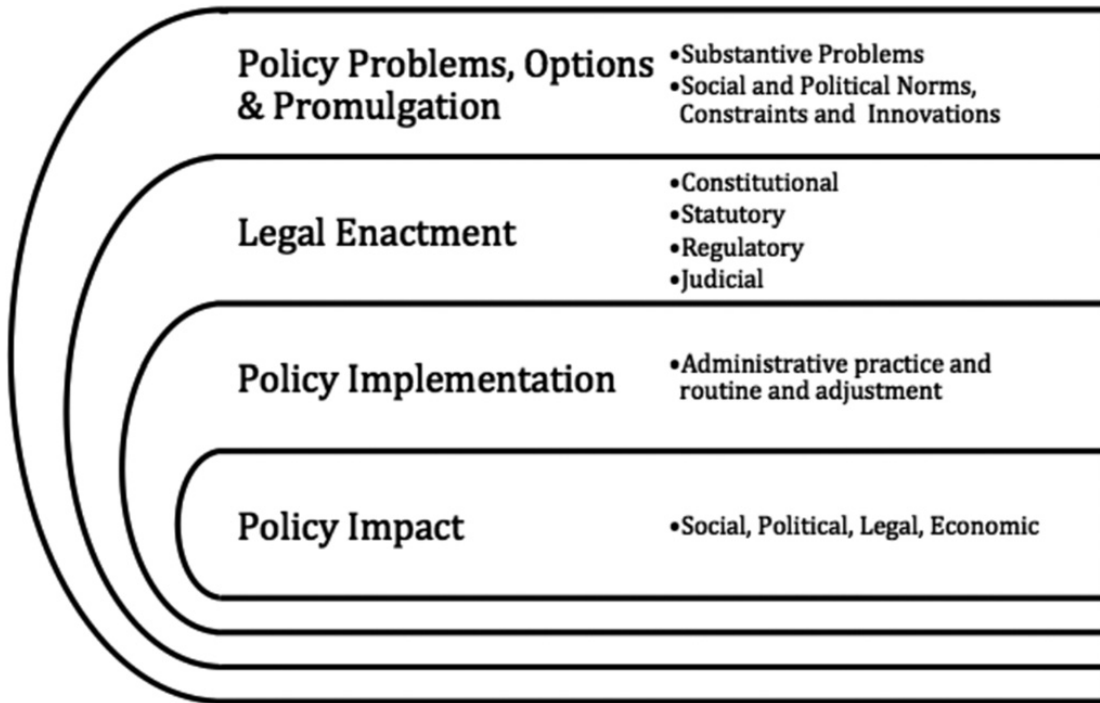


Figure 1. Law and Public Policy Subfield.

properly emphasize. Further still, a definition that simply distinguishes law and policy falls short in capturing the original aims of the public policy discipline that Fischer (2003, p. 3) described as originating from a desire to create an “applied social science that would act as a mediator between academics, government decision-makers, and ordinary citizens by providing objective solutions to problem.”

We propose an inclusive definition for the subfield that embraces its substantive and methodological diversity and its core purpose. The **law and public policy** subfield focuses on policy problems and the interchange of (i) socially and politically constrained discretionary policy options to address those problems that are enacted through legal instruments (e.g., constitutional, statutory, regulatory, and judicial); (ii) administrative practice (procedure and routine); and (iii) social, political, legal, and economic impact (see Figure 1). A law and public policy approach reflects this interchange and is accordingly both practical and scholarly. A law and policy approach is open to a variety of single disciplines as well as multidisciplinary work; it is therefore amenable to normative, empirical, and theoretical approaches.

With this definition in mind, we sought to identify some of the best scholarship from top journals in both the social science tradition and legal tradition. The research below addresses the types of relationships between law and policy cabined in our definition of the subfield. We focus on four substantive policy problems that have received a good deal of popular and academic attention in the past few years: financial market regulation, campaign finance, health-care reform, and social/family policy.

Law and Public Policy Scholarship in Review

Financial Markets Regulatory Reform

In the months after the financial services community came close to the brink of economic peril in 2008 there was no shortage of issues for scholars to address. Several targets included the subprime mortgage housing crisis, general market instability, and calls from the Obama Administration in 2009 for financial reform that resulted in the landmark Dodd–Frank Wall Street Reform and Consumer Protection Act.

A large and substantive focus of recent financial market law and policy work focused on credit related issues. A prominent piece of scholarship in this context comes from Bar-Gill and Warren (2008) who forcefully argued for greater regulation of credit markets. In their law review piece, the two law professors argued for stronger federal regulatory oversight of credit markets.

Bar-Gill and Warren, citing Gross and Souleles (2002) and Massoud, Saunders, and Scholnick (2007), highlight that credit card consumers often demonstrate irrational behavior and make minor errors, such as overextending their borrowing limit when they have funds in their deposit to cover the charge resulting in large penalties or making decisions that result in easily avoidable interest payments. To hedge against consumer abuse, Bar-Gill and Warren proposed a regulatory framework that focused on ex ante regulation, rather judicial scrutiny, the promulgation of regulations by a federal administrative agency with a broadly delegated mandate that could exercise authority over similar consumer credit products including credit cards, mortgage lending, and payday loans.

These calls for reform were answered by the Dodd–Frank Act, which, among other things, created an agency for credit oversight and regulation. Federal reforms also include federal preemption of state laws that regulated financial markets. These large shifts in the direction of financial regulatory policy have created new dynamics ripe for scholarly analysis.

Ding, Quercia, Reid, and White (2012) studied the effect of federal preemption of state antipredatory lending laws on the quality of mortgages originated by covered preempted lenders. The results provide evidence that among exempted lenders, there is a higher increase in default risk than among loans subject to strong state antipredatory laws. The strongest differences in risk lie in refinanced mortgages with adjustable interest rates. The authors conclude that the preemption of state mortgage lending regulation by the federal government may actually result in an increase in mortgage default risk.

Some scholarship notes the particular negative impact the subprime mortgage bubble has had on racial minorities. Been, Ellen, and Madar (2009) provide evidence, for example, that in 2006, 53.3 percent of first-time home buyers who were African American had high cost loans compared with 46.2 percent for Latino buyers and 17.7 percent for white buyers. This problem is a part of a more systemic problem that predates the economic downturn of the late 2000s. As Williams, Nesiba, and Diaz (2005) show, the increase of minority borrowers holding subprime loans rose

substantially between 1993 and 2000. However, there is no simple solution to combat discriminatory policies. As legal scholars note, pursuing litigation to remedy individual cases of discrimination is often difficult because of the challenges posed to plaintiffs in mustering sufficient evidence to prove discrimination (see, e.g., Selmi, 2011). This raises questions for normative scholars that will be critical for the formation of future policy in this area—if discrimination can be proven to occur within these markets on a macro level, what, if any, policy changes are necessary to assist remedying the injury that discrimination has on individuals? And what role should new agencies like the Consumer Financial Protection Bureau play in curbing discrimination with respect to credit and housing loans?

While federal action has prompted new areas of scholarship, the lack of federal preemption remains the focus of research. Yinger (2010) tackles the issue of municipal bond ratings and the Credit Rating Agency Reform Act (CRARA) of 2006's express prohibition of the U.S. Securities and Exchange Commission (SEC) and states from regulating "the substance of credit ratings or the procedures and methodologies by which any nationally recognized statistical rating organization determines credit ratings."¹⁰ Yinger's research suggested that municipal bond ratings agencies might be discriminating against municipalities with particular racial or ethnic compositions. A practice, which Yinger emphasizes, does not violate existing civil rights law and is not remediable by the SEC because of CRARA.

As time passes and the full effects of Dodd–Frank, the CRARA, and other financial reforms become known, this area of scholarship is certain to expand along with calls for additional policy reforms to address the shortcomings of prior legislation.

Citizens United and Campaign Finance

In 2010, the United States Supreme Court ruled in *Citizens United v. Federal Elections Commission*¹¹ that the First Amendment prohibited the government from restricting independent campaign expenditures for corporations, labor unions, and other similar nonprofit organizations. That decision generated a significant amount of media coverage and even presidential rebuke from Barack Obama during the 2011 State of the Union Address.

With renewed focus on campaign finance regulations, scholars from the legal, policy, and political science fields debated the implications of *Citizens United*, the acceptable boundaries in which Congress could regulate electioneering expenditures, and the assessed overall effectiveness of campaign finance regulations, generally.

Scholars in the legal field proffered varying predictions regarding the potential impact of *Citizens United* on campaign finance restrictions. Hasen (2011) suggested that the Supreme Court's jurisprudence in the area was "incoherent," thus making it incredibly difficult for policymakers to perceive what types of campaign finance reforms are constitutionally permissible. Others, like Briffault (2011), rejected the notion that *Citizens United* would cause any dramatic shift in corporations' electioneering activity. Some, like Levitt (2010), argue that the decision might even "enrich the political market place" by forcing politicians to renew grassroots efforts to

overcome corporate spending. However, like the *Citizens United* decision itself, which argued the political system would not be compromised by the decision, these hypotheses are without empirical evidence.

Legal scholars, in large part, turned to arguments favoring disclosure requirements as a method to combat the projected consequences of the *Citizens United* decision (see Bauerly & Hallstrom, 2011; Briffault, 2011; Mayer, 2010). Briffault (2011) suggested that simple disclosures modeled from nutritional information disclosures would be effective means for disseminating the source of electioneering financing. Taking a different tact, Yosifon (2011) argued that corporate governance law is the key to curbing corporations from abusing the electoral process.

However, not all scholarship concerning the current state of campaign finance law is critical of the trend toward deregulation. Some empirical evidence weighs the dominant arguments in the legal academy favoring campaign finance restrictions. Bonneau and Cann (2011) suggest that campaign finance limitations disproportionately handicap challengers' electoral prospects because they restrict challengers' ability to overcome the advantages of incumbency through fundraising, thus distorting the democratic process. This finding complements formal modeling from Meirowitz (2008) who suggested tight caps on campaign spending disproportionately constrain already disadvantaged candidates.

With the changing and uncertain landscape of federal and state election law, empirical scholars will have many opportunities to explore the hypothesis forwarded by members of the legal academy about the electoral system post-*Citizens United*. Campaign finance reform will not be the only source for future electoral-related topics. Indeed, as more states pass voter identification requirements, as many have since 2010, scholars would be wise to assess the impact of voter qualification reforms.

Health-care Reform and the Future of the Affordable Care Act

In *National Federation of Independent Business v. Sebelius*,¹² the United States Supreme Court upheld the Affordable Care Act, which sought to reform the American health-care system through a series of policies that eliminated insurance discrimination on the basis of preexisting conditions, expanded state Medicaid programs, and mandated all Americans of means to purchase health insurance do so at the risk of a financial penalty. The debate about the law's sensibility and effectiveness was ripe for normative and empirical scholars to delve into this area of law and policy.

One of the more controversial aspects of the Act was the tension it created between federal and state entities. States were tasked with implementing some of the most crucial components of the Affordable Care Act. States under the Act were required to expand their Medicaid programs, and design health insurance exchanges and high-risk insurance pools. The Supreme Court, however, in *National Federation*, struck down the Medicaid expansion requirement as coercively unconstitutional under the 10th Amendment. With states now having the option of opting in or out of the Medicaid expansion plans, the role of the states in implementing the Affordable

Care Act will require new and additional attention from scholars. Studies evaluating the opt-in versus the opt-out states may yield particularly interesting results in the years to come.

Some observers, however, argue that this complicated patchwork of federal–state relations highlights the need for generic legal reforms to take place before health-care policy reforms can be realized. Jost (2009) argued that federal law limits states’ options for health-care reform at the same time as state law constrains federal reform, thus creating a pincher movement that stifles the possibility of private innovation. Congressional action could facilitate state reform.

In a similar vein, others have called for tort reform as a proxy for health-care reform. Eisenberg (2012) argues that caps on noneconomic damages likely decreases pressure on hospitals to improve care and that tort reform does not adequately address necessary improvements to poor quality care. Similarly, Thomas, Ziller, and Thayer (2010) found that the cost savings generated from tort reform and damages caps were actually lower and typically anemic in comparison with estimated savings. Other research suggests that tort reform might be required to improve the level of care in particular areas of medical practice. Yang, Studdert, Subramanian, and Mello (2012) studied state tort reforms and adverse birth outcomes and found that the result of looming potential for liability in tort “may produce a level of precaution taking in obstetrics that is higher than socially optimal.”

While debate continues over the effectiveness of tort reform on the affordability of health care, there is also an important discussion on what type of tort reform is necessary. And though states like Texas have taken large measures to cap the amount of damages available to medical-related tort suits with the hopes of staving off increasing health-care costs,¹³ they have done so without shedding the traditional common law framework for recovering damages. Some scholars have analyzed state reforms. Paik, Black, Hyman, and Silver (2012), for example, analyzed Texas’ reforms concluding that they were ineffective in curbing costs. In contrast to Texas and states like it, some scholars look toward other common law countries that have abandoned traditional common law processes. Schuck (2008), for example, highlights the no-fault system employed by New Zealand and concludes that similar drastic reforms are not likely to occur in the United States but nevertheless calls for more studies of the New Zealand system.¹⁴

Other health-care policies beyond broad health-care reform continue to garner considerable attention by law and policy scholars. Kaestner and Khan (2012) looked at the impact on prescription drug insurance from reforms in Medicare Part D. Their study found Medicare Part D “significantly reduced socioeconomic and geographic disparities in prescription drug insurance among the elderly.” These lowered rates of disparity in insurance coverage resulted in a 30 percent increase in the number of annual prescriptions filled and a 40 percent increase in prescription drug expenditures among the elderly population.

As New York City Mayor Michael Bloomberg proposed in 2012 to ban large soft drinks in order to curb America’s obesity epidemic, law and policy scholars have come out with studies evaluating the impact of junk food bans in public schools, like New York City’s. Datar and Nicosia (2012), controlling for children’s body mass

index at school entry, found in their study of fifth graders that junk food availability alone does not significantly increase rates of obesity. Given the lack of empirical evidence that the availability of junk food correlates in higher obesity rates, the pair hazard that outright bans of junk foods “might appear premature given that they remove a key source of discretionary funds.”

While Mayor Bloomberg pushes to ban big gulps and massive soft drink cups, other officials in Georgia, Virginia, and elsewhere are reconsidering alcohol regulations. In Georgia, many counties in 2011 and 2012 are opting to sell alcohol on Sundays while Virginians contemplate deregulating the state-controlled alcohol distribution. One study from Lovenheim and Steefel (2011) suggests that Sunday alcohol sales have little public health benefits and demonstrate that there is little evidence that Sunday alcohol sales are linked to traffic fatality rates.

Social/Family Policy

Despite the disproportionate attention given to campaign finance, health care, and financial services reform due to the sluggish economy and the Obama administration’s legislative agenda, social/family policy remains to garner significant attention from scholars, particularly on issues relating to sexual orientation, abortion, and family law. With rapidly shifting attitudes toward sexual minorities, sweeping policy changes on the state level on abortion, and evolving standards on the concept of family, social law and policy has and will continue to be a promising area of study for law and policy scholars.

In the area of sexual-orientation-related policy Buchmueller and Carpenter (2012) studied the effect of health insurance mandates in California that required private employers to provide health insurance to same-sex couples in the same manner required for married heterosexuals. The pair found that there was no empirical evidence that the policy made a significant difference in the rate of coverage between gay and straight men. For lesbian women, however, the study concluded that the policy did increase health insurance coverage among lesbians relative to heterosexual women. The authors concluded that policies, like California’s, could help remedy sexual-orientation-based insurance disparities among nonheterosexual women.

Christafore and Leguizamon (2011) studied the relationship between sexual orientation discrimination and property values. Using Ohio, Christafore and Leguizamon looked at the relationship between the percentage of voters in Ohio who voted for the state’s constitution ban on same-sex marriage as a proxy for acceptance of nonheterosexuals to see if more conservative areas discriminated against same-sex couples. Using a data set comprised of over 20,000 house sale observations, they show that an increase in the number of same-sex-coupled households is associated with an increase in house prices in more liberal neighborhoods and a decrease in house prices in more conservative neighborhoods. The authors concluded from their study that the results suggest that gay- and lesbian-coupled households do experience prejudice in conservative neighborhoods.

Many states are adopting new policies with respect to adoption in order to accommodate second-parent adoptions for same-sex couples. Wilson (2011) analyzed from both a normative and empirical perspective the influence of the American Legal Institute's (ALI) *de facto* parent adoption standard, which called on courts to grant parental rights to nonbiologically related adults if an adult can demonstrate a parent-child like relationship to a child. Wilson's argument, which did not address same-sex couples, was that the ALI's standard for parenthood was too thin and too risky for children. Wilson concluded in an empirical study of courts' use of the ALI's standard, that courts were not using the standards without serious additional requirements to demonstrate a parental relationship.

Wilson's calls for vigorous efforts on the behalf of courts to use family law and combat the potential harms caused by domestic abuse on children are complemented by a recent study done by Carrell and Hoekstra (2012). Their study argues that social and judicial intervention to combat domestic violence has widespread social benefits. The authors' research demonstrates that "children exposed to as-yet-unreported domestic violence reduce the achievement of their classroom peers, these costs disappear completely once the parent reports the violence to the court." In light of these findings, policymakers should consider promulgating regulations and programs that encourage victims to report acts of domestic abuse. Scholars, similarly, should follow up on these programs and measure their effectiveness.

Ha, Cancian, and Meyer's (2010) family law study, like Wilson's, highlights problems in courts' handling of child custody. Their longitudinal study examines the earnings for noncustodial fathers who were first ordered to provide child support in 2000. While the research demonstrated many noncustodial fathers experienced large changes in earnings, very few of them had modified orders. The authors suggest that courts should be more responsive to changes in earnings. These calls for reform echo those of Heinrich, Burkhardt, and Shager (2011) who called for reforms to reduce child support debt with the hopes of increasing the receipt of child support.

Like sexual orientation policy, abortion policy continues to be a hot-button topic. Colman and Joyce (2011) studied a Texas law that requires that all abortions at or after 16 weeks' gestation be performed in an ambulatory surgical center. In the month the law went into effect, not one of Texas's 54 nonhospital abortion providers met the requirements of a surgical center. Immediately after the law, Colman and Joyce's research found the number of abortions performed in Texas at or after 16 weeks' gestation dropped 88 percent and the number of residents who left the state for a late abortion nearly quadrupled. After the law, post-16 weeks' gestation abortions that were available in a nonhospital setting were in four major Texas cities. Nine Texas cities provided these services prior to the law. The study also found the abortion rate at or after 16 weeks' gestation was 50 percent below its pre-Act.

The authors concluded that statutory schemes, like the one studied in Texas, could have profound effects on the market for second-trimester abortions. Texas' law became the model for other states (as recently as 2012) like Kansas and Mississippi, to follow suit and enact similar statutory regulations. While litigation is likely to be pursued challenging these restrictions as infringing upon constitutional rights

embedded in *Roe v. Wade*¹⁵ and *Casey v. Planned Parenthood*,¹⁶ which enshrined a constitutional right to abortion services, law and policy scholars will likely continue to study the effect of state regulations that parallel the Texas law Colman and Joyce studied.

Conclusion

As we highlighted in the first part, there are many commonalities shared by law and policy scholars who come from policy, public law, and doctrinal disciplines. While some of these commonalities are obscured by diverging methodological approaches and topical focus, this review highlights that the common fibers that run through these three subsets of the law and policy subfield have much to learn from one another. Clear boundaries of the law and public policy discipline remain somewhat elusive. In the first part of this piece we sought to articulate clearer boundaries that integrate discipline, method, and the distinction between law and policy.

In the second part we focused on four recent substantive policy areas to illustrate some of the best, if not disparate, studies in the subfield. We conclude with an argument that empirical studies of sexual orientation, abortion, or campaign finance reform can benefit from an improved understanding of constitutional doctrine. Scholars from the legal academy might borrow from empirical social scientific analysis to supplement their normative legal arguments. The role of the courts cannot be lost in either approach, and their command in shaping public policy requires substantial attention.

The law and public policy subfield is rich with topical, disciplinary, and methodological diversity. Scholars working in the law and public policy subfield might better embrace the strength of the diversity by coordinating with scholars with similar topical interests that adhere to diverging schools of thought in their approach to the subfield. Fora such as the *Journal of Empirical Legal Studies* provide a positive step in the direction of institutionalizing integration. The *PSJ Yearbook* is another excellent resource with which scholars can identify each other and find reviews of subfield research. But ultimately, individual scholars must make use of such tools. For law and public policy we must take it upon ourselves to pursue cross-conversations within law and public policy if we are to become a subfield that is populated by more than ships passing in the night. To this end we hope that our attempt at defining the subfield and illustrating its reach within four substantive policy areas will serve as an illustration and platform with which to scholars might seed conversations leading to more coherence and identity within law and public policy.

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Notes

1. Our focus is more on policy and is therefore more descriptive and empirical, than it is normative and philosophical. We do recognize, however, that important conversations in legal theory and political philosophy are also relevant (see, e.g., Birkland, 2010; Rawls, 1988; Skene, 2012).
2. The term "social policy" is a broad term that is not particularly manageable despite its widespread use in the media and some academic circles. Though it is tempting to describe the issues discussed in this review, abortion, same-sex couples, nondiscrimination, etc., under the umbrella of "social policy," we recognize that it is too broad. While family law might be a better term to use, it is too narrow for our purposes here, though it does capture a large portion of the topics discussed. Additionally, while there are many other areas of law and policy that are worthy of addressing in this piece but are not touched on, one such area is the study of governance, which the *Policy Studies Journal* has wisely dedicated an entire piece to reviewing (see Robichau, 2011).
3. *Law & Policy* is a traditional social science, peer-reviewed journal. The *Law & Policy* mission statement is located on the journal's homepage: <http://www.wiley.com/WileyCDA/WileyTitle/productCd-LAPO.html>.
4. The *Cornell Journal of Law and Public Policy* is a non-peer-reviewed, law review organized and edited by current Cornell Law School students. The journal's mission statement is located on the journal's website: <http://www.lawschool.cornell.edu/research/JLPP/jlpp-history.cfm>.
5. The *Yale Law & Policy Review* is a non-peer-reviewed legal periodical edited by current Yale Law School students. The journal's mission statement is located at <http://yalelawandpolicy.org/aboutus>.
6. The *Stanford Law & Policy Review* is a non-peer-edited, symposium style, legal periodical edited by current Stanford Law School students. The Review's mission statement is located at <http://slpr.stanford.edu/>.
7. Policies are often implemented in the private sector, jointly by private parties and government actors, and through other mechanisms including social norms and market transactions (see Arnold, 2004). However, for purposes of this piece, we focus on state actors governed by constitutional principles, unlike private actors. However, private policies do have implications with respect to public law and policy. For example, corporate nondiscrimination policies can be meaningful within the context of compliance with Title VII of the Civil Rights Act of 1964 (see, e.g., *Meritor Savings Bank v. Vinson*, 477 U.S. 57 [1986]).
8. Although we also recognize that others have drawn policy as a subset of law, rather than a superset of law (see, e.g., Hothersall & Bolger, 2010). Policy considerations also are made within judicial institutions, thus further complicating the relationship between law and policy. Courts routinely evaluate policy outcomes as judges contemplate constitutional doctrine, engage in statutory interpretation, and craft remedies for aggrieved parties.
9. New and evolving public and quasi-public entities complicate the law and policy distinction. For example, within the land use regulatory system, local comprehensive plans and federal agency plans for the management of lands and resources, which are often statutorily mandated, are thinly controlled by statute as to their content. Thus, drafters enjoy discretion in formulating goals and implementation. While they appear like pure policy at first blush, they often control other lower-level policy. Inconsistent policies are struck down when they conflict with the long-term land use plans. But whereas they control the outcome of conflicting policy like statutory law, they, unlike statutes, are

interpreted loosely and easily amended. One scholar compared plans to the Pirate's Code of the *Pirates of the Caribbean*: more like guidelines than actual rules (see Arnold, 2007).

10. 15 U.S.C.A. § 78o-7(c)(2) (2012).
11. 558 U.S. 50 (2010).
12. 567 U.S. __ (2012), available at <http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf>.
13. Under a 2003 Texas law, noneconomic damages in medical malpractice suits are capped at \$250,000. Tex. Civ. Prac. & Rem. Code Ann. § 74.301 (2011).
14. While this review is limited to an American-centric discussion of law and public policy in order to limit the scope and minimize the complexity of comparing law and policy between nations with varying political traditions, legal systems, and institutional design, this piece is particularly excellent to show how Americanists can glean solutions for public policy problems in the United States from other countries.
15. 410 U.S. 113 (1973).
16. 505 U.S. 833 (1992).

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Social Policy: What Have We Learned?

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In this review, we focus on current research on the major welfare program in the United States, food security programs, Social Security, Social Security Disability, Unemployment Insurance, child support, and tax provisions such as the Earned Income Tax Credit that provide substantial financial support for low-income households and other potentially vulnerable populations such as the elderly and the unemployed. Since many of these are programs specifically targeted at poor and low-income individuals, we also describe how poverty is defined in the United States, update readers on the ongoing debate over poverty measurement, and provide some comparison to how it is measured outside the United States. Looking across the various social policies addressed in this review and the associated recent research, one clear theme emerges: the United States is very concerned about work disincentives potentially embedded within these programs.

What Constitutes Social Policy?

Social policy is a broad term that encompasses a wide range of policy interests including means-tested and social insurance programs that offer cash and/or in-kind assistance to individuals and families for the purposes of providing a basic income; maintaining and improving physical and mental health; providing food and housing security; and mitigating the adverse consequences of domestic violence, other crimes, or disasters. Social policy can also include the panoply of education programs from preschool to college tuition assistance to adult literacy, vocational training, and other learning programs. In this review, we focus on current research on the major welfare program in the United States, food security programs, social security, social security disability, unemployment insurance, child support, and tax provisions such as the Earned Income Tax Credit (EITC) that provide substantial financial support for low-income households and other potentially vulnerable populations such as the elderly and the unemployed. We recognize that this does not encompass all possible programs, but other review articles in the *Policy Studies Journal* are tackling areas we are omitting (e.g., health policy and education).

Many books have been written on various aspects of social policy. Even with our narrowed focus on the above-listed programs, social policy research can encompass public opinions about social programs and trends (Winter, 2008); the

politics of race, gender, class, and sexuality as they pertain to social programs (Fox, 2012; Reingold & Smith, 2012); policy feedbacks (Campbell, 2012); social activism (Ernst, 2010; Strolovitch, 2007) as well as policy analytic research on what is or is not working in social programs. Our emphasis is on what we have learned over the past several years about the effectiveness of the social programs that we are reviewing. This further narrowing of the scope of the review is intended to (i) limit the length of the review and (ii) provide cohesion in our review given that the bulk of the material published on social programs in the past few years has had this emphasis.

Because many, certainly not all, social programs are targeted to low-income households and are means-tested, we begin by describing how poverty is defined in the United States, the most commonly used benchmark to determine eligibility. We update readers on the ongoing debate over poverty measurement and provide some comparison to how it is measured outside the United States. We then describe the latest research on means-tested programs, followed by the three major social insurance programs: social security (SS), social security disability insurance (SSDI), and unemployment insurance (UI). We include a description of the research on the child support program next, in part because it is a major income maintenance program for children with divorced, separated, or never married parents irrespective of whether they are poor, rich, or in-between. We conclude with recent research on provisions of the tax code that have important social policy goals. In this section, we discuss the EITC as well as recent proposals related to a negative income tax and a unified child credit.

Poverty Measurement and Definitional Issues

Understanding whom is poor, and thus in need of assistance through various social policies, is a task that is challenging on both methodological and ideological grounds. In general, countries employ one of two techniques to measure poverty among their populace: a relative measure or an absolute measure, both of which are on income. European nations have tended to use relative measures, which define poverty relative to the standard of living within a particular country (e.g., some fraction of median household income). The United States uses an absolute measure that sets a poverty line at a fixed amount of income. In both scenarios, individuals with income below either the fraction of median income or the fixed line are considered poor (Couch & Pirog, 2010).

However, deciding where to set the poverty line and what to count as income is challenging. In the United States, the method for measuring poverty was developed in the 1960s. In short, the measure is based upon the amount of money needed to afford a low-cost diet in 1955, multiplied by three (because at that time, families spent approximately one third of their income on food), and then adjusted based upon the number of related individuals in the household and the ages of those individuals (e.g., the elderly are assumed to need less food than younger adults and children). Each year, the threshold is adjusted to take into account increases in the cost of

living. Individuals and families whose pretax cash income falls below the poverty threshold are considered "poor."

This method has come under criticism, both for its construction but also for what is counted as income for purposes of calculating who is poor. Families no longer spend one third of their income on food (they spend less), and certain types of federal assistance, including benefits received through the various nutrition programs and the EITC (see below), among others, are not counted, even though they increase poor families' purchasing power and may in fact reduce poverty. Additionally, the current measurement scheme does not take into consideration variations in the cost of living across and within states or out-of-pocket expenses families may incur (Couch & Pirog, 2010; Hutto, Waldfogel, Kaushal, & Garfinkel, 2011). In recent years, the U.S. Census Bureau, which tracks the poverty rate, has implemented an "alternative poverty measure" that attempts to correct for some of these inadequacies.

A recent article attempts to put into practice recommendations made by a National Academy of Sciences panel (Citro & Michael, 1995) and others (e.g., Blank & Greenberg, 2008) to address some of these shortcomings in poverty measurement. Hutto et al. (2011) find that using a number of alternate methods increases poverty in the United States in 2007 by 3.6 percentage points for all individuals and by 3.2 percentage points for children. However, after adjusting for the receipt of near-cash benefits (but not for out-of-pocket expenses), child poverty and poverty among African Americans goes down, suggesting that various in-kind antipoverty programs do lead to reductions in poverty. Two other articles (Levitan et al., 2010; Zedlewski, Giannarelli, & Wheaton, 2010) attempt to implement the National Academy of Sciences recommendations at a state and local levels in high cost-of-living areas: Connecticut and New York City. Both analyses find that although poverty thresholds (i.e., the amount of income below which a family would be considered poor) would be higher under alternative constructs, the inclusion of income from tax refunds and in-kind benefits, at least for certain groups, offsets increases in poverty that might otherwise be seen.

Beyond income-based measures of poverty, other types of measures have been considered, including those that: (i) take assets into account; (ii) measure consumption patterns; and (iii) examine a broader range of well-being, such as experiences of material hardship and social inclusion. Brandolini, Magri, and Smeeding (2010) examine how the inclusion of wealth changes the level and composition of poverty in the United States and several European nations. They find that for all countries, including measures of net worth considerably reduces poverty. Yet, the authors caution that these findings are sensitive to the inclusion of housing (which may not easily be liquidated during periods of low income) as well as to data limitations. Recent scholarship (Marlier & Atkinson, 2010; Nolan & Whelan, 2010) has also drawn attention to social exclusion, which Marlier and Atkinson (2010) define as "the involuntary exclusion of individuals and groups from political, economic, and social processes, preventing their full participation in the society in which they live" (p. 285). Although the concept is not often used in discussion of poverty in the United States, it is gaining traction in Europe.

Means-Tested Programs

In describing the major programs that comprise U.S. social policy, we make the distinction between means-tested programs and those that are considered social insurance. Means-tested programs are those that require recipients to meet certain income or other resource-related requirements. Although there is variation across states, the two programs we consider here—Temporary Assistance to Needy Families (TANF) and the Supplemental Nutrition Assistance Program (SNAP)—require that recipients have very low income and little in the way of assets. Social insurance programs also have certain requirements that must be met to receive benefits, but the primary purpose of these programs is not to assist low-income individuals but rather to provide protection against the ups and downs of the labor market and to individuals who are unable to participate fully in the labor market (i.e., the elderly and the disabled).

Temporary Assistance to Needy Families

TANF is a program providing cash benefits to very poor families with children as well as services needed to help adult TANF recipients become and stay employed. Passed as part of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), TANF replaced Aid to Families with Dependent Children (AFDC). Whereas AFDC was an entitlement program, meaning that those who met eligibility requirements received benefits, TANF is funded via a block grant to states. The level of funding is fixed, regardless of changes in demand or need for the program. The block grant funding mechanism also gives states more discretion in determining how to structure eligibility and fund various aspects of TANF.

Along with funding changes, PRWORA also contains a number of provisions that make TANF very different from AFDC. First, adult TANF recipients may not receive federal benefits for more than 60 months in their lifetime, less at state option. Recipients must also be working or participating in work-related activities. AFDC recipients could continue to receive benefits as long as they had a minor-aged child and met other eligibility, and work requirements in the AFDC program were imposed on a very small fraction of the caseload (Weaver, 2000). These provisions were predicated upon a belief that recipients needed discipline imposed upon them, lest they linger on welfare rolls instead of seeking employment (e.g., Mead, 1986). Whether due to PRWORA's changes, other policy changes that were implemented at the same time (e.g., expansions to the EITC program, discussed below), the strong economy in which PRWORA was implemented, or other factors, the number of families receiving TANF benefits plummeted and has not increased much despite the recent economic downturn (Danziger, 2010).

Two recent works take stock of what has been learned since TANF's inception. Danziger (2010) performs a comprehensive review of social science research conducted since 1996, finding that the TANF program plays a very small role in poor families' lives. Historically low proportions of eligible families receive TANF benefits, and those who do receive it do so for very short periods of time. While many

former TANF recipients left the program for employment, the jobs they hold tend to be very low-paying and unstable. Finally, a large body of work finds that a significant minority of current and former TANF recipients have serious health and mental health problems and/or experience serious domestic violence. These challenges may both impede women's ability to hold jobs as well as to interact with a TANF system that has complex rules.

Both Hands Tied (2010) by Collins and Mayer provides an in-depth exploration of these and other issues faced by former TANF recipients in Wisconsin. The authors argue that TANF's implementation must be considered alongside changes in the global labor market (i.e., the proliferation of service sector jobs) as well as an increased belief that the market should be free of regulation, which has served to dismantle many of the protections previously available to workers. The jobs recipients obtained, as Danziger's review highlights, were low-paying service sector positions without benefits and without the flexibility needed to care for their children. Yet, when jobs were lost, women were faced with a rather punitive welfare system whose main goal was to funnel them back into the low-wage labor market, rather than addressing the underlying problems that brought them back to TANF.

The organization of work and responsibilities within local TANF offices, and not just federal policy changes or recipient challenges, plays an important role in poor families' ability to access benefits, since these offices serve as a "gateway" to the TANF program (Brodkin & Majmundar, 2010). Several articles highlight various aspects of local TANF administration and its effects on potential recipients. Brodkin and Majmundar (2010) focus on the informal practices that offices may put in place to manage TANF caseloads, largely by making access to benefits difficult:

Caseworkers exercise what we term procedural discretion when they demand face-to-face meetings beyond those required by regulation, set appointment times without regard to claimant circumstances (such as pickup schedules for school children), or schedule multiple claimants simultaneously, producing long waiting times at welfare offices . . . when caseworkers misunderstand and/or misapply rules in disadvantageous way, lose documents and require resubmission, or do not return telephone calls. (p. 831)

While such practices occurred under AFDC, the increased discretion afforded by PRWORA, as well as more stringent rules mandated by federal law, may have served to increase such "procedural discretion."

Fording, Soss, and Schram (2011) examine how the frontline use of a specific TANF policy tool—sanctions—intersects with race. PRWORA specified that states must develop and implement procedures to deal with recipients found to be in violation with TANF rules yet left it up to states to determine how they would "sanction" recipients. In most states, a sanction results in a gradual or immediate loss of some or the entire TANF cash grant. Previous research (e.g., Soss, Schram, Vartanian, & O'Brien, 2001) found that states with higher proportions of African Americans have stricter sanction policies. The current research seeks to examine how race may affect the use of sanctions. The authors find that race plays a role in the

decision to sanction, but local context matters; in places where TANF is administered in a more centralized fashion (e.g., less frontline discretion), race is unrelated to sanctioning. These findings are part of a larger argument the authors make, stating that sanctions and other punitive policies are part of a larger paternalistic effort to regulate the behavior of the poor (Soss, Fording, & Schram, 2011).

Food Assistance

As TANF caseloads declined, the federal SNAP, formerly called food stamps, has become the nation's largest income support program (Klerman & Danielson, 2011). SNAP provides benefits via a debit card to qualifying individuals and families that can be used to purchase food. Since 1996, the program has undergone a number of changes, and Klerman and Danielson (2011) examine the effect of those changes, as well as changes in the economy, on use of the program and the composition of caseloads. They note that the program has shifted from one that primarily serves families with children who were receiving AFDC/TANF to one that serves those without ties to cash assistance. They find that welfare policies, such as those described above, served to push down the proportion of the caseload that combined food stamps with cash benefits. Changes in the economy have time-lagged effects, driving up caseloads even after a period of economic recovery has begun.

As was the case with the old AFDC program, there is some concern that participation in SNAP could have unwanted behavioral effects, such as reducing employment; but unlike TANF, SNAP does not have large-scale work requirements. Yet, as Hoynes and Schanzenbach (2011) note, testing this premise is difficult, since the program is fairly uniform across states (so designs that would exploit policy variation are not possible). The authors instead employ a quasi-experimental design that uses variation in county adoption of the Food Stamp program during the 1960s and 1970s and find that while participation in the program has no labor market effects overall, single mothers were significantly likely to reduce their work effort.

While SNAP is by far the largest of all food assistance programs in the United States (in 2011 more than 44 million people received benefits), other programs provide food and related assistance to low-income families. The Women, Infant, and Children (WIC) program offers food and nutritional counseling to low-income pregnant, postpartum, and breastfeeding women and to low-income children under the age of five. Using a design similar to that described immediately above (WIC was gradually implemented during the early 1970s), Hoynes, Page, and Huff Stevens (2011) find that the implementation of WIC was associated with increased birth weights.

The School Breakfast and Lunch programs provide subsidies to participating schools so that they can offer eligible low-income children free and reduced price meals. The original intent of the program was to ensure that children consumed a nutritious meal that they may not have had otherwise. Existing studies find both negative and positive short-term effects of participating in the program. The School Lunch program has existed in various forms since 1946, so researchers are now able to examine longer-run outcomes of participation. Hinrichs (2010) finds no long-term

effects on health among those participating in the lunch programs in the mid-twentieth century, but participation is associated with large gains in educational attainment. While this analysis cannot determine the mechanisms through which the effects emerged, the author speculates that lunches provided an incentive to attend school (increasing education) but simply displaced food that would have been consumed elsewhere (thus no health effects); or health effects might have been positive in the short run, thus contributing to higher educational attainment.

The School Breakfast Program is newer, and participation is lower than in the Lunch Program, both because fewer schools participate and because fewer eligible families take up the benefit (Bartfeld & Kim, 2010). On this second issue, Bartfeld and Kim (2010) find that family characteristics, school/community characteristics, and program logistics are all associated with participation. Poorer families, families with more children, and families with two working parents (who may be pressed for time) are more likely to participate, as are children attending schools with higher proportions of lower-income students and children attending schools that make it logistically easy for children to eat breakfast. Increasing participation may be an important goal for policy, since another study (Bartfeld & Ryu, 2011) finds that participation is associated with a reduced likelihood of skipping breakfast.

Social Insurance Programs

Social insurance programs are not means tested and are intended to smooth income over the life cycle, for example when individuals are disabled or separated from employment through no fault of their own. These are large and costly programs for the government, and their financial sustainability continues to be closely scrutinized. This section of our review covers recent research on the Social Security, Social Security Disability Insurance, and Unemployment Insurance programs.

Social Security

Social Security is the United States' largest social insurance program, accounting for approximately 29 percent of overall federal government revenues and 20 percent of expenses (Aaron, 2011). Created in 1935 under President Roosevelt, the program provides cash benefits to retirees, disabled persons, and survivors after the death of a qualifying family member. Social security is mainly funded through an earmarked payroll tax.¹ The large size of the program and the fact that the program benefits some of the most vulnerable groups of individuals in the United States has attracted a great deal of interest from researchers and government officials. The program enjoys popular support but has also been heavily criticized. Articulating the program's shortfalls and suggesting improvements have been a major thrust of many recently published articles on the topic.

One of the major concerns about Social Security is potential insolvency (Aaron, 2011; Benítez-Silva & Heiland, 2007; Kotlikoff, 2011; Sabelhaus & Topoleski, 2007), which may lead to as large as 16 trillion dollars in future budget shortfalls (Kotlikoff, 2011). The other problem is the disincentive for work among recipients (Goda,

Shoven, & Slavov, 2011b; Von Wachter, Song, & Manchester, 2011; Weathers & Hemmeter, 2011). Researchers also mention issues such as inappropriate adjustment of benefits for inflation (Goda, Shoven, & Slavov, 2011a), the complexity arising from 2,728 rules created for the program (making rational saving and labor supply decisions almost impossible), and the unfairness associated with the shift of resources from singles to married couples, from individuals with lower life expectancies to those with higher longevity (Kotlikoff, 2011), and from future generations to current as earlier cohorts (born before 1935) paid little in payroll taxes, but enjoyed large benefits at the expense of future generations (Aaron, 2011; Kotlikoff, 2011). The problems the Social Security system faces and the possibility for reform is the focus of a number of articles in a recent issue of the *National Tax Journal*. While the authors of the various articles (Aaron, 2011; Goda et al., 2011a; Kotlikoff, 2011) agree that reforms are necessary, they diverge regarding the essence and extent of transformations.

The problem of potential insolvency of the Social Security program is addressed by Aaron (2011) and Kotlikoff (2011). While Aaron (2011) argues that only minor changes are required to correct financial shortfalls and that large-scale changes will be disruptive, Kotlikoff (2011) insists on the necessity of in-depth reforms. Aaron (2011) argues that the changes needed to correct the potential insolvency problem should be aimed at either immediate 15 percent cut in benefits or two percentage point increase in payroll taxes, or a combination of two. Kotlikoff (2011), on the other hand, believes that the problems with Social Security are too great to be resolved with small modifications. This author proposes to freeze benefit accumulation under the current system and replace Social Security with an alternative "Personal Security System" (PSS) program. The PSS would feature a mandatory contribution from an individual's income to a personal savings account (or both an individual and spousal account for couples). The federal government would match contributions to those who are poor, disabled, and unemployed. PSS contributions will be invested in a global-market portfolio and sold to the PSS participant when they reach a retirement age.

Another problem facing Social Security is the issue of appropriate adjustment of benefits for inflation (Aaron, 2011; Goda et al., 2011a). Currently, benefits are indexed using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). However, both Aaron (2011) and Goda et al. (2011a) argue that this index does not appropriately adjust for the cost of living for Social Security recipients. Using data from the Health and Retirement Study for the late 1990s and early 2000s, Goda et al. (2011a) test whether retirees have higher out-of-pocket medical expenses than workers. Such expenses might be higher, first, because Medicare premiums are automatically deducted from Social Security retirement benefits, and these premiums have grown much faster than Social Security benefits, and, second, because retirees have high out-of-pocket medical expenses that leave them with even smaller real income left for nonmedical purchases. Goda et al. (2011a) find that indeed nonmedical spending of retirees is going down. The authors also compare CPI-W with CPI-E, an experimental index based on the spending pattern of the elderly, produced by the Bureau of Labor Statistics. They conclude that while CPI-E better

adjusts social security benefits for inflation it will be more costly to the federal government.

Work disincentives facing Social Security recipients (Goda et al., 2011b) are another frequently cited problem in the literature. Social Security imposes an implicit tax on work beginning from the year 14 of employment for an average-earning worker. The authors define implicit tax as the situation when the increase in the present value of the Social Security taxes exceeds the discounted value of future social security benefits (Goda et al., 2011b). The implicit tax rate increases in several jumps for all Social Security retirement beneficiaries depending on earnings and career length. And, for many recipients, regardless of the salaries' range, who choose to work over 35 years, a further earnings' accumulation toward retirement is not happening at all. Hence, a full amount of social security payroll tax beginning from year 36 and beyond becomes an expense that provides no additional Social Security benefits.

Social Security Disability Insurance

SSDI is also funded via a payroll tax and pays out cash benefits to qualifying workers who become disabled. (A separate program, Supplemental Security Income—SSI—is a means-tested disability program paid for out of general funds.)² As is the case for Social Security, SSDI also has work disincentives embedded within its structure; SSDI recipients lose disability benefits if their earnings exceed a specific level, commonly termed a “cash cliff,” or, in the other words, if they perform the so-called substantial gainful activity (SGA). To mitigate work disincentives among SSDI recipients, four states (Connecticut, Utah, Vermont, and Wisconsin) experimented with an alternative “benefit offset” policy, in which recipients incurred a \$1 reduction in benefits for every \$2 increase in earnings. The “benefit offset” policy was tested on a self-selected sample using a random assignment design. Compared with the “cash cliff” policy, “benefit offset” recipients were more likely to have earnings above the SGA level. However, “the benefit offset” policy did not affect overall labor force participation (because under the “cash cliff” policy individuals can still work and receive benefits as long as their work efforts are below the SGA level) or earnings level of SSDI recipients (because many participants of the experiment with earnings above SGA under the “cash cliff” policy reduced their earnings under the “benefit offset” policy) (Weathers & Hemmeter, 2011).

Von Wachter et al. (2011) in their study of employment and earnings' trends of SSDI applicants and beneficiaries before and after the year of application similarly find an adverse effect of the program on employment. Their analyses find that many male beneficiaries are likely to work in the absence of SSDI. Older (45–64 years old), rejected male applicants have low labor force attachment and low earnings, while younger, rejected male applicants tend to remain attached to the labor force after application, despite substantial losses in earnings. The authors also observe an increase in the number of individuals applying for SSDI benefits during economic downturns.

Unemployment Insurance

UI is a federal and state cooperative program to smooth income for workers who become unemployed through no fault of their own. Each state sets the benefit levels and eligibility requirements. In general, workers must have earned between \$1,000 and \$3,000 over the past four quarters (termed the base period), the exact amounts and calculation of the base period varying by state. Some states exclude earnings from the current quarter, a policy that is thought to exclude some low-income workers from the program, since workers with short or intermittent work histories may not qualify for UI. Because of this, some states have adjusted the base period to include earnings from the current quarter. To be eligible for UI, there are also several nonmonetary requirements related largely to the conditions of the job separation. To qualify for benefits, workers must not have quit or been terminated for good cause. UI beneficiaries typically lose their jobs due to layoffs, the closing of plants, or other involuntary reasons although states may choose to pay UI benefits if employees quit for good reason (e.g., to care for an ill relative, escape domestic violence, or accompany a relocating spouse). The duration of UI benefit receipt is generally extended during serious economic downturns.

Krueger and Mueller (2010) examine the job search behavior of UI recipients using time use data. As a requirement of receiving UI, recipients are expected to search for work; the authors find UI recipients spend about 41 minutes per day seeking employment, and job search is less intense when state benefits are more generous or workers expect to be recalled by their employers. Job search intensity increases just prior to UI benefit exhaustion. Interestingly, UI recipients in the United States appear to spend more time searching for work than their similarly unemployed European counterparts. This is remarkable, in part, because a number of European countries are experimenting with their UI programs, paying partial benefits if UI recipients take a part-time job, providing they continue to search for full-time employment, a policy that appears more beneficial to men than women (Kyyrä, 2010).

Shaefer and Wu (2011) examine the participation of low-educated, single working mothers both before and after welfare reform. They find that the UI has become a more common form of cash assistance than welfare for this group of women, even though UI benefit receipt levels did not change vis-à-vis low-educated but childless women. The fact that UI participation did not increase over the time frame of this study—even though UI eligibility did increase—suggests that low-educated, working mothers may not have sufficient knowledge of the UI program or may lack understanding of the bureaucratic processes.

Child Support

The Child Support Enforcement (CSE) Program, also known as Title IV-D of the Social Security Act (1975), promotes family self-sufficiency and the well-being of children. The IV-D program is operated by state and local governments in partnership with the federal government. Major activities include establishing paternities,

medical and financial support orders, and enforcing those orders. The initial emphasis of the program was the recovery of welfare costs and early in the program's history, the caseload was primarily AFDC or former AFDC participants. Over time, the program has handled an increasing proportion of all child support activities, including the collection of support initially established by the courts for couples using private attorneys. In FY2010, the program served 15.9 million cases with 6.8 million cases that had formerly received TANF and 6.9 million cases that had never received welfare. A total of \$26.6 billion in child support was distributed in FY2010. Only 22 percent of distributed child support went to cases that also received Medicaid (18 percent) or TANF (4 percent) (Office of Child Support Enforcement, U.S. Department of Health and Human Services, 2011).

Recent research on child support has focused on the amount of support ordered, including the forgiveness of debt (Cancian & Meyer, 2011; Ha, Cancian, & Meyer, 2010; Heinrich, Burkhardt, & Shager, 2011). For example, Cancian and Meyer (2011) use the Wisconsin CSE caseload to examine the amount of child support owed in slightly more than 30 percent of the cases which involve multiple partner fertility, that is, cases in which a father has biological children with more than one mother (and thus may owe child support across different households). In complex families, should the amount of the child support order be based on birth order, or should older children be held harmless by the birth of new siblings or half-siblings? Because of the administrative burdens of revising old child support orders whenever a father has another child, the authors conclude that child support orders should be set at a fixed amount of the nonresident parents' income, even though this approach ignores the economies of scale in raising multiple children and can result in high burdens for child support obligors.

Ha et al. (2010) use longitudinal data from Wisconsin to document the sensitivity of the amount of child support ordered to changes in the obligors' incomes. Over a 5-year period, the authors document that between a third and one half of fathers experienced changes in income of 50 percent or more. Despite the fact that the incomes of many obligors changed substantially, only about one third of the court orders for child support actually changed, documenting the inflexibility of court orders to even large upwards and downwards changes in incomes. Based on Wisconsin law, in year 3 of their study, 60 percent of the child support cases were eligible for a change in the court order, although only 8 percent were actually modified. The insensitivity of court orders to large changes in income can lead to obligors with diminished income owing unrealistically high amounts or, in the case of improvements in income, fixed orders leave children short changed.

Similarly, Heinrich et al. (2011) examine the effects of changing the amount of child support owed for obligors with substantial debt. With \$107 billion in child support debt in FY2009, the federal and state governments are looking at debt forgiveness strategies in cases where both parents agree or in exchange for desired behaviors such as the on-time payment of current support. These authors report the findings of the Family Forward pilot debt forgiveness program in which obligors received a 50 cents reduction in debt for every dollar of current support paid. Take-up of the program was low partly because of mistrust of obligors with large

debts of the CSE program. Those who participated were older and had larger debts. The study findings were mixed. The experimental results found no significant differences between treatments and controls whereas their nonexperimental analysis using propensity score matching found lower debt balances of more than \$2,500 by the end of the study.

Nepomnyaschy and Garfinkel (2010) look at total amount of child support received by low-income children whose parents never married. Using the Fragile Families data, the authors look at both formal, court-ordered support and informal cash and in-kind support. By the time court-ordered child support is received, it is offsetting informal support that tends to decline rapidly in the 15 months that parents live apart. The authors view formal and informal sources of child support as substitutes for one another and do not find significant impacts of strong child support enforcement on the total amount of support received after the first 5 years after a nonmarital birth in fragile families.

Other researchers have examined some of the behavioral and economic effects of effective child support enforcement. For example, Crowley, Jagannathan, and Falchettore (2012) found that effective child support enforcement has unintended effects on the abortion rate per 1,000 women of childbearing age although no impacts on the ratio of abortions relative to the number of live births. The authors conclude that these results are sensitive to how one measures abortion (rate versus ratio) but that it appears that stronger child support enforcement likely increases the likelihood that women have more children as they expect that they may receive some financial assistance. Cheadle, King, and Amato (2010) report that patterns of higher and lower father involvement among men with different levels of child support compliance. Similarly, Garasky, Stewart, Gundersen, and Lohman (2010) examine the impacts of impacts of in-kind and monetary support and find a strong relationship between in-kind support and father involvement. Ha, Cancian, and Meyer (2011) report that although child support receipt can be intermittent, it generally improves the regularity of mothers' total family income, particularly for mothers in low-income families.

Because child support is a large program, scholars have examined a wide variety of issues related to how child support orders should be set, whether or not debt forgiveness can encourage greater compliance with the program, as well as behavioral outcomes such as abortion choices and father involvement. For a thorough historical overview of the program as well as a comprehensive review of this literature prior to 2006, readers are referred to Pirog and Ziolk-Guest (2006).

Social Policy via the Tax System

Since passage of the Tax Reform Act of 1986, the federal income tax system has arguably become the primary means of providing cash assistance to low-income families with kids (Eissa & Hoynes, 2011; Maag, 2010). Such assistance includes several tax credits that can be claimed only by the families with dependent children, such as the Child Tax Credit (CTC) and Additional CTC (ACTC), rules within

the tax code, such as the head of household tax filing status (that extends the tax brackets for single parents, lowers marginal federal income tax rates, and allows individuals to claim many of the mentioned credits for kids, not available for married couples filing separate tax returns); credits that benefit lower-income families with dependent children more, such as the EITC and the Child and Dependent Care Credit (CDCC). Dependent exemptions, the head of household filing status, CTC, and CDCC simply reduce the amount of taxable income, while the EITC and ACTC are refundable. The EITC, ACTC, and CDCC are only available for lower-income households with earned income. The EITC has been the most generous federal tax credit of all, which, not surprisingly, has received a lot of attention by researchers.

Recent research on the EITC falls into three broad categories: research on the characteristics of EITC recipients (Athreya, Reilly, & Simpson, 2010; Lim, Livermore, & Davis, 2010); whether and how the presence of the credit alters people's behavior (Fitzpatrick & Thompson, 2010; Herbst, 2011; Lopoo & Raissian, 2012); and possible outcomes of EITC structure changes (Eissa & Hoynes, 2011; Wheaton & Sorensen, 2010), including replacing the EITC with a different type of credit or other policy change (Maag, 2010; Rothstein, 2010). Each is discussed in turn.

Athreya et al. (2010) observe that while the earnings of nonrecipients tend to be higher when their age is in the 30s and 40s ("hump-shaped"), the earnings of the EITC recipients are relatively stable (more linear) over their lifetime. In addition, the authors find that the EITC increases labor force participation, but not necessarily the number of hours worked. Finally, EITC households have much smaller wealth accumulations than non-EITC families. Lim et al. (2010) find that the majority of EITC families experience some sort of "material hardship" (defined by the authors as "the inadequate consumption of . . . food, housing, clothing, and medical care," p. 267). This likelihood of experiencing hardship increases for EITC households without a bank account.

Several recent articles examine behavioral changes associated with EITC receipt (Fitzpatrick & Thompson, 2010; Lopoo & Raissian, 2012; Herbst, 2011). Fitzpatrick and Thompson (2010), for example, examine how geographic differences affect labor market responses by potential EITC recipients (in particular single mothers). The authors argue that variations in the cost of living make the EITC more or less valuable depending upon one's residence. Since wages of low-skilled workers in high-cost areas tend to be higher than in low-cost areas, workers in higher cost areas may receive lower benefits or lose eligibility altogether (the EITC increases as earnings rise, then plateaus and gradually phases out as earnings increase even more). Using a 1993 expansion of the EITC as a natural experiment, the authors find that the EITC increases labor participation among single mothers, but only in the lowest cost areas and has no effect in the highest cost areas of the country.

Lopoo and Raissian (2012) study the impact of EITC on fertility. The authors conduct a literature review that does not confirm the effect of the credit on birthrates and drop in abortions (Crump et al. [2011], for example, do not find a combined effect of EITC, CTC, and personal exemptions on fertility), but finds the association between EITC eligibility and drop in abortions (Herbst, 2011).

The effect of potential EITC structural changes is addressed by Eissa and Hoynes (2011) and Wheaton and Sorensen (2010). Eissa and Hoynes (2011) test the effects of alternative scenarios that involve a more or less generous credit and expanded eligibility. In general, the authors find expansion of the phase-out region to be more welfare improving than increasing the EITC rates. Wheaton and Sorensen (2010) examine a possible EITC extension to noncustodial parents who work and pay child support; this policy was enacted in the state of New York and Washington, DC, and in 2007 was proposed on a federal level by Senator Bayh and then-Senator Obama (S.1626). Should the extension be enacted on a federal level, the authors predict that a credit in the amount of \$600 to \$1,800 may benefit as many as 645,000 noncustodial parents. The number of noncustodial parents is much higher than that, but the proposed eligibility criteria would exclude many parents.

Finally, the possibility of replacing the EITC with other changes to the federal tax code is considered by Rothstein (2010) and Maag (2010). Rothstein (2010) studies the labor market responses and net transfers of the EITC and a hypothetical Negative Income Tax (NIT) for single and married women with and without children. Under the article's scenario, the EITC can be claimed by low-income working families, while NIT eligibility depends only upon income and not employment status. Thus, the EITC has a potential to increase labor force participation among the low-income population, which, in turn, could drive down wages. The hypothetical NIT, on the other hand, discourages work, which may induce transfers from employers to low-skilled workers. From the results of a series of simulations, Rothstein echoes findings of other researchers, namely that the EITC is a cost-effective mechanism for raising incomes of low-skilled women under the assumption of fixed wages. Under other scenarios, though, the NIT is more cost effective.

Maag (2010) discusses the possibility of introducing a Unified Child Credit, a single credit that would replace several tax credits and policies discussed above. The main idea behind the proposal was to separate the federal tax preferences by three functions, such as a subsidy for working, having children, and spending on childcare. The eligibility for a work subsidy should not depend on whether the family has kids, and tax payers have to be able to claim child credits even if they did not earn income. Some of the specific proposals of the Unified Child Credit include consolidation of benefits for having kids, such as the dependent exemptions, CTC, and the EITC (see also Crump et al., 2011); combining the CTC, ACTC, dependent exemption, and the benefit from the head of household filing status; as well as consolidating college subsidies, such as the EITC, dependent exemptions for college students, the American Opportunity Tax Credit, and the tuition and fees deductions. Maag discusses the literature available on the proposals.

The U.K., for example, adopted a CTC as part of a comprehensive set of reforms designed to eliminate child poverty. Waldfogel (2010) demonstrates that the combination of the CTC, a working family's tax credit (similar to the EITC), early childhood education efforts, and other programs moved upwards of 1.6 million British children out of poverty.

Conclusion

In this article we have reviewed current trends in social policy research. We targeted recent empirical publications (mainly published in 2010 and 2011) related to public means-tested programs, social insurance programs, child support, as well as social programs delivered via the tax system. Looking across the various social policies addressed in this review and the associated recent research, several themes emerge. One of the major themes is a problem of the work disincentives potentially embedded within social programs. This is true for TANF, SNAP, and even for Social Security, a benefit designed to be used upon retirement. Surprisingly, the most recent research on UI has not directly addressed work disincentives, but as UI receipt remains quite high in the wake of the Great Recession, it is plausible that more work will be done in this area.

Besides work disincentives, researchers have described behavioral responses to social policies including the positive effects of EITC on labor force participation among single mothers in the lowest cost areas (Fitzpatrick & Thompson, 2010). Lower abortion rates have been associated with the EITC (Herbst, 2011) as well as strong child support enforcement (Crowley et al., 2012). Similarly, Hoynes et al. (2011) find higher birthrates associated with WIC, but no effects on fertility (Lopoo & Raissian, 2012). Crowley et al. (2012) report lower abortion rates in the states with stronger child support enforcement. Hoynes et al. (2011) find higher birthrates associated with WIC program, and in their review of the literature on natalist policies in the United States, Lopoo and Raissian (2012) conclude that many public policies have affected the fertility choices of families.

Structural changes in social policy programs have been the other point of interest of recent policy research. Researchers have studied alternative poverty measures to create a better baseline for the means-tested program (Brandolini et al., 2010; Couch & Pirog, 2010; Hutto et al., 2011; and others), discussed alternative adjustments of Social Security benefits for inflation (Aaron, 2011; Goda et al., 2011a), proposed changes to deal with potential insolvency of the Social Security program (Aaron, 2011; Kotlikoff, 2011), and to reduce work disincentives created by SSDI (Weathers & Hemmeter, 2011). On the tax frontier Eissa and Hoynes (2011) and Wheaton and Sorensen (2010) studied the alternative structures of the EITC, while Rothstein (2010) and Maag (2010) simulated the possibility of replacing the EITC with alternative tax policy instruments.

In conclusion, there has been a great deal of research on the efficacy, structure, and outcomes associated with many social programs including those embedded in our tax codes. Our review is not exhaustive. We exclude some programmatic areas because they are covered by others in this very journal and still others in our attempt to focus on those areas that have received the most attention of scholar and policy-makers over the past few years. Nonetheless, despite our somewhat narrow focus, there is a rich and growing body of information on the impacts of our country's collage of social programs.

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Notes

1. Aaron (2011) notes that Social Security revenues also “come from income taxes collected from the inclusion of some benefits in taxable personal income” (p. 388).
2. Policymakers have been concerned about work disincentives in SSI, particularly among noncitizens. PRWORA barred the majority of immigrants from receiving SSI. A recent study finds that while this policy is associated with increased employment of male noncitizens, a similar association does not exist for female noncitizens, who are in fact more likely to see declines in income (Kaushal, 2010).

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