

Is Morality Policy Different? Testing Sectoral and Institutional Explanations of Policy Change

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ABSTRACT

We analyze morality policy change from the perspective of punctuated equilibrium theory (PET) to test whether reform dynamics in this policy sector follow a distinct pattern. First, we propose a new measurement scheme capturing changes in the intensity of morality policy output. Second, we demonstrate that morality policy change is strongly punctuated. Finally, and most importantly, we show that the degree of policy punctuations varies between different domains of morality policy, but not according to institutional features operating on the country level, supporting existing PET research, which has discovered similar domain-specific dynamics in changes of public spending. Specifically, punctuations are particularly pronounced in areas of manifest morality policy, that is, policies characterized by strong value conflicts, whereas punctuations are less pronounced for latent morality policies, that is, policies in which other dimensions of conflict are present next to the value dimension. Significant differences in reform dynamics are neither discerned for countries belonging to the religious or the secular world, nor for countries with majoritarian or consensual democracies. The analysis relies on an original dataset capturing legislative changes in five manifest (abortion, euthanasia, prostitution, pornography, and homosexuality), and three latent morality policies (drugs, gambling, and handguns) in 19 European countries (1960–2010).

KEYWORDS morality policy, punctuated equilibrium, policy change, comparative public policy, abortion policy, drug policy

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Introduction

Understanding policy change is a core area in the study of public policy. Scholars approached this topic from various angles, focusing not only on issues of measurement, but also asking if and why patterns of change vary across policies and countries. Can this variance be attributed to the specific features and politics inherent to different policy areas or is it primarily the polity and country-specific factors that matter? In this article, we try to contribute to this long-standing and yet unsettled debate. To do so, we analyze patterns of change for morality policies and assess whether these patterns are driven by country- or policy-specific factors.

In recent years, scholars have increasingly focused on morality policy as a form of social regulatory policy where governments exercise legal authority to affirm, modify, or replace societal values, moral practices, and norms of interpersonal conflict (Tatalovich & Daynes, 2011). Examples that have been studied extensively in the literature are life-and-death issues like the regulation of abortion and euthanasia, as well as policies touching upon sexual orientation and sexual freedoms, like pornography, prostitution, same-sex marriage, and sexual behavior more generally (Engeli, Green-Pedersen, & Jansen, 2012; Knill, 2013). The distinctive feature of these policies is that politics are shaped by conflicts over first principles: When does life begin? When may it end? Is it right to offer sex for money? The regulation of these value conflicts entails decisions about “right” or “wrong” and hence about the “validation of a particular set of basic values” (Mooney, 1999, p. 675). The process patterns identified to delineate morality from nonmorality issues relate to the presence of conflicts over first principles, typically entailing clashes of values that cannot be resolved by argument. Political conflicts center on debates over which basic values a polity ought to acknowledge, rather than on questions about the effectiveness of different policy designs in solving specific problems. Given the dominance of principal rather than instrumental conflicts, morality policies are assumed to be technically less complex, hence favoring broader public participation in the policy process. Finally, more public participation and technical simplicity favor high political salience of morality policies (Mooney, 2001). In view of these characteristics, Tatalovich and Daynes (2011) argued that morality policies, defining regulatory rules governing social interaction, constitute a new policy type of social regulatory policy that reflects the highly conflictive and salient process patterns of redistributive policies (see also Meier, 1994).

Most empirical research in the area of morality policy has focused on the analysis of process patterns (the extent of politicization) or on explaining the occurrence and direction of morality policy reforms (Engeli et al., 2012; Knill, Adam, & Hurka, 2015; Mooney & Schuldt, 2008; Studlar, Cagossi, & Duval, 2013; Varone, Rothmayr, & Montpetit, 2006). Yet, we still know only very little about the factors that determine the magnitude of these reforms. Accordingly, this article addresses two open questions in the morality policy literature: (i) Does the enhanced level of political conflict around morality policy issues

prevent political systems from a continuous and gradual adjustment of related policy output? (ii) Are differences in reform patterns rather due to policy-specific or country-specific factors?

To assess these questions, we draw on the theoretical and methodological tool-box provided by punctuated equilibrium theory (PET) (Baumgartner & Jones, 1993; Baumgartner et al., 2009; Breunig & Koski, 2006; Jones, Sulkin, & Larsen, 2003). By analyzing patterns of policy change magnitudes for 8 morality policies and 19 countries over a period of 50 years (1960–2010), the central objective of this article is to advance our common understanding of morality policy change. In addition, by providing a new measurement concept that captures changes in regulatory policy output in a way that allows for systematic comparison across time and countries, our article also contributes to the emerging debate about measurement issues in PET research (Dowding, Hindmoor, & Martin, 2016; Jones, 2016). The empirical approach we adopt in this article might serve as a blueprint for future studies that seek to assess arguments derived from PET in a quantitative setting without having to focus exclusively on budgetary outlays and agenda-setting, as most of the existing research on distributions of policy change magnitudes does (e.g., Breunig & Koski, 2006; John & Margetts, 2003; Jones, Baumgartner, & True, 1998; Jordan, 2003; Mortensen, 2005; Robinson, 2004).

The article is structured as follows. We first present the theoretical considerations and hypotheses guiding our analysis. We then discuss our measurement approach for assessing punctuations on the basis of regulatory policy outputs, before turning to the empirical findings and the conclusion.

Theory and Hypotheses

PET addresses the challenge of explaining policy change and persistence within one theoretical framework. It starts from the premise that policymakers suffer from bounded rationality and cannot pay attention to all demands for political adjustment at the same time. Typically, the existence of a policy subsystem allows for the parallel processing of several demands and compensates for this cognitive limitation (Jones, 1994). At the same time, however, the processing of new information by subsystems typically reinforces the policy status quo rather than promoting policy change. This is because subsystems tend to provide a fixed venue in which stable actor constellations interact and, over time, create a dominant policy image or paradigm. This policy image will influence the processing of new incoming information and thereby attenuate the perceived demands for policy adjustment. Only when information is able to attract attention beyond the relevant subsystem, this negative feedback mechanism attenuating the perceived demand for change can turn into a positive feedback mechanism amplifying the perceived demand for adjustment. This happens when the dominant policy image is effectively challenged, the number of venues dealing with the issue expands, and new actors become part of the policy debate. When policy monopolies in subsystems break down this way and issues move out of the subsystem to attract attention at the macropolitical level, the

opportunity for major policy change arises. These mechanisms of negative and positive feedback mean that political systems tend to process new information disproportionately. They “shift from underreacting to overreacting to information” (Jones & Baumgartner, 2012, p. 7). In turn, one central claim of PET is that policy output reflects a pattern of punctuated equilibrium where policy stability is disrupted every now and then by substantial punctuations. In other words, the steady flow of political demands is typically translated into patterns of enduring policy stability interrupted by rare instances of major change. Where the design of political institutions introduces more or less friction to this process of translating policy demands into policy adjustments – by defining procedural rules and hurdles for change – patterns of punctuated equilibrium will be more or less pronounced (Baumgartner & Jones, 1993; Baumgartner et al., 2009).

Punctuated Morality Policy Change

PET’s propositions are not restricted to any particular policy field and should thus hold for morality policies as for nonmorality policies. In fact, morality policymaking contains all of the relevant ingredients proposed by PET to translate environmental changes demanding gradual policy adjustment into a pattern of policy persistence interrupted occasionally by abrupt and large-scale policy change due to disproportionate information processing. Environmental – or in our case societal – changes are assumed to create new information that requires attention by the political system as well as translation into adequate policy adjustments. We can think of societal value change as affecting dominant morality policy images and thereby creating new information to be processed by the political system. Values do not change suddenly overnight, but typically diffuse throughout society over time. As diffusion processes are usually assumed to follow an S-curve, the cumulated share of people with a certain set of new values would first increase rather slowly, then quicker and quicker before decreasing again as the diffusion of the new set of values reaches its viable maximum. Most of the time, political systems are thus confronted with information about a stable or slowly changing policy image. Less often, they are confronted with information about a policy image changing at medium speed. Only rarely, they are confronted with information about a rapidly changing policy image. Overall, the speed at which policy images change should thus reflect a bell-shaped curve.

At the same time, this information about changing values and policy images cannot continuously be given attention at the macropolitical level and are thus usually processed by the respective policy subsystem. In Germany, for example, euthanasia is typically discussed in the public health committee in parliament under consideration of the German Medical Association¹ and the German Ethics Council as important stakeholders. As long as information about changing values and policy images are processed by

¹ Bundesärztekammer.

the long-standing group of actors within the respective subsystem, their individual beliefs and interests will attenuate the implied pressure for policy adjustments and allow for policy persistence or incremental changes at best. This negative feedback mechanism dissolves when external shocks can change the dynamic of morality policymaking by pushing issues to the macropolitical agenda. For instance, such external shocks can be brought about by important court rulings challenging the existing status quo. The Dutch liberalization of euthanasia, for example, was influenced significantly by a series of progressive court rulings (Van Hees & Steunenberg, 2000). In line with PET predictions, such newly arising information can tilt political attention toward a given morality policy issue and increase the likelihood of policy change.²

In sum, patterns of morality policy change should be expected to reflect patterns of punctuated equilibrium. Since it has been shown that the degree of policy punctuations increases as we move along the policy cycle (Baumgartner et al., 2009), this should be particularly true for the changes of policy output we are interested in. More specifically, it was argued that policy output, in the sense of laws and regulations, represents the end product of a policy process that becomes ever more affected by institutional friction as we move from policy input to policy output. Against this background, we put forward our first hypothesis:

H1: Morality policy change is punctuated.

Sectoral Influences on Punctuations in Morality Policy

Yet, morality policy change cannot only be expected to be punctuated, it can also be expected to be more punctuated than change in other policy areas. This is due to the inherent nature of these policy fields. Early scholars of morality policy change argued that morality policies are characterized by the existence of a fundamental conflict over basic values, a low amenability to compromise, high public salience, technical simplicity, and a relatively high degree of citizen participation (Meier, 1994; Mooney, 1999, 2001). Although the validity of some of these definitional criteria has partly been questioned on empirical grounds (Mooney & Schuldt, 2008), it is commonplace to argue that morality policies are usually associated with more intense polarization and conflict due to their connectivity to basic values. Therefore, bargaining over morality policies is difficult and compromise inherently difficult to achieve. Due to this enhanced level of friction in the decision process on morality policy change, policy monopolies are harder to destabilize and morality policy change should be particularly punctuated. This distinctiveness of morality policies has also been demonstrated in research on their diffusion, which is facilitated by a quite specific set of factors (Boushey, 2010).

² At times, such decisions might even prove to be “abrupt policy outbreaks” (Boushey, 2010, p. 90) leading to policy diffusion (see also Mooney & Lee, 1999).

To test the proposition that morality policy change is particularly punctuated, morality policy output must be compared to output in other areas. We propose a comparison that draws on the distinction between manifest and latent morality policies (Knill, 2013). While fundamental value conflict is the central mode of political contestation in the former, it is only one, often secondary, part of the political conflict in the latter. Issues like abortion and euthanasia, for example, are manifest morality policies, because they are inextricably linked to value conflicts and thereby invite moralistic debates. In abortion debates, “pro-life” and “pro-choice” activists rarely put forward instrumentally motivated arguments, but appeal to fundamental principles such as a woman’s right of self-determination or the sanctity of human life. The same clash of first principles structures debates over euthanasia. In contrast, political conflict in latent morality policies can be, but certainly is not always dominated by moral frames and conflict about first principles. In areas like drug or gambling policy, for example, economic considerations as well as arguments about public health represent instrumental arguments that are often much more important to the political debate than moral arguments (Euchner, Heichel, Nebel, & Raschzok, 2013; Ferraiolo, 2014). Latent morality policies are hence based on multiple dimensions of conflict, which should facilitate negotiations and the easier identification of a compromise solution. In other words, the moral components of a latent morality policy are weighed against economic considerations (gambling), public safety concerns (firearms), or public health concerns (drugs). As a result, the presumed difficulty to reach compromise about questions of first principle should not be as problematic in areas of latent morality policies. The presence of multiple competing policy images implies that political debates are not only based on the legitimacy of the policy status quo, but on its effectiveness (Knill et al., 2015). Yet, conflicts over policy effectiveness can be settled more easily with the help of evidence and bargaining than conflicts over first principles, since the latter are inherently hard to compromise and relevant evidence is difficult, if not impossible, to produce.

Furthermore, processing information is easier in the field of latent morality policies as scientific evidence about the effectiveness of policy choices becomes available. This is not the case for manifest morality policies, as simple public opinion polls cannot substitute broader discourse to find out to what degree values in different parts of society have indeed changed and which policy alternatives are seen as more legitimate options. Accordingly, we argue that the extent to which policy areas are affected by value conflicts matters for the reform dynamics we observe. In manifest morality policies, value conflicts are dominant. This makes it more difficult to compromise and to process information for manifest morality policies than for latent morality policies. We thus expect:

H2: Policy change in manifest morality policies is more punctuated than policy change in latent morality policies.

As moralized conflict can also play a role in latent morality policies, average decision costs should still be greater than in pure nonmorality policies. We nevertheless consider a comparison of manifest and latent morality policies as an analytically more promising approach. If manifest morality policies are different from latent ones, this difference should be even stronger with respect to nonmorality policies. Accordingly, the comparison between manifest and latent morality policies can be considered a hard test for the distinctiveness of manifest morality policies.

Institutional Determinants of Morality Policy Punctuation

According to PET, institutional design can add friction to the policy process and thereby enhance the degree of punctuation in the resulting policy output (Jones et al., 2003, p. 152). While the concept of “institutional friction” is based on the geophysical metaphor of tectonic plates causing earthquakes, it is usually translated into the social world as the decision and transaction costs that are caused by institutions. Quite clearly, not all institutions impose the same decision costs. When political institutions are structured in a way that increases the costs for decision making, these frictions will make subsystem monopolies more stable and help to attenuate demand for change leading to the typical reproduction of the status quo. At the time when societal demand for change is great enough to capture the attention of actors beyond the subsystem in multiple venues and bring the issue to the macropolitical level, policymakers will seize the rare opportunity and push for very far-reaching policy change. In contrast, systems in which institutional frictions are lower will be able to release the pressure for policy adjustment more gradually, causing punctuations to be less pronounced.

One of the most prominent arguments in morality policy research is that political contestation over morality policy issues is crucially affected by the extent to which conflicts between religious and secular values are institutionalized in domestic party systems (Engeli et al., 2012). In the religious world, party systems are characterized by an effective party cleavage between confessional and secular parties and as a result, issues of morality policy regularly become subject to party competition. In contrast, in political systems without such a party cleavage (i.e., the “secular world”), conflicts about morality policies usually run across party lines. Consequently, these issues are generally not subject to polarized party competition, but instead resolved without receiving a similar amount of attention through cooperation between members of different parties. When it is clear that political parties do not offer clear positions on morality policy questions and party competition does not stand in the way of morality policymaking, decision costs are greatly reduced. In contrast, attention in the religious world meets a preexisting party cleavage so that party competition can impose additional costs on reaching compromise.

Institutional friction for morality policy change should hence be greater in countries belonging to

the religious world. These systems will reproduce the status quo as long as the religious alliance is able to defend it. Only when proponents of morality policy change finally get the chance to act through a shift in the distribution of power, they will seize this opportunity to adopt very far-reaching reforms. These arguments can be summarized as follows:

H3: Policy change in manifest morality policies is more punctuated in countries belonging to the religious than to the secular world.

Next to existing party cleavages, institutionally defined decision-rules affect the difficulty of reaching decisions over policy change. As morality policy change is argued to be particularly difficult to negotiate (Mooney, 1999, 2001) and categorical beliefs about right and wrong are difficult to compromise, manifest morality policies should be particularly sensitive to the institutionalized need to reach compromise over policy change. This can be assessed with the help of Lijphart's distinction between majoritarian and consensus democracies (Lijphart, 2012).

Governments in majoritarian democracies find it easier to realize their own policy preferences without having to negotiate with the opposition. Lower institutional friction due to a reduced need for compromise should allow for more gradual morality policy adjustments in response to societal developments. Consensus democracies, in contrast, are characterized by a highly institutionalized need for compromise and consensus building. When these higher consensus requirements lead to a longer preservation of the status quo, eventual changes will be particularly large when reforms are finally realized (strong peaks and heavy tails in the change distribution). Therefore, we hypothesize:

H4a: Policy change is more punctuated in consensus democracies than in majoritarian democracies.

Conversely, majoritarian and consensus democracies could differ in their readiness to grant societal developments attention beyond the subsystem at the macropolitical level. As consensus democracies are built on the ideal to protect minorities from the power of the majority, they could be more ready to respond to societal changes even as these have not yet diffused to a majority of the population. Consequently, consensus democracies should be able to adjust morality policies more gradually than majoritarian democracies. Hypothesis 4b thus proposes the opposite of hypothesis 4a:

H4b: Policy change is less punctuated in consensus democracies than in majoritarian democracies.

This hypothesis is in line with Breunig and Koski (2009), who show that as political systems tend to allocate

more power in the hands of fewer people, policy change becomes more feasible and policy output tends to be more punctuated.

Measuring Punctuations in Morality Policy

Currently, one of the most prominent approaches to identify policy punctuations empirically is to count the occurrence of events. For example, research has focused on the agenda-setting stage by assessing punctuations in the number of hearings or parliamentary questions on a given subject (Worsham, 2006) or shifts in media attention through the number of newspaper articles on different subjects (Boydston, Hardy, & Walgrave, 2014; Schrad, 2007). Yet, while counting might be an appropriate way of capturing the dominance of an issue on the political agenda, the number of laws passed is only a very crude approximation of the degree of policy change. Large-scale reforms can be introduced with a single law, while a series of laws can represent only very incremental adjustments to the status quo. Existing research has dealt with this problem in two different ways. In some instances, applications of PET have focused on single cases (Ceccoli, 2003) or constrained the analysis to the qualitative comparison of a few cases (Cashore & Howlett, 2007; Green-Pedersen & Wilkerson, 2006; Walgrave & Varone, 2008). Alternatively, empirical research has turned its focus to changes in budgetary outlays or appropriations assuming that large changes in monetary allocation reflect large reforms (Breunig & Koski, 2006; John & Margetts, 2003; Jones et al., 1998; Jordan, 2003; Mortensen, 2005; Robinson, 2004).³ While this can alleviate the problem to some extent, it is by no means an appropriate fix in many policy areas, and definitely not in the area of morality policy. Large-scale reforms of regulatory policy are often introduced with simple laws and are not particularly costly. For example, Germany turned prostitution into a regular profession with only one single law consisting of only three short paragraphs that did not affect budgetary outlays in any way.

Given these problems with the counting approach, we must engage in the challenge of measuring policy punctuations for morality policies, before we turn to the data and the empirical evidence. Specifically, what we require for our analysis is a measurement approach that allows us to distinguish different degrees of policy change, without resorting to indicators of government spending or agenda setting.

³ The contributions by Boushey (2010, 2012) constitute notable exceptions, as his analyses of policy diffusion patterns are based on large-N samples of policy innovations.

Table 1: *Overview of the measurement concept*

Policy	Policy Paradigms	Personal requirements	Procedural rules
Abortion	Total prohibition Medical indication Eugenic or criminological indication Eugenic and criminological indication Social indication Upon request model	Time limits	Consultation requirements
Euthanasia	Prohibition Allowed: only passive euthanasia Allowed: assisted suicide Allowed: active euthanasia	State of health	Consultation requirements
Pornography	Prohibition Partial liberalization Full liberalization	Age thresholds	Accessibility by number of distribution channels
Prostitution	Prohibition Abolitionism Permission without recognition Permission with recognition	Locational requirements	Profit-oriented activities of third parties
Homosexuality	Prohibition Partial prohibition (some practices) Permission (all practices)	Age thresholds	Age closeness exemptions
Gambling	Prohibition Monopoly Market	Age thresholds	Taxation
Drugs	Prohibition of consumption and possession Partial permission of consumption Permission of consumption and possession	Situational/ locational requirements	Quantity restrictions
Handguns	Prohibition Privilege Permission	Age thresholds Health status Technical capability	Safe storage

Yet, as we combine the analysis of several different policy areas, our measurement concept must also be applicable across different subfields of moral regulation.

Given these considerations, we base our measurement approach on the legal boundaries defined for individual citizens who want to engage in a certain, morally contested behavior. Table 1 summarizes our measurement concept. We argue that the extent to which states interfere with individual liberties can be broken down conceptually to three hierarchical levels: the policy paradigm, personal requirements, and procedural rules. On the first level, the policy paradigm, we capture the basic policy approach to regulate a

Table 2: Ordinal measurement of the direction and the degree of morality policy reforms

Ordinal value	Level 1	Level 2	Level 3	
-13	-	-	-	
-12	-	-	0	
-11	-	-	+	
-10	-	0	-	
-9	-	0	0	
-8	-	0	+	
-7	-	+	-	
-6	-	+	0	
-5	-	+	+	
-4	0	-	-	
-3	0	-	0	
-2	0	-	+	
-1	0	0	-	
0	0	0	0	
1	0	0	+	
2	0	+	-	
3	0	+	0	
4	0	+	+	
5	+	-	-	
6	+	-	0	
7	+	-	+	
8	+	0	-	
9	+	0	0	
10	+	0	+	
11	+	+	-	
12	+	+	0	
13	+	+	+	

Note: + represents a move towards permissiveness, - represents a move towards restrictiveness, 0 represents policy stability.

certain conduct. The precise contents of these paradigmatic approaches vary across different policy areas, but all of them vary between the poles of total prohibition and total permission. The policy paradigm governments adopt with regard to a certain morality policy affects its citizens’ freedom of action in a very fundamental way. Accordingly, we argue that policy changes on this level come close to what we commonly associate with major policy change. In contrast, changes on the second level only pertain to the personal requirements a citizen must fulfill in order to become eligible for carrying out the behavior in question.⁴ In areas of morality policy, such personal requirements often relate to age restrictions, but can also take on other forms (see Table 1). As policy configurations on this secondary level are downstream to the choice

⁴ Needless to say, these personal requirements (and also the procedural rules) are irrelevant under a policy paradigm of total prohibition.

of the policy paradigm, we argue that changes pertaining to personal requirements are less far reaching for citizens' freedom of action. However, given the particularities of morality policymaking, they can nevertheless become subject to intense political conflict. Finally, on the third level, governments merely calibrate the procedural rules that must be obeyed when an individual carries out the regulated behavior. These procedural rules are the least consequential for a citizen's freedom of action, as the general permissibility of the conduct (level 1) and the citizen's personal eligibility (level 2) have already been confirmed. Accordingly, changes on this final measurement level come close to what we commonly associate with incrementalist policymaking.

How can we translate this hierarchical conceptual approach into a systematic measurement of morality policy change? After all, we aim to test hypotheses that transcend the borders of individual policy areas and no metric yardstick is available for the quantification of precise distances across these policy areas. Therefore, we use the hierarchical measurement concept outlined above to develop an ordinal scale that allows us to locate every single policy reform both in terms of its direction and its degree. We assume that each of the three hierarchical levels identified previously (paradigm, personal rules, and procedural rules) can develop into three different directions: (i) a move toward restrictiveness, (ii) a move toward permissiveness, or (iii) policy stability. In other words, in every policy area and every year, we assume that a country, either implicitly or explicitly, faces the decision of whether to render the policy paradigm, the personal rules, and the procedural rules more restrictive, more permissive, or to keep the status quo in place. Thus, we are left with three hierarchical levels of policy intervention and three directions of change. As a result, we observe 1 out of 27 theoretically possible policy change configurations for every country-year under study and these can be ordered according to their degree and direction (see Table 2).

In the middle of the scale, all policy levels are unchanged in a given country- year. At both ends of the scale, the most encompassing policy change affects all three policy levels in the same direction (either toward more restrictive or toward more permissive rules). For example, in 1982, Portugal simultaneously lifted the ban on homosexuality (policy paradigm), fixed comparably low age restrictions (personal rules), and introduced age closeness exemptions (procedural rules). In between these extremes, we distinguish policy changes according to their degree. For example, a value of 1 refers to policy reforms that move the status quo toward permissiveness as far as procedural rules are concerned, but do not extend to the policy paradigm or personal requirements. In France, for instance, the duty to seek advice before abortions was abolished in 2001 (more permissive procedural rules), while both personal rules and the policy paradigm remained in place. A value of 2 is attached to constellations in which personal requirements become more permissive, while simultaneously procedural rules are tightened, as we assume personal requirements to be more fundamental for citizens' freedom of action. The Portuguese decision to lower age thresholds for the possession of firearms (personal rules) while introducing detailed safe storage requirements (procedural

rules) can serve as an illustrative example here. In contrast, a value of 3 is obtained, when personal requirements get more restrictive and procedural rules remain unchanged. The application of these measurement rules leaves us with an ordinal scale that comprises 13 degrees of policy change, both toward restrictiveness and permissiveness.

While we apply this new measurement scheme to morality policy output in this article, we argue that it has the potential to inform studies on agenda setting and policy change more generally. In particular, our measurement scheme explicitly maps out criteria that help us distinguish different degrees of policy change and thereby facilitates the testing of related theoretical arguments. In the long run, this might help to better link the agenda-setting and policy formulation stage in empirical studies of policy change and provide the necessary tools to evaluate the information- processing capacities of governments (Workman, Jones, & Jochim, 2009).

Data and Methods

To evaluate PET's predictive power in the context of morality policy outputs, we draw on data collected during the past years in the MORAPOL project.⁵ This project assembled data on morality policy output in 19 European countries,⁶ 8 policy areas, and a time period of half a century (1960–2010). In sum, our dataset consists of 7,005 country-year observations.⁷ Specifically, 4,394 of these observations refer to country-years in areas of manifest morality policy (abortion, euthanasia, pornography, prostitution, and homosexuality). The remaining 2,611 observations refer to latent morality policies (drugs, gambling, and handguns).

In terms of methodology, scholars interested in the empirical validity of PET often relied on calculating the kurtosis of the empirical probability distributions and compare it to the standard normal distribution's kurtosis. They did so because empirical distributions of change magnitudes were hypothesized to be leptokurtic, that is, to be predicting more incremental change (strong peaks) and more punctuations (heavy tails) but relatively fewer instances of medium-sized change (weak shoulders) than a

⁵ For more information on the project and the data collection, please consult Knill et al. (2015).

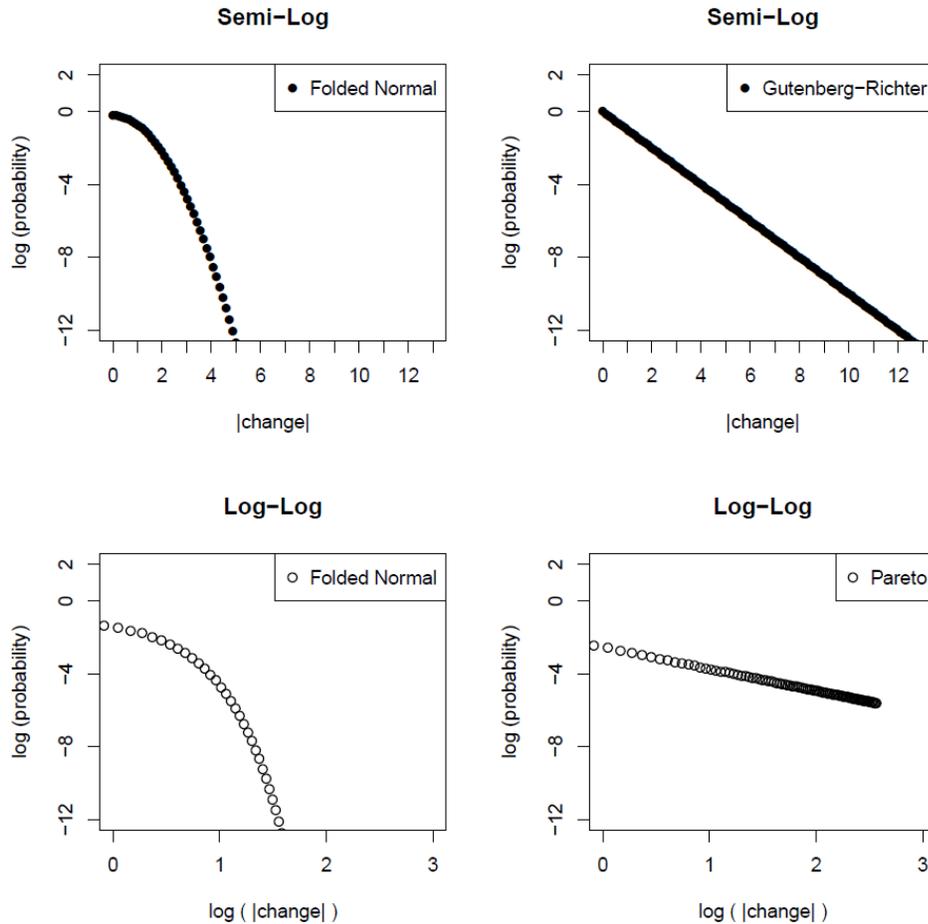
⁶ In sum, the entire project covers a total of 26 countries. In this analysis, we restrict ourselves to the analysis of 19 OECD countries in our sample (Austria, Belgium, Denmark, Finland, France, Germany, Great Britain, Greece, Ireland, Israel, Italy, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, and Turkey). We do so to keep our sample as homogeneous as possible with regard to socioeconomic scope conditions.

⁷ We left out nondemocratic time periods in some of our countries to hold one important scope condition constant. This includes several country-years for Greece (1960–74), Spain (1960–77), Portugal (1960–76), and Poland (1960–89).

normal distribution. Typically, these characteristics are associated with power-law distributions, as the Pareto distribution, and exponential distributions, as for example the Gutenberg–Richter relation describing the relative frequency of earthquakes of certain magnitudes.

As kurtosis values have been found to be somewhat unreliable, however, we join more current approaches that focus on log-log and semi-log plots instead (e.g., Baumgartner et al., 2009; Breunig & Jones, 2011). In log-log plots, the x- and y-axes are both subjected to logarithmic transformation. In semi-log plots, only the y-axis appears in logged form. As Figure 1 indicates, graphical approaches exploit the fact that normally distributed data behave very differently than power law distributed data and exponential data in these plots.

Figure 1. Different Behavior of Normal and Non-Normal Probability Distributions (Logged and Semilogged).



Note: The left panels illustrate the downward bend that characterizes logged and semilogged Normal probability distributions. The right panels show the straight lines we would expect to see if the underlying probability distribution is not Normal. In semi-log plots, only probability measures are logged. In log-log plots, both probability measures and change magnitudes are logged. See Baumgartner et al. (2009) for more details.

Specifically, normally distributed data show a strong downward bend on both log-log and semi-log plots. In contrast, if policy-change magnitudes follow an exponential distribution like the Gutenberg–Richter relation, the distribution takes the form of a straight line on a semi-log plot. Similarly, if the data follow a power-law distribution (e.g., the Pareto distribution), the relation between the probability of change and the magnitude of change appears as a straight line on a log-log plot. Therefore, if distributions of change turn into straight lines on either semi-log or log-log plots, we are able to conclude that the underlying distribution – of non-transformed change magnitudes and probabilities – is not a normal distribution. Furthermore, the slope of the straight lines estimated to fit the data most closely contains information about the degree of punctuation. In fact, greater slopes indicate higher probabilities of very far-reaching reforms and thus more heavily tailed distributions. This indicates stronger punctuations.

We complement this graphical analysis with contingency tables and chi-square tests. To do so, we simplify the assessment of change magnitudes from 13 to only 3 categories: incremental, medium, and major. The category of major changes includes reforms that have involved changes of the policy paradigm (categories 5–13). Medium changes capture reforms that do not exceed changes of personal requirements on level 2 (categories 2–4). The incremental category comprises no changes and changes of procedural requirements on the third level of governmental interference (categories 0–1). This additional approach seems important for two reasons. First, incrementalism at its most extreme, that is, in the form preserving the status quo, cannot be included in the log-log plots because the logarithm of change magnitude⁵⁰ is not defined. Status quo cases do, however, enter the semi-log plots. The contingency tables allow us to include these cases in the incrementalism category. Second, although we lose information by collapsing our measure of change magnitudes to three categories, contingency tables are tailored to analyzing categorical variables and are thus more appropriate than one might consider log-log plots to be. Overall, the combination of log-log plots, semi-log plots, and contingency tables allows us to thoroughly evaluate our hypotheses.

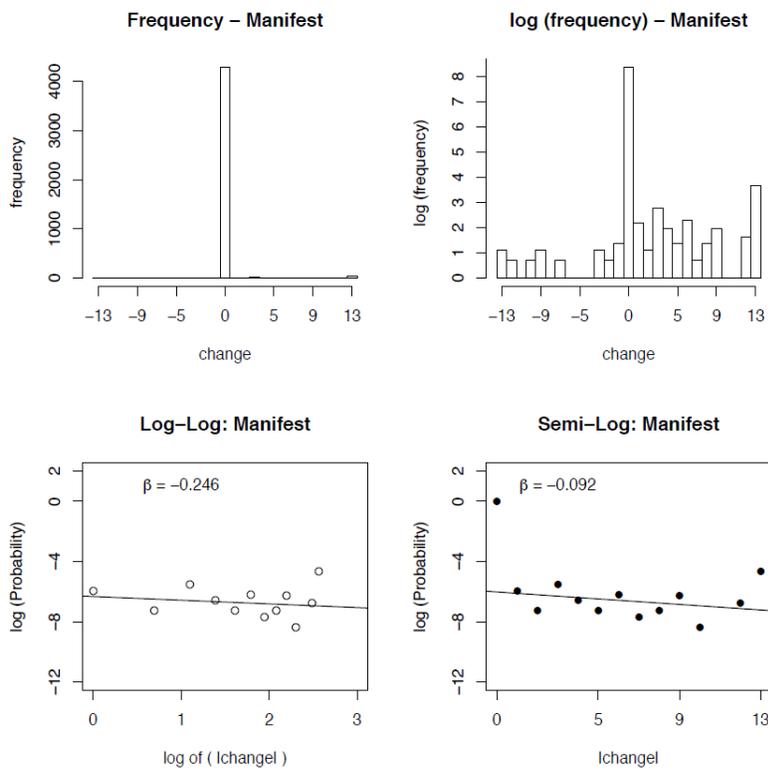
Empirical Analysis

Is Morality Policy Change Punctuated?

In hypothesis 1, we theorized that morality policy change is punctuated. Figure 2 largely confirms this expectation. In fact, the histogram in the top left of the figure shows that the preservation of the status quo is so frequent that it renders the actual reform dynamics almost invisible. Only on the far-right fringe of the x-axis, a close look reveals the relatively frequent occurrence of large reforms (change magnitude⁵¹³) in this area. Specifically, we count 37 policy changes that do not affect the general policy paradigm (i.e., changes that range between the values of 24 to 4, excluding 0). In contrast, we count a total of 71 policy

changes that altered the general policy approach on level 1 (i.e., changes from 25 to 213 or 5 to 13). When we look at the most extreme policy change possible (changes of order 13), we find that 38 changes shifted the status quo toward a more permissive paradigm, whereas two changes moved it toward a more restrictive level.⁸ While this already suggests a rather strong degree of punctuation, this conclusion is further supported by the other three graphs in Figure 2. On the top right, the absolute frequency of individual change magnitudes is subjected to logarithmic transformation. This way, we are better able to see that most reform activity in manifest morality policies in our sample has made the status quo more permissive instead of more restrictive. In fact, we find European euthanasia policies to be completely free of moves toward restrictiveness, even on the second and third measurement levels. The remaining few moves toward restrictiveness primarily concern personal or procedural rules for abortion and prostitution. Of course, this tendency is largely due to the generally very restrictive starting points of most countries in 1960.

Figure 2. Reform Dynamics in Manifest Morality Policies.



Note: The upper-left panel summarizes the raw data, showing that the persistence of the status quo typically dominates in manifest morality policymaking. The upper-right panel shows the logged frequency of the 27 different reform magnitudes, capturing clear patterns of punctuated equilibrium (strong peaks, weak shoulders, and heavy tails). The bottom panels test hypothesis 1 using the method introduced in Figure 1.

⁸ These moves toward a more restrictive paradigm occurred for (animal) pornography in the Netherlands (2009) and (indoor) prostitution in Israel (1962).

The figure also highlights the characteristics predicted by PET. While the figure still emphasizes the enormous peak indicating that equilibria in manifest morality policies are sustained for a rather long time, it also highlights that if policy change does occur in these fields, it tends to be rather far-reaching instead of incremental. In other words, the probability of very large reform magnitudes is at least as high – if not higher – as the probability of minor, incremental reforms. Of course, the figure also shows that most of this reform activity in the area of manifest morality policy has made the status quo more permissive instead of more restrictive. The log-log and semi-log plots displayed in the bottom half of Figure 2 further support this impression. While the linear fit is clearly not perfect in either graph, both plots rather resemble straight lines than a sharp downward bend that would suggest normally distributed change magnitudes. In fact, the plots suggest that the empirical distribution of change magnitudes is even more punctuated than regular power-law and exponential distributions would suggest. This is because the empirical probability of the most extensive change is even greater than predicted by power-law and exponential distributions (the dots lie well above the straight line in the log-log and semi-log plots). This is suggestive of an even heavier tail than typical for simple power law and exponential distributions. In turn, we also consciously abstain from reporting R^2 to assess the goodness of fit for these linear lines fitted to the data. The flatness of these lines' slopes suggests almost independence between x and y, very low R^2 values are unavoidable. This does not mean, however, that the straight line is not a good fit, but the slope of the line is too flat for high R^2 values.

Against this background, we conclude that manifest morality policy change is not distributed normally, but instead according to predictions of PET. PET dynamics are thus also clearly visible for regulatory policy output in the area of manifest morality policy, when an appropriate measure for the extent of regulatory policy change is available.

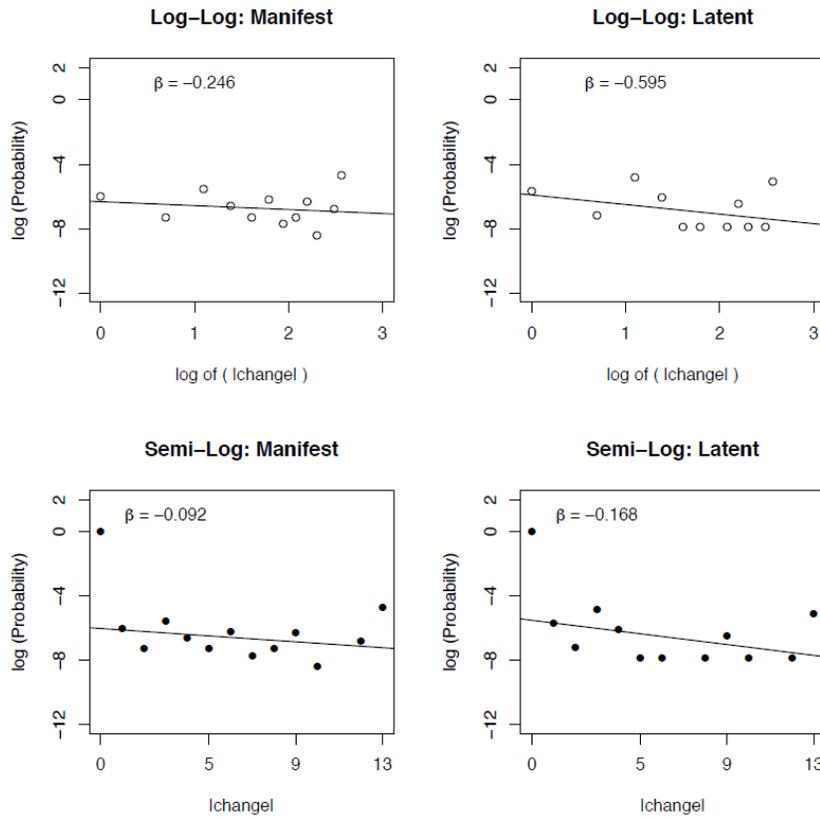
Are Manifest and Latent Morality Policies Different?

In hypothesis 2, we argued that policy change should be more punctuated in manifest than in latent areas of morality policy. We conceive of the regulation of drugs, gambling, and handguns as latent morality policies, whereas we consider abortion, euthanasia, homosexuality, prostitution, and pornography manifest morality policies. This comparison can be seen as a particularly hard test for the hypothesis that (manifest) morality policies are different from other policies. If we observe differences between manifest and latent morality policies, we can safely assume that the differences should be even more pronounced in comparison to complete non-morality policies.

Figure 3 reports the results of the hypothesis test. While the linear fit is – again – not perfect, it seems justified to reject the null hypothesis of normally distributed change magnitudes. A sharp downward bend is clearly absent. This implies that not only policy change in manifest morality policies reflects dynamics

of punctuated equilibrium; latent morality policies do so as well. However, Figure 3 also supports the argument that manifest morality policy change is characterized by stronger punctuations than latent morality policy change. This is indicated by the greater estimates for the slopes of the straight line.

Figure 3. Punctuations in Manifest and Latent Morality Policy Change.



Note: The panels on the top allow for a comparison of the logged predicted probability of the logged change magnitudes between manifest and latent morality policies. The panels on the bottom allow comparing the logged predicted probability of absolute change magnitudes between manifest and latent morality policies. None of the plots indicate a downward bend expected if data were normally distributed. The slopes of the line fitted through the estimated data are flatter for manifest policies indicating a stronger degree of punctuation.

In latent morality policies, most reforms operate at the instrumental level (categories 1–4): more than 60 percent of all reforms in this area only change personal or procedural rules, while around 40 percent of all reforms alter the policy paradigm. In contrast, for manifest morality policy reforms, only 34 percent are incremental, while two-thirds of all observed policy changes change the status quo fundamentally. The relative frequency of far-reaching policy reforms is thus greater for manifest than for latent morality policies. This reflects the expected heavier tails of the manifest morality policy change distribution. While both manifest and latent morality policies show a significant amount of policy punctuations, these punctuations are more likely to occur in manifest morality policies. In fact, the majority of manifest morality

policy reforms comes with a magnitude of at least 9 on our ordinal measurement scale. This supports the assumption that these areas (manifest vs. latent) vary in terms of their susceptibility for negotiated compromise.

Table 3. *Reform magnitudes and policy types*

	Policy type (without SQ)			Policy type (SQ as incrementalism)			
	Latent	Manifest	Total	Latent	Manifest	Total	
Reform magnitude	Incremental	14.3 % 9 (7)	10.2 % 11 (13)	11.7 % 11	97.9 % 2557 (2555)	97.8 % 4297 (4299)	97.8 % 6854
	Medium	46.0 % 29 (20)	24.1 % 26 (35)	32.2 % 26	1.1 % 29 (20)	0.6 % 26 (35)	0.8 % 26
	Major	39.7 % 25 (35)	65.7 % 71 (61)	56.1 % 96	1.0 % 25 (35)	1.6 % 71 (60)	1.4 % 96
Total	63 100 %	108 100 %	171 100 %	2611 100 %	4394 100 %	7005 100 %	
Pearson’s Chi-Square (2 df)		11.3; p=0.003			10.8; p=0.005		

Note: column percentages reported. Empirical frequencies reported with expected frequencies in parentheses.

These conclusions are further supported by the results presented in Table 3. The most straightforward strategy to test the significance of the differences described above is Pearson’s chi-square test; a test that allows us to estimate the probability with which differences in the relative frequency of different reform magnitudes between manifest and latent morality policy are the result of chance.⁹ Two findings are important. First, the differences of the frequencies of reform magnitudes between the two sectors are statistically significant. Second, the direction of these differences mostly corresponds to our expectations. This is particularly true when we include preservations of the status quo in the category of incremental change, which is our preferred strategy given that this category should represent the system being in equilibrium. In this case, both sectors display an overwhelming tendency of incrementalism in its most extreme form: the maintenance of the status quo (similarly strong peaks). In addition, we observe that in

⁹ We deliberately refrain from reporting p values from two-sample Kolmogorov–Smirnov-Tests (KS- Tests). This is because KS-Tests are very sensitive to differences at the center, they have only very little power in testing differences in the tails of distributions (Mason & Schuenemeyer, 1983). Yet, these are the differences we are interested in the most. Furthermore, we do not perform any post hoc power analyses (see Hoenig & Heisey, 2001, for the reasons).

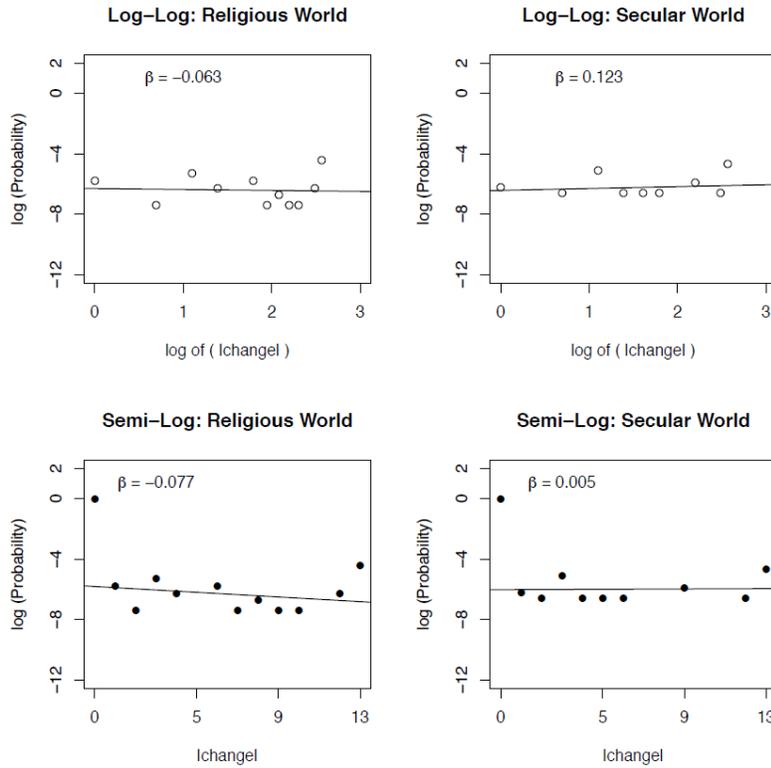
the area of manifest morality policy, there are fewer instances of medium-sized reforms than expected (weaker shoulders than in the area of latent morality policy), but more instances of major policy changes than expected (heavier tail). In sum, the analysis suggests that the degree of punctuation is indeed greater in the field of manifest morality policy than in latent morality policy. This supports the argument that the particularly high level of conflict about first principles and core values leads to enhanced decision costs in manifest morality policies and thus greater punctuations.

Institutional Determinants of the Degree of Punctuation

In hypothesis 3, we expected that reform patterns should be characterized by stronger punctuations in the religious world, which is characterized by party competition between confessional and secular parties, than in the secular world, where such party competition does not impose additional costs for compromising over morality policy issues. On the one hand, Figure 4 indicates that policy change is strongly punctuated in both worlds. Yet, in contradiction to hypothesis 3, the degree of punctuation seems stronger in the secular than in the religious world: the estimated slopes of the straight line are greater in the former than in the latter. This means that the estimated probability of great reform magnitudes relative to the estimated probability of minor reform magnitudes is higher in the secular world than in the religious world. In the secular world, the probability of a reform increases with the magnitude of the reform. This is not the case in the religious world.

On the other hand, the contingency table does not indicate significant differences in the degree of punctuations in the two worlds (Table 4). While the table does indicate slightly stronger punctuations for the religious world, these differences between the two worlds are not large enough to be considered statistically significant. In sum, the analysis does not support our expectations formulated in hypothesis 3. Manifest morality policy change in the religious world is not characterized by a stronger degree of punctuation than in the secular world. Depending on the precise measurement strategy, the results either point toward a relationship in the opposite direction or suggest no substantial differences between the two worlds. Party cleavages between secular parties and parties with religious association might thus not be as relevant for explaining dynamics of policy change as they are for explaining agenda-setting dynamics (Engeli et al., 2012).

Figure 4. Punctuations in Manifest Morality Policy Change in the Religious and Secular World.



Note: The panels on the top allow for a comparison of the logged predicted probability of the logged change magnitudes between the religious and secular world. The panels on the bottom allow comparing the logged predicted probability of absolute change magnitudes between the religious and secular world. None of the plots indicate a downward bend expected if data were normally distributed. The slopes of the line fitted through the estimated data are greater for secular world policies, which could indicate a stronger degree of punctuation.

Table 4. Reform magnitudes in the secular and the religious world (manifest policies)

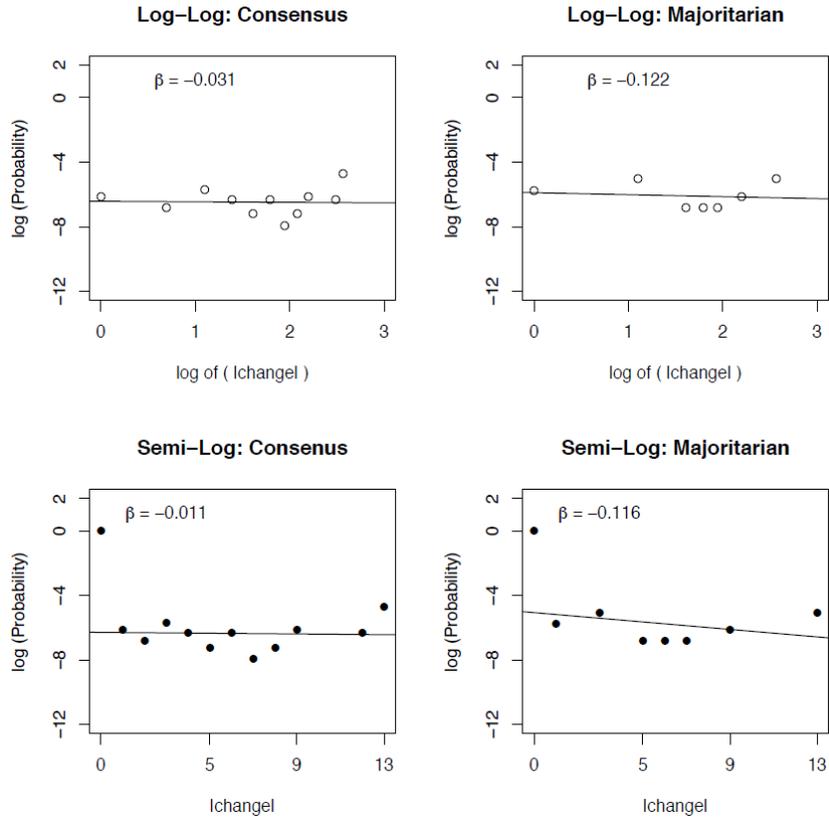
		World			World		
		(without SQ)		Total	(SQ as incrementalism)		Total
		Secular	Religious		Secular	Religious	
Reform magnitude	Incremental	7.5 %	10.2 %	9.0 %	97.6 %	97.4 %	97.5 %
		3 (4)	5 (4)	8	1493 (1491)	1620 (1622)	3113
	Medium	32.5 %	24.5 %	28.1 %	0.9 %	0.7 %	0.8 %
		13 (11)	12 (14)	25	13 (12)	12 (13)	25
	Major	60.0 %	65.3 %	62.9 %	1.6 %	1.9 %	1.8 %
		24 (25)	32 (31)	56	24 (27)	32 (29)	56
Total		40	49	89	1530	1664	3194
		100 %	100 %	100 %	100 %	100 %	100 %
Pearson's Chi-Square (2 df)		0.78; p=0.677			0.74; p=0.690		

Note: column percentages reported. Empirical frequencies reported with expected frequencies in parentheses.

Finally, we investigate the impact of the institutionalized need for compromise more generally. In the theoretical section, we put forward two competing hypotheses: on the one hand, we argued that due to greater institutional friction, punctuations should be greater in consensus democracies (hypothesis 4a). On the other hand, assuming that consensus democracies grant societal developments political attention sooner than majoritarian democracies, punctuations should be smaller in consensus democracies (hypothesis 4b). However, our empirical evidence suggests that neither is the case (Figure 5). Again, we find strong evidence against a normal distribution of policy change magnitudes. In accordance with the arguments underlying hypothesis 4a, the degree of punctuation seems to be somewhat greater in consensus democracies than in majoritarian democracies, as indicated by the greater estimated slope of the straight line. However, the complementary analysis relying on contingency tables suggests that the differences in the degree of punctuation between consensus and majoritarian democracies are too small as to be statistically significant (Table 5). The relative frequency of different reform magnitudes in both types of democracy is almost identical for incremental and medium-sized reforms. Although the relative frequency of major reforms is somewhat higher in consensus than in majoritarian democracies (1.6 percent vs. 1.5 percent), this difference is not large enough to conclude that the frequency by which different reform magnitudes occur depend on the type of democracy in place.¹⁰

¹⁰ As a robustness check, we performed the same analysis using the measure for political constraints (polconv) provided by Henisz (2000), using the median of the empirical distribution as the cutoff point. The substantive findings are the same. The respective figures and tables can be found in Supporting Information.

Figure 5. Punctuations in Manifest Morality Policy Change in Consensus and Majoritarian Democracies.



Note: The panels on the top allow for a comparison of the logged predicted probability of the logged change magnitudes between consensus and majoritarian democracies. The panels on the bottom allow comparing the logged predicted probability of absolute change magnitudes between consensus and majoritarian democracies. None of the plots indicate a downward bend expected if data were normally distributed. The slopes of the line fitted through the estimated data are greater for consensus democracies, which could indicate a stronger degree of punctuation.

Table 5. Reform magnitudes and democracy types (manifest policies)

		Democracy type			Democracy type		
		(without SQ)		Total	(SQ as incrementalism)		Total
		Majoritarian	Consensus		Majoritarian	Consensus	
Reform magnitude	Incremental	18.2 %	8.3 %	10.4 %	97.9 %	97.8 %	97.8 %
		4 (2)	7 (9)	11	837 (836)	3357 (3358)	4194
	Medium	22.7 %	25.0 %	24.5 %	0.6 %	0.6 %	0.6 %
		5 (5)	21 (21)	26	5 (5)	21 (21)	26
	Major	59.1 %	66.7 %	65.1 %	1.5 %	1.6 %	1.6 %
		13 (14)	56 (55)	69	13 (14)	56 (55)	69
Total		22	84	106	855	3434	4289
		100 %	100 %	100 %	100 %	100 %	100 %
Pearson's Chi-Square (2 df)			1.82; p=0.403		0.06; p=0.970		

Note: column percentages reported. Empirical frequencies reported with expected frequencies in parentheses.

Conclusion

This article analyzed the dynamics of morality policy reform from the perspective of PET, attempting to build a bridge between two strands of literature that, in our opinion, have a lot to gain from each other. Our primary objective in this article was to add to our general understanding of morality policy change, which is still underdeveloped despite recent attempts to improve it. In this context, we investigated (i) whether the elevated potential for deep value conflicts leads to distinct reform dynamics in areas of morality policy and (ii) whether differences in these patterns are due to policy-specific characteristics or to institutional characteristics that vary cross-nationally. To answer these research questions, we presented a novel way of conceptualizing and measuring changes in policy output that can travel across countries and policy sectors. Our empirical findings advance our understanding of morality policy change in the following ways.

First, we were able to demonstrate empirically that while morality policies are highly resistant to change, reforms that do occur are often fundamental. Accordingly, morality policy change is clearly punctuated in the sense that very long periods of policy stability and incrementalism are only rarely interrupted by policy reforms, but if these reforms occur, their magnitude is disproportionately large. Second, we show that significant differences in reform patterns between different types of morality policies exist. More specifically, our results suggest that the extent to which reform dynamics are punctuated depends on the extent to which the political conflict in a policy area is based on a clash of incompatible first principles. Manifest morality policies, where value conflicts are the central mode of political contestation, are significantly more punctuated than latent morality policies, where instrumental, rationalist problem-solving often plays a dominant role. These results caution us to be very careful when we classify different political issues as morality policies. Our results suggest that even within a group of classic morality policies, different degrees of moral contestation can lead to very different reform patterns. While we did not compare our policy areas to complete nonmorality policies in this article, we claim that as we already observe a clear difference within the class of morality policies, we are confident that the difference should be even more pronounced if we compared morality policies to policies in which value conflicts are entirely absent. Third, while our results clearly show that differences in reform patterns can be ascribed to policy-specific characteristics, we cannot find any significant institutional factors that explain cross-national differences. While existing research argues that the existence of a confessional cleavage in a country's party system crucially affects the potential of morality policies to enter the political agenda (Engeli et al., 2012), our results suggest that these differences do not matter for policy change. Both countries in the religious and the secular world show statistically indistinguishable reform patterns in manifest areas of morality policy. The same is true for majoritarian and consensual democracies. Accordingly, we conclude that the way states reform morality policies depends more on characteristics of the policies than on characteristics of the states – a finding that adds to existing studies, which have found domain-specific patterns of

punctuated equilibrium in public budgets (Breunig & Koski, 2014; Breunig, Koski, & Mortensen, 2010).

Notes

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