

THE "GIVE-AND-TAKE" PACKAGING OF POLICY INSTRUMENTS: OPTIMIZING LEGITIMACY AND EFFECTIVENESS

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*A man can build himself a
throne of bayonets, but he can
not sit on it.*

—William Ralph Inge (1860-1954),
dean of St. Paul's (London)

Introduction

Politics is sometimes described as the deliberate shaping of future society. However, the questions of what government wishes to achieve with its policy ("ends") and how it wishes to accomplish this ("means") are not always easy to answer. This is partly because the goals of government policies are sometimes vague, changeable, and even mutually contradictory. It is also because the application of instruments in policy can sometimes better be explained by reference to ingrained civil service traditions or fashionable political

rhetoric than by reference to deliberate efforts to shape the future. Notwithstanding these reservations, analyses of political action and public policy in terms of goals and instruments is often very illuminating and quite feasible.

It is good to know something about the potential effects of different policy instruments before one chooses among them. The famous quote in the beginning of this article, for example, points out in a nutshell that the effectiveness of state interventions cannot be separated from their legitimacy. The question whether government should attain its goals by punishment or reward is not hard to answer: government should act one way and not hesitate to implement the other way as well. In an adequate political strategy, the iron fist and the silk glove should be combined in balance (Balch 1980). The central thesis of this article is that government should in a balanced way simultaneously give and take: the giving contributes to the legitimacy, the taking to the effectiveness. And government can "give and take" by combining restrictive and stimulative policy instruments.

Policy Instruments, Effectiveness, and Legitimacy

The degree to which certain types of policy instruments contribute to the policy goal can be

differently estimated. Nagel (1975) composed his personal "top ten" of policy instruments for compliance with environmental law in the following order. Policy instruments with relatively high compliance potential are discharge taxes or fees, contingent injunctions, and finally, tax rewards and subsidies. Policy tools with medium compliance potential are objective civil penalties, publicizing wrongdoers, and selective government buying power. Instruments with low compliance potential are fines, jail sentences, and persuasion.

Nagel offers here a very interesting ranking of policy instruments. But the categorization lacks theoretical underpinning and the concept "compliance" is rather vague. This may cause confusion. For example, the ranking tempts the Dutch sociologist Schuyt (1985: 120) to formulate the general thesis that, in general, behavior can be better changed by rewarding than by punishing. The implicit assumption of this thesis is that when government is nice to the citizens, the citizens will be nice for government. This general conclusion, though, is debatable. It seems that the concept "compliance" puts the legitimacy of a policy too easily in line with its effectiveness. Though it is true that the more compliance-enhancing instruments typically evoke little resistance during policy implementation, this does not mean automatically that these policy instruments are therefore also effective and that they lead to instrument-induced behavioral changes in the

citizens or their organizations. Lack of resistance is not the same as realization of the aimed changes of behavior. Though there might be a positive correlation between legitimacy on the one hand and effectiveness of a policy on the other hand (see Introduction), there are also good arguments underpinning a negative relation. In democratic policy-making, there is often a trade-off between the effectiveness and legitimacy of policy instruments. In order to elaborate this thesis, the central concepts in this chapter have to be described.

A policy instrument can be described as everything a policy actor may use to obtain certain goals. Of course this is a general description and multiple classifications are possible on this subject. In this book, the division of policy instruments into the communicative, economic, and judicial control models is the dominant viewpoint. These models are sometimes respectively classified in such a way as to suggest an increasing degree of coercion. The ordering from weak to strong authoritative force or constraint runs from communication through economic incentives—by means of subsidies and charges—to, ultimately, judicial directives (Geelhoed 1983). In this section we will elaborate and refine this idea of increasing constraint, which also throws a more complicated light on the logic of packaging policy instruments, compared to a straightforward one-dimensional ranking.

Legitimacy is sometimes discerned from compliance and acceptance. In this chapter, legitimacy is used as an

overall term for the degree to which a certain policy is accepted by the citizens and their organization. The legitimacy of a policy instrument is expressed by the degree to which the policy instrument is assessed to be feasible by the policymakers and evokes actual acceptance among citizens and their organizations.

The *effectiveness* of a policy should be discerned from its goal attainment. Effectiveness of a policy is the degree to which the chosen policy instruments themselves contribute to attainment of the policy goals. The goal attainment of a policy might very well be due to other external factors than the chosen and implemented policy instruments. Thus, its effectiveness could be low while the end results could be notable.

Increasing Degrees of Coercion: Education, Engineering, and Enforcement

Communication is often seen as a weak model of coercion. Economic incentives, like subsidies and levies, are regarded as being in the mid-range between weak and strong coercion. In the case of economic incentives there is still freedom of choice. The individual is, in principle, still free to choose a particular form of behavior. However, the attractiveness of the options is materially altered. The degree of coercion is already greater, therefore, than in the case of the provision of nonbinding information. According to this line of reasoning, the point at which freedom turns

into coercion is situated somewhere between the two poles of this economic control model, namely between control through subsidies on the one hand and control through levies on the other. By their very nature, subsidies encourage and levies discourage certain forms of behavior. At the other end of the scale of increasing degrees of coercion are judicial directives. Certain courses of conduct are made compulsory by prescription. In the case of judicial directives the individual does not, in principle, have the freedom to choose a particular course of conduct, but is instead obliged to do or refrain from certain acts (orders and prohibitions respectively). On the basis of this classification, analysts have developed strategies on how to pursue a feasible and effective policy. The three control models are sometimes linked together in a particular sequence. Often reference is made to the three E's strategy: education, engineering, and enforcement (Paisley 1981). The idea is that over time a policy problem is tackled in three different ways: first by the provision of information (education), subsequently by the application of selective incentives (engineering) and lastly by the establishment of rules and regulations (enforcement). Here too, we find an increasing degree of coercion implicit in this reasoning. The underlying notion is that in solving social problems the authorities employ instruments of increasing strength in successive stages. Gradually, the resistance of certain groups of individuals is broken, after which the authorities are, in due course, entitled to regulate the

matters definitively by employing their most powerful instruments (rules and regulations).

Repressive and Stimulative Policy Instruments

It is necessary to refine these views on the increasing degrees of coercion of the various categories of policy instruments. This is evident, for example, from the fact that some regulations impose fewer constraints on conduct than some levies (Bressers 1988). This classification on the basis of increasing degrees of coercion—from communication through incentives to regulations—can also be challenged on theoretical grounds.

The distinction between stimulative and repressive forms of the three control models is based on the extent to which the individual is or is not free to use a particular policy instrument, that is, the extent to which the use of the instrument by the individual is *optional*. And, as far as this is concerned, a dividing line runs right through each of the three control models, with the result that a stimulative and a repressive form can be distinguished in each of the models. This distinction is shown in figure 5.1, where the cells are named after relatively specific policy instruments.

FIGURE 5.1
**Stimulative and Repressive Forms of the Communicative,
Economic, and Judicial Control Models**

	Stimulative	Repressive
Communicative control model	Information	Propaganda
Economic control model	Subsidy	Levy
Judicial control model	Contract/Covenant	Order/Prohibition

The examples in figure 5.1 can be explained as follows. In the communicative control model, the repressive and stimulative forms are reflected in the distinction between information and propaganda. The object of providing information is to increase the knowledge of the individual, thereby enabling him or her to form an independent judgement. Propaganda, on the other hand, is intended to influence the will of the individual and attempts to undermine his or her capacity for independent judgement, which is in essence a very coercive way of changing a person's behavior (Vogelaar 1955).

Repressive and stimulative modes can also be identified in the case of the economic control model. An example of a repressive incentive is a levy. Although the individual is free to decide whether or not to follow a particular course of conduct, he is in fact financially discouraged. An example of a stimulative incentive is a subsidy. In principle, a subsidy may or may not be applied for when a particular course of conduct is to be followed. An individual may apply for a subsidy, but he

is free not to do so (see ch. 3).

In the case of the judicial control model, the dimension of stimulation and repression can be characterized by the distinction between contracts and covenants on the one hand and orders and prohibitions on the other. Orders and prohibitions are norms of conduct which are imposed unilaterally by the authorities on the individual and which the individual is obliged to observe. In the case of contracts however, there is reciprocity. It is a legal commitment which is voluntarily entered into and entails mutual rights and duties. The distinction coincides with that between Von Hayek's twofold division of legal systems in *Nomos* and *Thesis* (Barry 1979: 76-103) and Hood's (1983) characterization in positive and negative directives.

The argument outlined above can be summarized by saying that it is not fruitful solely to classify the communicative, economic, and judicial control models on a scale of increasing degrees of coercion. Not only does such a classification fail to recognize the coercive nature of a form of communication such as propaganda, but it also takes no account of the optional nature of a legal instrument such as a contract or covenant.

The Give-and-Take Strategy

The distinction between repressive and stimulative forms of control models is not merely of academic importance. From the assumption of an increasing

degree of coercion in the communicative, economic, and legal control models was derived the rule of conduct of the three E's strategy. However, a more refined and varied rule of conduct can be based on the introduction of the stimulative and repressive dimension, namely the give-and-take strategy. As will be argued in the three following sections, the use of stimulative and repressive policy instruments has certain effects. Stimulative policy instruments (information, subsidies, and contracts) legitimate a policy, whereas repressive policy instruments (propaganda, levies, and orders and prohibitions) effectuate it. By combining stimulative and repressive forms of control models, in other words by giving and taking, the authorities enhance the feasibility and effectiveness of a policy. In the next three sections this give-and-take strategy is elaborated with respect to each of the three control models.

Judicial Control: Orders/Prohibitions and Contracts/Covenant

To quote Koopmans (1970), the character of the law has changed over the years from codification to modification. Whereas the law originally concentrated on recording existing customs and relationships in society, it has increasingly been used in the twentieth century as an instrument for modifying social developments. Private law, whose dominant legal form is the contract, is often associated with codifying law

and corresponds to the stimulative legal control model. Public law, whose dominant legal form is orders and prohibitions, is frequently seen as modifying law and corresponds to the repressive, judicial control model.

Orders and Prohibitions

In the 1980s, in The Netherlands, there was a stagnation in the historical progression from codification to modification. This was initially reflected in the moves towards deregulation. Many individuals and organizations were of the opinion that the proliferation of laws was resulting in a surfeit of extremely detailed and often mutually inconsistent government regulations (Geelhoed 1983). The sheer volume of orders and prohibitions promulgated by the authorities generated considerable opposition. By way of reaction, the authorities took a step backwards from the repressive legal control model.

The enforcement of the many orders and prohibitions has proved in practice to be the Achilles' heel of the repressive legal control model. It appears, for example, that many of the businesses which require a permit under the Nuisance Act (Hinderwet) do not, in practice, have any such permit. Moreover, even where they do have the official permit, the regulations under the permit are often inadequate. In reality, the potential effectiveness of the unilaterally peremptory orders and prohibitions is limited. For various reasons, legal sanctions are seldom applied in the case of regulations,

and a number of regulations are ignored on a large scale. The application of peremptory orders and prohibitions which are theoretically very effective proves difficult in practice because of the resistance such regulations encounter from individuals and businesses.

Contracts and Covenant

In the 1990s the pendulum of the law in The Netherlands appears to be swinging back from modification to codification: the process of deregulation is evidently giving way to a process of self-regulation. The present administrative trend is for unilaterally coercive government regulations to be replaced by bilateral, voluntary agreements concluded between the authorities and interest groups. Voluntary agreements between equal partners in the form of codes of conduct, gentlemen's agreements, contracts, and covenants are becoming very common. The stimulative legal control model is in the ascendant.

De Ru (1987: 81) submits that unilaterally coercive regulations are often regarded as less legitimate and effective than multilateral agreements: "It is striking that management agreements in agriculture are regarded as more coercive than orders. The parties bind themselves more explicitly." This view is becoming more and more popular among Dutch policymakers in general and as a consequence such policy agreements are mushrooming in, for example, the environmental

sector in the 1990s. The Dutch authorities hope to achieve more in this way. Klok (1989) examined the effectiveness of all product-oriented environmental covenants signed by 1 August 1988. His cautious conclusion is that the effectiveness of the covenants in question does not appear to be very great, although the situation is better than in cases where there are no such covenants. According to Klok (1989: 180), the limited effectiveness is partly due to the fact that the instrument is used in situations in which the objective would be largely attained even without an instrument. Although Klok makes a reservation by pointing out that covenants have been in existence for only a short time and there has been no comparison with other instruments, their effectiveness appears only limited.

The popularity of covenants as a policy instrument should therefore be explained by other characteristics. Covenants as a policy instrument have various other advantages and disadvantages. The disadvantages are mainly a result of the shadowy legal status of covenants. The advantages are mainly related to the improvement in the structure of consultations with industry and the greater degree of acceptance. In other words, industry is treated as an equal partner, recognizes the social problem, and is thus made partly psychologically responsible for solving the problem. The conclusion is clear: covenants above all promote the legitimacy of a policy.

Judicial Give-and-Take

Broadly speaking, this leads to the following picture of the legitimacy and effectiveness of the legal control model. The potential effectiveness of repressive variants of the legal control model such as orders and prohibitions is often not achieved. Their application encounters resistance from the individuals and groups concerned. On the other hand, stimulative forms of the legal control model in the nature of various types of agreements have great legitimacy but little impact. They are ineffective in inducing individuals and organizations to make an effort to change their behavior. The combination of stimulative and repressive regulations of —"may" and "must"—seem to benefit both the legitimacy and the effectiveness of policy. Covenants make organizations partly responsible for solving the social problem concerned and legitimize government policy on the subject. Not infrequently, the threat of coercive regulations is used as a stick to encourage the parties to conclude covenants. The organized social groups often do not come voluntarily to the authorities to regulate their own forms of behavior. By keeping the threat of unilaterally coercive regulations in reserve, the authorities can often achieve their policy goals.

The give-and-take strategy within the legal control model is of course an ideal type. In reality, there are many kinds of legal policy instruments, and between the stimulative agreements on the one hand and the repressive orders and prohibitions on the other there is a

mixture of legal instruments such as authorizations, exemptions, concessions, and permits. But, working with these extremes clarifies matters and makes it possible to analyze public policy-making more fruitfully.

Empirical research in the area of Dutch consumer policy revealed that self-regulation agreements on consumer affairs come into being only very gradually and at a very slow pace. The majority of the projects supervised by a ministerial steering group on self-regulation did not result in new self-regulation agreements. Even advocates of self-regulation can scarcely avoid the conclusion that almost the only way of tackling the problem posed by the lack of progress with self-regulation in consumer policy is by holding in reserve the threat of legislation. Many forms of present legislative work originated historically from previous attempts at self-regulation. Such originally self-regulatory policy fields as house building, social security, and education have gradually been incorporated into the new legislation. The present Dutch trend towards self-regulation is probably the gateway to new repressive regulations (van der Doelen and Bakker 1991).

Economic Control: Levies and Subsidies

As a result of the lessons learned in the economic crisis in the 1930s and the construction of the postwar

welfare state, the ideas of John Maynard Keynes gained wide acceptance. In brief, Keynes argued that public spending was a suitable instrument for stimulating economic growth. The economic crisis in the 1970s undermined confidence in the effectiveness of this instrument of economic policy. The monetarist Friedman articulated the new view by contending that the public sector was not the solution, but the cause of the problem. In fact, the consequent debate about the "foundation of the economy" concentrates on the effectiveness and legitimacy of financial instruments such as levies and subsidies.

Levies. According to Frey (1983), a sizeable body of research shows that levies and forms of tax disincentives—which according to our theoretical scheme are the repressive mode of the economic control model—are very effective instruments of government policy. Dutch research also reveals that these kinds of negative incentives bring about major changes of behavior on the part of both individuals and businesses. In the case of Dutch water-quality policy in the 1970s, for example, levies proved to be the most powerful stimulus in changing the attitude of businesses to water pollution (Bressers 1988). And the rising energy prices of the 1980s proved to be the main motor behind energy conservation moves in The Netherlands (van der Doelen 1989). Like Bressers (1988), one can pose the rhetorical question why policymakers do not use repressive, economic incentives more frequently. Frey

supplies the obvious answer for each target group. The use and potential effectiveness of levies are limited by the resistance which they generate. Individuals find levies unjust as they tax the poor as heavily as the rich. And there is resistance from officials as they have an ingrained preference for laws prescribing the course of conduct considered necessary. Interest and pressure groups are opposed to levies because they know only too well how effective they are.

Subsidies. The resistance to repressive economic instruments can be reduced, according to Frey (1983), by the simultaneous use of a stimulative subsidy that encourages the desired behavior. Subsidies extinguish conflicts and enhance the feasibility of policy acceptance. Subsidies work as a kind of tranquillizer, ensuring that a policy to which there is great resistance can still be implemented. The advantages of subsidies are therefore mainly in the political sphere. Frey's view is that subsidies are relatively ineffective and do not in themselves bring about the desired instrument-induced change in behavior. Subsidies merely redistribute resources, without stabilizing economic development or permanently allocating certain public goods.

Relatively little systematic research has evidently been conducted on the way in which the provision of subsidies actually facilitates policymaking (see ch. 3). There are indications that subsidies ease the administration of policy, reduce resistance, and thus strengthen the legitimacy of policy. Vermeulen (1988)

concludes that the provision of subsidies in the context of the Dutch regional policy on management of the disposal of toxic metals was not effective in a direct sense. He did, however, find evidence that the allocated subsidy served as a way for governmental officials to come into contact with polluting industries and as "loose change" in the bargaining process. It fulfilled an indirect function in support of policy. The process of subsidization thus legitimated the application of other (repressive) policy instruments.

Economic Give-and-Take

Broadly speaking, the above description leads to the following picture of the effectiveness and legitimacy of instruments of the economic control model. Increasing the costs of certain courses of conduct by imposing levies is an effective means of altering the behavior of individuals and their organizations. However, levies arouse too much resistance and are therefore used only sparingly. Increasing the benefits of certain courses of conduct by providing subsidies appears to lessen the resistance to a given policy. By taking with one hand, through the levy, and giving back with the other, through the subsidy, the authorities can increase the feasibility and effectiveness of a policy.

In practice it is virtually impossible to define subsidies and levies if the existing tax structure is not taken into account at the same time (Ricketts 1985). Between the more purely stimulative instrument of the

"subsidy on request" on the one hand and the "levy" on the other, there therefore lies a great variety of economically oriented policy instruments such as credits, support, grants, guarantees, tax deductions, asset-sharing, refunds, price measures, tariffs, and taxes. Stimulative and repressive economic instruments are used in combination in various parts of Dutch environmental policy in order to ensure feasibility and effectiveness. Firms are "punished" by means of levies if they pollute the environment and "rewarded" by means of subsidies if they act in the desired manner in order to spare the environment. On the basic premise that "the polluter pays," the proceeds from all kinds of environmental levies are used to pay subsidies intended to promote the adoption of clean technology.

In 1985, the two-edged sword of levies and subsidies was cleverly applied in the policy designed to introduce "clean" cars with catalytic converters. Fiscal measures were used to promote the sale of clean cars. The rates of the special tax on cars were altered in such a way that buyers of clean cars obtained a discount of between 850 and 1,700 Dutch guilders. The rebate on the tax rates for clean cars was financed by an overall increase in the tax rates for new cars. Klok (1991) notes that this combined system of subsidies and levies was effective. The supply of models fitted with catalytic converters from the various importers increased. The consumers took full advantage of this windfall, and increasing numbers bought cars fitted with catalytic converters. In

the first three years, sales of clean cars rose faster than had been anticipated when the policy was formulated in 1985. A market share of 10 percent, 30 percent, and 45 percent had been expected in 1986, 1987 and 1988 respectively. In reality, the market share in these years was 13 percent, 46 percent, and 70 percent.

Communicative Control: Propaganda and Information

Dutch postwar thinking on the provision of government information can be divided into three stages. Immediately after the war, the aim of government information was to inform the public on the very existence of public policy in certain areas. At the end of the 1960s, the advent of the welfare state resulted in the addition of a second dimension: the authorities assisted consumers of the social welfare facilities by providing helpful information about the services. And in the early 1980s the provision of information assumed another new aspect: the authorities used information as a means of persuasion with a view to changing people's behavior and thus achieving the objectives of a democratically accepted policy.

Propaganda

According to Vogelaar (1955: 61), who may have had the experience with the German propaganda machine in mind, the variant of the manipulative

communicative control model—namely propaganda—is in principle an extremely effective instrument for altering people's behavior:

As times become more difficult and the community feels increasingly threatened or a concerted effort is required on the part of all its members, the need for manipulative information grows. The deeper one wishes to dig in order to mobilize even the lowest echelons of society, the greater the necessity to simplify logical arguments (slogans) and emphasize emotional arguments.

In a constitutional democracy, there is quite a lot of resistance to intensive forms of persuasive communication such as indoctrination and brainwashing. The application and effectiveness of more moderate forms of persuasive government information (advertising, marketing, and public relations) also prove in practice to be limited by the resistance which these forms of communication arouse among the general public. Among Dutch government information officials, there is a debate between those who stress the need for strictly neutral modes of government information and those who want to use more persuasive information. The view taken by the advocates of neutral government information is that if individuals are not merely provided with neutral information but are also cajoled and persuaded, this

threatens their ability to form an independent opinion and thus also undermines the basis of democratic decision-making. In view of these forms of resistance towards persuasive information programs, it is perhaps hardly surprising that nowadays those who provide information for the Dutch government prefer to be known as "information officers" rather than as "propagandists."

Information Programs

Since the use of propaganda arouses public resistance, the alleged effectiveness of this medium (as outlined, for example, by Vogelaar above) is seldom actually realized. However, the literature on the effectiveness of information provided to increase knowledge—the stimulative variant of the communicative control model—also presents a rather gloomy picture. Hyman and Sheatsley (1947) argue that mass media information campaigns often fail because there is always a significant amount of people who are not reached and it is mainly people who are already interested in the subject who obtain the most information. Furthermore, people tend to gather information which confirms their existing attitude, they interpret the same information differently, and information by no means always changes people's attitudes. Advocates of the so-called knowledge-gap theories (Tichenor, Donohue, and Olien 1970; Gaziano: 1983) even argue that information campaigns tend to

strengthen rather than weaken the existing unequal division of information. A Dutch study by van der Haak (1972) on the introduction of the National Assistance Act (Bijstandswet) in the period 1962-1968 confirms this proposition. The government information provided as a service to get the public acquainted with this act, widened rather than narrowed the existing knowledge gap between members of the public.

The effectiveness of information campaigns designed to increase knowledge is usually small. In view of these characteristics, it is hardly surprising that analysts attribute to motives other than those of effectiveness the choice by public authorities of the information instrument. Despite its limited effectiveness, such information does have various other attractive qualities. Dahme and Grunow (1980:139) observe that information campaigns are an ideal instrument for pursuing a symbolic policy. They enable the authorities to bring their activities in a positive way to the attention of the public without inducing any actual changes. Information is relatively cheap and has a high profile. It seems that the use of information campaigns, which are so often ineffective, can be explained by the desire to obtain political support.

Communicative Give-and-Take

The more informative and instructive ("knowledge-augmenting") campaigns are generally ineffective, but because of their high profile they promote the idea that

the authorities take the given objective seriously. They increase the legitimacy of a policy. At the same time, the more motivating and promotional ("preference-manipulating") campaigns fail to realize their high potential effectiveness because such forms of information-transfer arouse opposition among the public. The combination of the two essential elements ("knowledge-augmenting" versus "preference-manipulation") in a single communication campaign should theoretically enhance the legitimacy and effectiveness of a policy. The communication should contain both an informative and instructive aspect on the one hand and a motivating and promotional aspect on the other hand.

Naturally, it is scarcely possible to define the instructive and manipulative part of a communicative message with any accuracy. Between the extremes of purely stimulative information on the one hand and purely repressive propaganda on the other, there are countless different communicative forms such as education, advice, marketing, public relations, and advertising. However, as the next case will illustrate, an analysis carried out by reference to these two poles of the communicative control model can throw an interesting light on the present functioning of the Dutch government's communication strategy.

In recent years, the number of Dutch television and radio ads has increased and their tone has become more "persuasive." The characteristics of manipulative

communication listed by Vogelaar ("simplification of logical arguments (slogans) and emphasis on emotional arguments"), have therefore been much more evident in the increasingly intrusive television ads referring to available government information leaflets. Examples are the anti-vandalism ads which show young vandals wearing nappies (voice-over: "Vandalism is *so* childish!"), the anti-shoplifting ads which depict shoplifters as rats (voice-over: "Shoplifting. You should just see yourself.") and the anti-sexual violence ads which show obtrusive men being put in their place by assertive women (voice-over: "Sex is natural. But should never be taken for granted.").

Although this approach to government information ads is in principle effective, there are increasing objections to it. The debate on the 1992 budget of the Ministry of General Affairs, under which the Government Information Department and hence the ads for government information leaflets come, was dominated almost entirely by the discussion of television and radio ads, posters, and brochures in which the government tries to influence the behavior of the public. The discussion mainly concentrated on whether it was not all a bit too much for the public, and whether the campaigns did not impinge too much on one another, as Prime Minister Lubbers suggested at the start of the debate. Members of Parliament of all political parties expressed the view that government information should be cooler, more factual, and more

practical. The general feeling that "patronizing" television ads had overstepped the mark was represented very graphically by Mr. Mateman, a member of the Christian Democrat party, who said:

If you go home for a meal and leave the TV on, you first hear that you shouldn't smoke too much. During the meal the authorities warn you that your food shouldn't contain too much fat. And at the end of the meal you're instructed to close the curtains. Before you go to bed, you're told that sex is okay provided there's no violence.

Opportunities and Limitations of an Instrument Doctrine

The central thesis of this chapter has been that the communitive, economic, and judicial control models each have a stimulative and repressive mode. The stimulating, rewarding modes of these three control models (information programs, subsidies, and covenants) enlarge the alternatives of behavior. They promote the political support and legitimacy of a policy. The repressive, punishing modes (propaganda, levies, and prohibitions) limit the alternatives of behavior. They contribute to the change of behavior in the desired way and therefore to the realization of the goals of a policy. In order to have an accepted and effective policy, governments strive to combine both stimulating

and repressive policy instruments. Policymakers should simultaneously "give and take" by choosing different mixes of policy instruments.

For a full understanding of the elaborated "give-and-take strategy," it is important to be aware of the opportunities and limitations of the approach. In our view, the use of this taxonomy of policy instruments offers great opportunities for policymakers. It allows for a quick and systematic comparison of types of instruments and their effects. Thus policymakers can map out the basis of a feasible and effective policy by using a particular package of stimulative and repressive policy instruments. In optimizing the stimulative and repressive elements by packaging the instruments, the policymaker will have to opt for the lesser of two evils. On the one hand, a repressive instrument arouses so much public resistance that it will be difficult to implement, and therefore will be not effective. On the other hand, a stimulating instrument, which is accepted by the public and has a large legitimacy, will not really lead to instrument-induced changes of the desired behavior. The balanced package of stimulation and repression instruments is often one of the factors most susceptible of manipulation by policymakers in order to influence the feasibility of a policy. It is therefore a package which can barely be missed in practice.

The application of the give-and-take strategy also has some limitations. It is important to realize that the proposition is a model-like approach to reality. First of

all, the stimulative or repressive character of a specific policy instrument is by no means easy to determine in reality, because there is a grey area between the two extreme poles of stimulation and repression of the three control models. Second, in the case of explaining the legitimacy of a policy instrument, factors other than the type of policy instrument (repressive or otherwise) play an important role (see the Introduction). Third, the strategy is essentially "institution free." In recent literature the importance of the institutional setting for the functioning of policy instruments is stressed more and more. Arentsen (see ch. 9) stresses the need for "linking public policy and organizational theory." Leeuw (1992) stresses the cohabitation of "institutional analysis and effect measurement." Frey (1990) concludes that "institutions matter" and Ostrom (1991) observes that "institutional details are important."

This explicit recognition of the opportunities and limitations of an instrument doctrine is of great importance in preventing political misuse of scientific research. The history of economic theory offers useful lessons. To estimate the status of a instrument doctrine, the conclusions of Hennipman (1977: 7273) concerning the status of economic theory is very memorable:

In addition to academic insight, qualities such as experience, common sense, good judgement, feeling for relationships and other virtues possessed by a good politician will be essential for an effective

policy, and it will have to be accepted that notwithstanding all the good intentions and efforts the theoretical optimum—even measured by reference to the welfare function of the government—will be remain a Fata Morgana."

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