

## **FACTORS INFLUENCING IMPLEMENTATION**

Many potential categories or lists could be imagined that would capture reasons for implementation success or failure. In fact, Fesler has proposed such a list: program success is related to the existence of able and committed leadership, clear objectives, and initial success; program failure has resulted from inertia, diffuseness of program clientele, inadequate scope of effort, weak congressional support, inadequate funds, and the loss of leadership.<sup>78</sup> We offer our own rendition as a complementary, additional perspective on the problem. Combining them may even enhance one's grasp and understanding more than having to choose between them.

A list of implementation factors might include:

consistent performance standards may prove impossible to establish and enforce in the first case,<sup>70</sup> and the resort to mechanistic devices, such as management information systems, performance reporting, and the like, has in many circumstances created as many or more problems than it has solved.<sup>71</sup>

When variations occur in the worldview or dominant values of those at highest levels of policy formulation and those in the field entrusted with the implementation job, problems should be expected. If the 1970s illustrated nothing else, it is that variation in view and value has come to dominate collective public endeavor.<sup>72</sup> For even the best-intended policies, one will always encounter action agents more interested in spending the money as they see fit instead of striving to understand and faithfully execute programs as they were intended.<sup>73</sup> This becomes especially bothersome in cases where the action agent and the new program are mismatched, as for instance, in the case of the Energy Research and Development Administration where nuclear advocates in the bureaucracy were often given responsibility for solar and other alternative energy technologies in which they had little faith and even less interest.<sup>74</sup>

Finally, one should not forget that bureaucrats are human and suffer from the general failings of the species. Even the most carefully worded directive will still be open to legitimate interpretation—and misrepresentation.<sup>75</sup> The civil service is not noted for its risk taking, and any new venture will have by definition elements of bureaucratic risk involved,<sup>76</sup> particularly so in new areas of endeavor or where the proposed changes depart severely from the accustomed norm or involve large-scale activities.<sup>77</sup>

This hardly ends our survey of practical problems associated with implementation; we next consider a set of factors that are often and widely enough encountered as individuals try to carry out various responsibilities to merit general attention. In one sense, these factors provide a distillation and synthesis of much diverse practical experience.

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A list of implementation factors might include:

- Source of the policy.
- Clarity of the policy.
- Support for the policy.
- Complexity of the administration.
- Incentives for implementors.
- Resource allocation.

Each factor is affected by other conditioning features of the context, such as legal restrictions and the need for bureaucratic rationality (e.g., does the administering agency have the requisite skills?).<sup>79</sup> While such conditions are themselves worthy of discussion, we examine only the main factors listed above.

### Source of the policy

The sources of policy are numerous. First, a policy could arise from a presidential declaration, such as President Nixon's 1973 executive order to the armed forces to reduce energy consumption by 7 percent and to the states to reduce highway speed limits to 55 mph, or President Carter's ordered boycott by U.S. athletes of the 1980 Olympic Games. Second, a policy might originate in the passage of legislation—for example, the Omnibus Crime Act of 1968. Third, and probably most typically, Congress and the president might cooperate in their constitutional and functional mandates to formulate a policy; most federal policies, such as the creation in 1980 of a government-subsidized synthetic fuels industry, are the product of this partnership. It is important to note that while these products are carried out by the bureaucracy, the policies have been conceived by elected officials. Fourth, many policies originate within the upper levels of governmental bureaucracy, quite often without specific congressional or executive mandate, approval, or support; the Economic Development Administration's (EDA) decision to reduce its rural emphasis and fund the Oakland, California, development project is a prime example.<sup>80</sup> Finally, the courts often determine policy; we need only consider the courts' impact on civil rights, education, and conservation to appreciate their policymaking capacity.<sup>81</sup>

The significance of the policy source as a factor influencing implementation is that each policy originator has different roles, powers, and functions in the government which determine its capacity to define, select, and execute a particular policy. Although the legislature is not without its policy implementation powers (e.g., the budget and oversight committees can serve these purposes indirectly), the executive branch, sometimes through its personal powers but usually through the bureaucracy, has the most influence on implementation.<sup>82</sup> There was no implementation gap in President Ford's executive pardoning of former President Richard Nixon,

as Ford held both the policy selection and implementation powers completely within his hands.

The courts are most removed. Under the constitutional separation of powers, the court must rely on the administrative branch to ensure that its rulings are enforced, a charge not always honored. President Andrew Jackson refused to enforce the 1830 Supreme Court decision in favor of the Cherokee Indians, and the 1954 Supreme Court decision abolishing racial discrimination in public schools is still not completely implemented.<sup>83</sup>

To complicate matters, the different policy sources do not always complement each other in carrying out a policy; indeed, in some cases, they can stand in stark opposition to each other. The battles between the Congress and president over general policy and specific legislation and how they are later enacted is the stuff of both everyday journalism and policy research. For example, the question over whether a president can legally impound funds Congress has voted for a specific purpose was raised by President Carter over the continued development of the liquid metal fast breeder nuclear reactor. The constitutional mandate of the court system can easily place it in stern opposition to both presidential and congressional preferences; the Supreme Court dismantled Roosevelt's New Deal legislation in spite of its widespread support.<sup>84</sup>

### Clarity of the policy

A second factor is the clarity with which a policy's underlying intent is articulated, either formally or informally. In some cases, especially judicial decisions, the intent may be clear but the means of carrying it out are left completely to the administering agency, e.g., the landmark school desegregation decision in 1954, *Brown v. Board of Education*. The more precisely the intent is stated—be it by the legislature, the courts, or the executive—the more likely the policy will be implemented in harmony with the original intent and possibly the more likely it will be implemented at all.<sup>85</sup> This is what Berman refers to as “programmed implementation.”<sup>86</sup>

This precision is generally lacking, even at the highest levels of governmental policy formulation. Imprecision can occur when there is confusion about the purpose of the legislation, as there was during the congressional Medicare debate,<sup>87</sup> or when the different sponsors of a bill have different reasons for their support, as in the enactment of the Elementary and Secondary Education Act (ESEA) in 1965.<sup>88</sup> The individual decision maker can deliberately obscure intentions. President Lyndon Johnson was careful not to reveal his long-range intentions when he opted for the limited deployment of an antiballistic missile system because he had to satisfy both Secretary of Defense Robert McNamara (who was opposed to any ABM deployment) and the Joint Chiefs of Staff (who favored a heavy, anti-Soviet ABM deployment).<sup>89</sup> How a policy is to be translated into actions is usually not

specified until much farther down the policy implementation ladder as one engages in problems of microimplementation, that is, approaches those who actually carry out the policy, such as the street-level bureaucrats, the schoolroom teachers, and the cop on the beat.<sup>90</sup>

It is essential here to pause and distinguish between “intent” and “policy.” Intent refers to desired outcomes of perceived problems, while policy encompasses the programs designed to effect those outcomes. High-level policymakers usually have to be rather general and abstract in their statements of intent, for it may be difficult or impossible for them to foresee all the contexts in which a policy will be carried out and to formulate specific guidelines for each one. In practice, overspecification or micromanagement can undermine program implementation. A policy can be specified so minutely as to make its execution in varying conditions virtually impossible; a required capability or resource might not be available. A similar failure can result from misspecification, which is likely to occur if a policy’s operations are defined prematurely.<sup>91</sup> Further, overly strict guidelines can destroy local initiative and creativity, conditions which ordinarily should be encouraged.<sup>92</sup>

Whether through insufficient, over-, or misspecification, an administrator who does not understand the intent of a policy is likely to distort it (or feel free to distort it) by inappropriate implementation. Rather than being concerned with the minutiae of policy implementation strategies, the policymaker needs to make certain that the policy objectives are clear through careful specification of intent and a well-considered plan for feedback or evaluation.

### Support for the policy

How a policy is implemented—or whether it is implemented at all—depends on the support the policy generates among those who are affected. In other words, what are the external (as opposed to the internal or bureaucratic) politics of policy implementation? The basic questions implied in this consideration include the following: Who are the potential clients? What parties—both inside and outside the government—are likely to support or oppose the policy? What resources do these parties bring to bear, and how much are they willing to expend on this issue? What are the intensity and duration of their commitment? These questions can be asked of both the policy itself and the alternative ways to implement it, although our focus here is on the latter.

To understand the implementation process and to prepare for it systematically and strategically, it is necessary to estimate the total value (i.e., positive and negative) of these factors of support. The lower the summed value of such a political calculus, the lower the chances a policy will accord with the policymaker’s intent. But even a high total does not guarantee success because many other obstacles remain to be overcome. A high score

on the calculus of support is thus a necessary but not sufficient condition for successful implementation.

Almost no program is enacted within the federal executive or legislative branches without "counting the ducks," that is, determining which groups will support and oppose a particular policy or set of programs; energy is currently a visible and contentious example.<sup>93</sup> Subtle factors can be part of that calculation. A key one is the degree of interest of the original decision maker. Degree of interest is, in turn, affected by the duration of the individual's or agency's concern, especially as their attention is diverted by competing policy or other issues. The original mover of the Department of Housing and Urban Development's "New Towns In-Town" program was President Johnson. Its early development and support benefited from his enthusiasm and prestige. However, when his attentions were increasingly consumed by the Vietnam conflict and he decided not to seek reelection, Johnson's potential usefulness in helping HUD overcome the obstacles to implementing the program was severely diminished.<sup>94</sup> In the Cuban missile crisis, President Kennedy's Executive Committee maintained direct and meticulous control over the naval blockade during the quarantine exercise. As Allison has commented, "For the first time in U.S. military history, local commanders received repeated orders about the details of their military operations directly from political leaders. . . ."<sup>95</sup> Still, even with such high-level attention, the Navy positioned the blockade farther from Cuba than Kennedy wanted and moved it closer to the island only after heated debate. This degree of control was thus maintained only with considerable friction.<sup>96</sup> There is also a cost to other policies that go unattended while the policymaker's attention is fixed on the details of implementation of just one.

Another component of degree of interest is the relative amount of power a policymaker can amass and especially the willingness—both real and perceived—to use this power to assist a policy's implementation. In 1961, President Kennedy was able to convince the Soviet Union of the American military commitment to Laos when he ordered American military advisers there to don their U.S. Army uniforms. Domestically, Kennedy was able to force the major steel manufacturers to roll back their announced price hikes by ordering federal departments to purchase their steel supplies from companies not participating in the price raise.<sup>97</sup> President Carter, however, was much less successful in having Congress approve a coherent national energy program, for he basically lacked the authority to force the necessary legislation.

There are situations where the federal government has very little leverage to ensure that a policy is implemented as intended. A good example is the relative impotence of the federal government in carrying out some educational reforms because of the extreme decentralization of American education and the autonomy of the state and local education administrations. "In practice the only real control that the Federal government has over district use of funds is the relatively unlikely option of withdrawing

support."<sup>98</sup> This option has rarely been employed in the case of education, but it has been increasingly threatened to enforce compliance with equal employment statutes. Another example is the government's inability to fine-tune the nation's economy; President Ford's aborted WIN (Whip Inflation Now) campaign demonstrated just how little control the government had over economic forces, short of Draconian measures (such as wage and price controls), which also have severe costs attached (as Nixon's wage and price freezes showed).

Virtually every policy confronts an array of opposing agencies, interest groups, and individuals. They may oppose the policy itself—as the American Medical Association opposed Medicaid, the National Rifle Association continues to fight gun control legislation, and various groups battled the Equal Rights Amendment—or a certain means of implementing it. In the latter case, the opposing groups are likely to try to amend the implementation and interpretations to fit their interests, as oil and gas companies have been doing successfully for years.

Such alterations are also illustrated in the services and programs for the nation's handicapped youth.<sup>99</sup> Serious deficiencies in services should not be attributed to insufficient or inadequate laws on the books, nor to any malice among individuals responsible for the delivery of services. Rather, the fault rests with implementation, which raised problems that were more complex and subtle than the initial policymakers had imagined. For example, Medicaid is relied on by a significant portion of poor and handicapped children as the main source of payment for medical treatment; however,

the nature and quality of the various state programs is highly variable, . . . the payment schedule is often significantly lower than private rates [leading] more than a few physicians to avoid Medicaid patients. . . . Program emphasis has been concentrated on treatment, but since 1967 there have been provisions for mandatory early and periodic screening, diagnosis and treatment of Medicaid-eligible children. Compliance and full implementation of these provisions have been hard to attain from the states.<sup>100</sup>

State programs have subverted the importance of finding and diagnosing handicapped or potentially handicapped children by emphasizing treatment after the occurrence of a handicap. The nature and quality of coverage varies widely because the states have been allowed to design and implement their own programs, owing largely to the formula-grant character of the basic Medicaid program. Few systematic evaluations have been conducted of the total program or even the individual state programs, except in cases of suspected misfeasance.

A policy may be implemented inequitably through action by special interest groups. For example, legally blind persons in this country are entitled to an extra personal exemption on their federal income tax, but no other severely handicapped group is so entitled, a clearly discriminatory

condition.<sup>101</sup> It appears that the blind were better organized as an interest group and were better able to alter a policy to their benefit.

### Complexity of administration

Usually, several different administrative agencies must be considered, both horizontally and vertically, for a policy to work. Obviously, the greater the number of institutional entities involved—each with its own set of expectations, interests, and perceptions—the more difficult the process of implementation.<sup>102</sup> The difficulties in working with multiple agencies and governmental levels have been pointed out in studies of the EDA and New Towns In-Town,<sup>103</sup> but they are equally apparent in the Model Cities program, environmental protection acts,<sup>104</sup> and education programs.<sup>105</sup>

Generally, the farther removed the decision maker is from the implementing agent and the client—either horizontally in managerial controls and coordination within a given bureaucracy or vertically in the multiple agencies of government that separate the policymaker from the consumer—the greater the opportunities for distortion or variation of the policy from its original intent. As an example of the problem of horizontal coordination, the eight branch offices of the District Attorney for Los Angeles County were found to vary greatly in their patterns of case filing, arraignment, and disposition. Similar variations were found and statistically verified in judicial sentencing patterns in county courts. These discrepancies existed in spite of explicit policy standards set by the District Attorney (for the branch offices) and the California State Judicial Council (for the courts).<sup>106</sup>

When the policy must be implemented through the vertical coordination of several different agencies, each agency adds its own objectives and possibilities for policy distortion. As Levine states, a “major . . . difficulty in getting a policy executed as designed . . . is the diffusion of decision-making through large numbers of operating units.”<sup>107</sup> The point is probabilistically underscored by Pressman and Wildavsky, who found that for the EDA to provide funds for hangar construction in the Port of Oakland, 70 separate agreements had to be reached within the participating agencies. The authors assumed that the probability of each agreement was independent of any other. If the probability of each agreement being reached were 80 percent, the overall probability of the program’s implementation after 70 decision points would only be one out of a million; if the individual probabilities were raised to 99 percent, the overall probability of success after 70 clearances would still be less than half (.489).<sup>108</sup>

This issue resurrects the essential question of how involved the high-level decision maker should become to ensure that the project is implemented as intended, or in Berman’s phrase, what is the nature of the “coupled structure.”<sup>109</sup> Naturally the administrator cannot become involved in the day-to-day details of implementation (except in anomalous

cases that tend to prove the rule). Implementation is best served by early attention to project evaluation, careful specification of intent, and thorough consideration of the motivations and incentives of the policy implementors.

Experience with various forms of revenue sharing, a policy in which the federal government turns back tax revenues to states and localities to be used for either general or specified purposes, provides fertile ground for one interested in administrative complexity and implementation.<sup>110</sup> As at least one careful evaluator of this experience has discovered, uniformity of program content and quality across cases is mostly absent.<sup>111</sup> Others have gone so far as to wonder how revenue sharing even works as an implementation process.<sup>112</sup>

### Incentives for implementors

Whether or not a policy is successfully implemented may depend on the incentives for the administering agency built into the policy.<sup>113</sup> The issue has been treated generally in the context of work and motivation,<sup>114</sup> but others have observed that the lack of information or “market signals” for the bureaucracy makes it very difficult to understand exactly what motivates the implementing agencies and to reward (or punish) them for good (or bad) service.<sup>115</sup> Many public programs have been poorly implemented because they inadvertently were not congruent with the interests of those responsible for formulating and implementing them—a finding consistent with behavioral theory.<sup>116</sup> For example, as medical service costs have continued to rise, “the individual has had a diminishing share to pay directly out of his pocket. Private health insurance, philanthropy, and industry (through industrial in-plant services) have helped reduce the consumer’s direct payments.”<sup>117</sup> Thus, while medical and hospital costs have declined for those who hold either private or government (e.g., Medicare) health insurance, absolute health costs have soared, and especially so for the uninsured. High-quality medical care has become unaffordable to all but the very wealthy or well-insured because medical insurance has removed incentives to keep hospital costs down.

Charles Schultze points out that incentive problems can arise with budget allocations “when the major elements of cost are not charged to the decision unit responsible for making decisions which involve those costs.”<sup>118</sup> An example is the Department of Defense’s subsidy of the U.S. merchant marine; if the subsidy were charged directly to the Defense budget, one would expect it eventually to be reduced in size. The incentive problem becomes acute when an agency is ordered to carry out a program that it considers outside its primary role, its organizational “essence”<sup>119</sup> (such as the Internal Revenue Service’s monitoring the Cost of Living Council’s Economic Phase guidelines and the General Accounting Office’s overseeing electoral practices) or considers it politically distasteful or bureaucratically unpopular (witness the changing role of the National Guard

in the mid-1960s from an Army reserve unit to one increasingly used to quell urban riots and the resulting Kent State tragedy).

The need to provide the organizational incentives to encourage policy implementation has received increased attention recently. For example, Bardach structures the implementation game to favor a program's success.<sup>120</sup> A second suggestion is to restructure the organization so that it views the conduct of a specific program as being in its own best interest.<sup>121</sup> However, as an incentive the budget is not narrowly enough targeted; it might affect the wrong program. Even if it were specifically targeted, most bureaucracies are so well entrenched as to be relatively immune from all but the most drastic budgetary threats.<sup>122</sup>

Robert Levine has proposed a contingency theory of three incentive modes.<sup>123</sup> In the first, the economic marketplace can be replicated where the goal is efficient allocation of resources; school voucher programs are an example. Second, a political-bargaining mechanism can be used to change the structure of the government or the bargaining power of coalitions in the government; the elevation of the role of labor unions under the amended National Labor Relations Act and the political groups growing out of the Community Action Programs of the 1960s are cited as cases in point. Third, bureaucratic competition can be used to spur more responsive implementation within bureaucracies seeking greater responsibilities; an example is the competition that existed between the various manpower training programs sponsored by the Office of Economic Opportunity and the Department of Labor.<sup>124</sup>

Finally, McLaughlin has pointed out in her study of ESEA Title I that negative incentives should not be expected to provide sufficient motivation for adherence to the policy. She implies that successful implementation is not likely without positive incentives.<sup>125</sup>

### Resource allocation

Resources include money and time. It is a truism that there is rarely enough of either to implement policies as fully as desired. The constraints posed by these resources thus heavily influence policy implementation. These constraints include the amount of money and time allocated for implementation and their distribution. For example, the Defense Department might be ordered to reallocate its internal priorities by spending a certain increased percent of research and development funds on a new weapons system (e.g., developing a supersonic manned bomber) while decreasing a like amount for manpower retention programs; the overall amount of money in the Defense budget would remain unchanged, but its distribution would be altered. The financial implications of the reallocation of resources are not always immediately obvious. For example, no additional government funds would apparently be required were the courts to rule that abortions are legal. However, that ruling might significantly

increase the requests for abortions from those covered by Medicaid or a national health insurance, thus incurring an unexpected cost to the government. The imposition of many air pollution reduction laws in the early 1970s raised the demand for petroleum-based fuels, which heightened the energy crisis in late 1973; in the wake of the crisis, many pollution standards were relaxed. Policymakers and implementors should be careful to consider the unanticipated consequences or costs—the externalities—that can result from a resource allocation and how they affect policy implementation.<sup>126</sup>

Few projects are funded at the level requested by either Congress, in the appropriations cycle, or the Office of Management and Budget. The recent executive tendency to impound funds makes even congressionally approved appropriations less certain of reaching their intended programs. The courts also have their effect; school financing was fundamentally altered when the California Supreme Court ruled in 1972 that the existing method for school financing was unconstitutional (*Serrano v. Priest*).<sup>127</sup>

Time is also a vital factor. Agencies are often forced to meet a deadline that restricts their ability to implement a program efficiently. Alice Rivlin suggests that political pressures forced a premature evaluation and termination of the New Jersey Graduated Work Incentive project (the negative income tax experiment) before it had had sufficient time for a fair test.<sup>128</sup>

At this point we return to a more theoretical vein and consider a few potentially helpful paradigms from subspecialty fields in the social sciences. Most of these are suggested by having gained a rough familiarity with the ways in which implementation operates (or fails) in political arenas.

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## NOTES

1. See Robert T. Nakamura and Frank Smallwood, *The Politics of Policy Implementation* (New York: St. Martin's Press, 1980), chap. 1.
2. Respectively, Garry D. Brewer, "The Policy Sciences Emerge: To Nurture and Structure a Discipline," *Policy Sciences*, September 1974, pp. 239–44, at p. 240; Robert A. Levine, *Public Planning: Failure and Redirection* (New York: Basic Books, 1972), p. 4; and Jeffrey Pressman and Aaron Wildavsky, *Implementation* (Berkeley: University of California Press, 1973), p. xiii.
3. Juergen Haber, "Revenue Sharing Report: Ehrlichman Promises Audits and Strict Evaluation of Local Programs," *National Journal*, January 1973, p. 234; emphases added.
4. Although pointing out how education planners regularly confuse the two stages, John Pincus, "Incentives for Innovation in the Public Schools," *Review of Educational Research*, Winter 1974, pp. 113–44, fails to make the necessary distinction.
5. An illustration is Paul Berman, "Thinking About Programmed and Adaptive Implementation: Matching Strategies to Situations," in Helen M. Ingram and Dean E. Mann, eds., *Why Policies Succeed or Fail* (Beverly Hills, Calif.: Sage Publications, 1980), pp. 205–27.