THE POLITICS OF POLICY IMPLEMENTATION

A REASSESSMENT IN MORE CONFLICTUAL TIMES

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Abstract

Policy implementation is the stage of the policy process that follows a decision on how to solve a problem and is when the relevant authorities set out to put policy into practice. Implementing agents, who are mostly administrative actors, assume an immensely political role as they adapt formal policies to concrete cases and situations. This chapter provides an overview of the study of implementation and then zooms in on the changing political context in which implementation is currently taking place. We argue that the rise of conflictual politics puts public administrations under stress and makes policy implementation more demanding. This chapter charts various possible behavioral adaptations by implementers and the consequences for policy implementation that we expect arise from more conflictual politics.

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Introduction

Public policy is a set of measures taken to solve a societal problem that politics deems as in need of a solution. Policy implementation is the stage of the policy process that follows a decision on how to solve a problem and is when the relevant authorities are called on to put the agreed-upon policy into practice. For a long time, policy implementation was considered an apolitical and rather mechanical downstream process that takes place once politics is over. However, in the 1960s, research into public administration as a political actor in its own right changed this perception. Policies undergo fundamental changes during implementation. This is due to the discretion of the implementing actors who are not neutral machines but have values and self-interests that play out during implementation. Consequently, the policy decision alone does not determine the success and effectiveness of a policy. The implementation process determines the way services are provided and is therefore crucial for the achievement of policy goals (Kaufmann et al. 2020). Implementing agents, who are mostly administrative actors, thus assume an immensely political role. Put differently, implementation is a very political process.

After a brief account of the study of implementation (section 1), this chapter argues that current political transformations put public administrations under stress and make policy implementation more demanding. We assess why and how the rise of conflictual politics (section 2) is relevant for public administrations (section 3), explore how they react and adapt to it (section 4), and chart the various consequences for policy implementation that can be expected to result from a more conflictual politics (section 5).

The Study of Policy Implementation

The study of policy implementation is rooted in Lasswell's (1956) seminal proposition of the policy cycle as a dynamic heuristic of the policy process. This heuristic goes beyond the traditional focus

of mainstream political science on agenda-setting and decision-making, which is characterized by formal politics and influenced by institutions. It instead also includes the stages of implementation, effectiveness, and evaluation, which eventually lead to the termination of a policy (because the problem has been solved) or to the re-definition of the original societal problem and the adaptation of the policy. In this perspective, completely assessing the policy cycle requires more than political science theories, which is why Lasswell (1956) coined the term "policy sciences" to conceptualize the interdisciplinary and solution oriented study of public policy. One of the first studies to shift attention to policy implementation was Pressman and Wildavsky's (1984, originally 1973) analysis of the implementation of social policy programs in the United States (U.S.) federal system. The title of their famous book, "*How Great Expectations in Washington are Dashed in Oakland; or Why it's Amazing that Federal Programs Work at All*," signaled that the mechanisms at work in the implementation phase were crucial to the success or failure of federal programs and that policymakers only had a limited influence on these mechanisms. Pressman and Wildavsky's (1984) work marked the starting point of public policy implementation as a new field of research.

There have been numerous attempts to theorize the process of implementation. Goggin et al. (1990) distinguish between three "generations" of implementation research. The first generation is empirical rather than theoretical. "Whereas the first generation studies had been exploratory and theory generating, the ambition of the second generation was to take the next step in theory development by constructing theoretical models, or rather frameworks of analysis, that could guide empirical analysis" (Winter, 2012, 266). The second "theory-building" generation of implementation research took off in the 1980s. It entails two opposing models of analysis: Top-down approaches and bottom-up approaches. So-called top-down approaches take a "hierarchical" view, i.e., the perspective of the decision-makers, and analyze the implementation of a law or a policy program from this perspective. Top-down approaches thus focus on a particular policy

decision and its path through the various instances of the implementation process (Winter, 2012, 266; Sabatier, 1986, 22 ff.). A central question of this approach examines the extent to which the activities of the actors in charge of implementation are consistent with the goal and purpose of the underlying policy decision (Matland, 1995, 146). The discretion of the implementing units in this perspective is a control problem that threatens to interfere with the original decision. The politics of implementation in this perspective is a story of potential non-compliance (Thomann and Sager 2017). Sabatier and Mazmanian's (1980) framework of successful implementation is one of the most prominent proponents of the top-down approach to implementation.

In contrast, the analytical starting point of the bottom-up approaches is the interaction between a formulated policy and the institutional context at the "micro-implementation level" (Matland, 1995, 148), i.e., where local administrative units and other actors entrusted with implementation provide the policy to the target population. In the bottom-up approaches, the contextual factors in the implementation environment play a key role. Political decision-makers have limited control over the implementation process. Another characteristic of many bottom-up approaches is that they attribute the actors in charge of implementation with significant influence on the actual implementation of the policy. These approaches assume that the implementation of a policy can only be understood by analyzing the goals, activities, and strategies of the actors at the lowest levels of government (see especially Winter, 2012, 267; Lipsky, 2010; Matland, 1995, 149). Proponents of the bottom-up perspective view discretion as an opportunity and the politics of implementation as a story of creation rather than control (Thomann, van Engen, and Tummers 2018). The most prominent strand of bottom-up literature developed out of Lipsky's (2010, originally 1980) concept of "street-level bureaucracy."

The third generation of implementation research acknowledges that integrating top-down and bottom-up approaches is more promising than juxtaposing these theoretical strands in mutually

exclusive perspectives. The resulting "hybrid" theories seek to bridge the gap between top-down and bottom-up approaches by integrating the insights of both sides into new theoretical models (Pülzl and Treib, 2007, 89). These combined approaches harken back to the first generation of implementation research that aimed to understand the process rather than to promote certain theory-driven claims. This integrative view has proven useful for understanding the politics of implementation as it has been able to include politics in regard to decision-makers and implementing agent and back. Research on implementation in a multilevel system like the European Union (EU) benefits from this view given that the implementation process entails many steps from the issuing of an EU directive to its street-level service delivery (Thomann 2019; Thomann and Sager 2018). While multilevel processes are in themselves highly political, politics plays a core role at both the decision-making level and at the level of the implementing unit (Sager and Thomann 2017).

To summarize, policy implementation is a political process in its own right, and it is therefore also highly sensitive to the political context in which it takes place. In the following, we argue that this context is changing in important ways that are relevant for public administrations as the main implementers of public policy.

A More Conflictual Politics

Modern democracies have entered a more conflictual period. Their politics have become more adversarial, as amply suggested by deepening polarization and political sectarianism (Barber and McCarty 2015; Finkel et al. 2020), the electoral successes of populists (Moffitt 2016; Mudde and Rovira Kaltwasser 2013), the increased occurrence of blame games (Hood 2011; Hinterleitner 2020), and processes of democratic backsliding and norm erosion (Bermeo 2016; Levitsky and Ziblatt 2018). While the drivers behind this more conflictual politics are multi-faceted, it is hardly

a coincidence that democracies have become more conflictual at the moment when the problems they have to address have become larger and more frequent. Increased social and cultural heterogeneity, economic inequality, globalization, and climate change are policy problems that strain the conflict management capacities of advanced democracies.

If problems are left unaddressed, they turn into crises sooner or later. While crises are generally considered to be windows of opportunity, they usually force leaders to make tough decisions under great time pressure and high levels of uncertainty; decisions that are unlikely to please everyone and that often breed conflict. And because conflict in democracies often leads to gridlock, conflict makes it unlikely that problems will get addressed in encompassing and effective ways. This generates a vicious circle where problems lead to crises —> conflicts —> more problems —> more crises —> more conflicts. Europe, for example, was consistently unable to address its migration *problem* at its southern borders. When Italy, Greece, and other countries were overwhelmed and finally let refugees transit through them in 2014 and 2015, German chancellor Angela Merkel and other European leaders faced a *crisis* and were forced to make tough decisions. Merkel's decision to open the borders ("we can do it" [orig. "wir schaffen das"]) led to intensified political *conflict* in Germany and Europe that made (and still makes) it especially hard to address the underlying *problem* (the development of effective European migration and integration regimes). This vicious circle, as we will argue in the next section, poses a major challenge to public administrations.

Why Conflictual Politics Matter for Public Administrations and Policy Implementation

We suggest that modern public administrations, from executive departments and ministries to local government units, public sector organizations, and regulatory agencies, are affected by the vicious circle of problems, crises, and conflicts in at least three ways.

Greater workload due to policy accumulation

Democracies formulate a whole range of policies to address problems and manage crises – from new regulations intended to speed up the processing of asylum requests to rules that mandate people to wear masks in public places or that limit the number of people allowed to meet indoors. As old policies are adapted to new problem constellations and new policies are layered onto existing ones, policies accumulate and become more complex (Adam et al. 2019; Mettler 2016; Thelen 2004). If policies are to have an effect at all, they need to be properly implemented by public administrations. Implementation includes the creation of adequate administrative structures and procedures, the adaption of often generic rules to concrete cases and situations, the enforcement of policies, and monitoring compliance (O'Toole 2000). Put differently, policy implementation requires time and resources, and as the number and complexity of problem-solving and crisis-managing policies increase, the workload of public administrations rises in lockstep. In fact, Adam et al. (2019) show that if policy accumulation is not matched with increased administrative capacities, a democratic responsiveness trap opens up, i.e., situations where democracies formulate policies in response to public demands but where these demands ultimately remain unfulfilled because of poor policy implementation.

Public administration at the center of policy controversies

An unavoidable side effect of a thickened and more complex policy infrastructure is an increase in the number of policy controversies. As Mark Bovens and Paul 't Hart (2016, 654) point out, only "a part of this myriad of ambitions and activities unfolds as hoped, expected and planned for by [political and administrative] policymakers. Another part throws up surprises, complications, delays, disappointments and unintended consequences." Many of these unexpected and controversial developments are due to poor policy design or due to the inadequate provision of

resources for implementation - and thus not the responsibility of implementing agents. Nevertheless, it is usually public administrations that get caught with their pants down once a policy controversy attracts political and public attention.

Irrespective of their origin, policy controversies typically manifest themselves in concrete events at the implementation stage (Hinterleitner and Sager 2015); a situation that provides political actors determined to undermine a policy with a "blaming opportunity" (Boin, 't Hart, and McConnell 2009). Moreover, it is tempting for the politicians and parties in government to use administrative actors as "lightning rods" during policy controversies (Bach and Wegrich 2019; Ellis 1994; Hinterleitner 2019). The crucial point here is that political conflicts about policy are not confined to the political realm: they frequently have repercussions at the implementation stage (Ellermann 2006; Manna and Moffitt 2021; Wegrich 2018).

Public administration under attack from politicians and the media

The political and media pressure occasionally experienced by public administrations is certainly not a new phenomenon (Rourke 1991). They are frequently excoriated in the media, and not only since the advent of neoliberalism when a "bloated" bureaucracy was widely framed as one of the basic manifestations of an overreaching, sclerotic government. For example, in a study on the coverage of U.S. national politics in local newspapers, Vermeer (2002, 93–94) states that "[m]ismanagement, wasteful spending, ethical lapses, and just plain incompetence stimulated editorial responses regularly.…By contrast, editors rarely devoted much space to agencies' success."

But even the most cursory review of current events suggests that public administrations have recently been exposed to an unusually high degree of political and media pressure. The U.S. federal administration, for instance, has always been exposed to political tides in the sense that top jobs

are subject to political patronage. Incoming administrations usually replace a large number of top-level officials in departments, commissions, and agencies (Wilson 1989). However, President Donald Trump's ruthless attempts to purge the federal bureaucracy of undesirable career officials, for example, by publicly attacking them and their families through social media, arguably constitutes an unprecedented political assault on the U.S. public administration (Packer 2020).

The transformation of modern media, from "watchdog" to "scandalization machine" (Allern and Sikorski 2018) and from classic to social increases the likelihood that the actions of public administrations and those of individual bureaucrats get mediatized and politicized (Hinterleitner 2018). At the same time, many reforms inspired by New Public Management have tried to create "better accountability" by subjecting public agencies to greater transparency requirements (Hood 2007). These reforms have made the activities of public administrations and their top-level managers *more visible* and have exposed them to greater public scrutiny and criticism. Greater visibility also increases the likelihood that formerly faceless civil servants become personally and prominently implicated in political blame games. For instance, in 2013, David Nicholson, the then chief executive of the UK's National Health Service (NHS), was prominently implicated in a political controversy about the perverse gaming of a performance targeting system by some NHS hospitals. Even though the targeting system was not an invention of Nicholson's but rather of the first Labour government under Tony Blair, it was Nicholson who became the target of media outrage, which dubbed him as "the man with no shame" (Hinterleitner 2020). This example suggests that as public administrations and their leaders become more visible, the more likely it is that they will attract negative attention and serve as prominent scapegoats.

To summarize, changes in the political and media environment of public administrations, in combination with their greater exposure and visibility, put them under increased pressure and

complicate their work. In the next section, we ask how public administrations react and adapt to this situation.

How Public Administrations as Implementers React to a More Conflictual Politics

Studies on the politics of policy implementation often stem from the notion that there is an accountability chain that connects citizens to politicians and politicians to the public administration (Olsen 2015). While real-life policy implementation often resembles a more complex process (Bowen 1982; Sabatier 1986), this notion is useful for capturing public administrations' reactions to a more conflictual politics because it allows us to track how intensified conflict permeates various levels of public administration and policy implementation.

As seen above, an important research strand of literature on the *politics of policy implementation* examines how the policies adopted at one level of government can change when implemented by units lower down the federal chain, like member states or municipalities (Pressman and Wildavsky 1984). For example, in a study on child support enforcement in the U.S., Keiser and Soss (1998) find that the partisan make-up of state governments influences policy implementation. In the context of Latin America, Holland (2016) introduces the concept of forbearance, which denotes a form of implementation by local actors who refrain from strictly enforcing a law with regard to parts of the target population due to electoral concerns. Other research in this tradition examines the politics surrounding the implementation of specific laws, such as the selective enforcement of regulations (Sun 2015) or the problem of regulatory capture by special interests (Carpenter and Moss 2013). This literature emphasizes the simple but important point that "political" considerations lower down the accountability chain and closer to the implementation stage can crucially affect policy implementation.

There is also an extensive literature on the *political control of the bureaucracy*, which reveals that "bureaucracies are highly responsive to political forces" (Meier and O'Toole 2006, 177). For example, in a study on the implementation of employment policy reforms in Denmark, May and Winter (2009) find evidence that political superiors influence policy implementation through the supportive signals they send to implementers. Moreover, research finds that politicians can support implementers through financial backing or publicly voiced policy commitments and directions (Stazyk and Goerdel 2011). Other channels through which politicians can influence policy implementation include direct orders to implementers (Chaney and Saltzstein 1998), political appointments in the bureaucracy (Wood and Waterman 1991; Lewis 2008), or periodic controls of implementation practices (Whitford 2005). While this literature shows that public administrations are very sensitive to a variety of political developments, it has also been criticized for its heavy macro-level orientation. While "bureaucratic actions are [often] correlated with political stimuli," bureaucratic variables "are largely ignored in most studies of this genre" (Meier and O'Toole 2006, 177). Hence, large parts of this literature remain agnostic with regard to the specific behavioral mechanisms that run through complex public administrations and that might help us better explain how they react to increased political and media pressure.

Research on *organizational reputation management* remedies this neglect to a certain extent as it formulates a specific behavioral expectation of how public agencies adapt to a more conflictual climate. Literature in this tradition shows that public agencies are concerned about their reputation and, consequently, react to reputational threats (Busuioc 2016; Carpenter 2010; Maor and Sulitzeanu-Kenan 2013). When public agencies are under high pressure, they seek to actively manage their reputation vis-à-vis the general public, their policy targets, or politicians (Alon-Barkat and Gilad 2016; Gilad 2009; Maor, Gilad, and Bloom 2013). A public agency that has a good reputation and that enjoys increased autonomy and political support can attract and keep valued

employees and can be expected to be more successful in increasing its administrative capacities in lockstep with rising policy burdens (Hinterleitner and Sager 2018). On the contrary, a public agency that has a bad reputation fears budget cuts, increased scrutiny from the media, and attacks from politicians.

While large parts of the literature on organizational reputation management also adopt a macro-level perspective by examining correlations between political and/or media factors and bureaucratic outputs, there are also some recent studies that zoom in on *bureaucratic leaders and their individual behavior* under pressure. For example, Baekkeskov (2016) uses real-time observations and expert interviews to understand how leaders of an international public health agency reacted to political pressure, tracing when and how reputational concerns influenced these agency leaders' decision-making. In another study, Schillemans and colleagues (2021, 2; cf. Schillemans in this handbook) examine how agency managers experience and react to multiple, and sometimes conflictual, accountability settings, as when "they are held accountable by central governments as their principals yet also have to cope with (de facto) accountability claims from many others, such as regulatory authorities, courts of audit, clients, and societal stakeholders." The authors show that while being accountable to a large variety of audiences and forums is the norm for agency managers in contemporary governance, situations in which they have to deal with competing expectations lead to greater "strategic awareness" on the part of agency managers. For example, agency managers engage more frequently with critical stakeholders, or they try to integrate more and better information into decision-making processes.

In *Megaphone Bureaucracy*, Grube (2019) points to yet another behavioral reaction of top-level bureaucrats to a more heated political and media climate. Grube observes that bureaucratic leaders increasingly have to govern under constant scrutiny from an incendiary media, "hyperpartisan political oversight," and citizens who often harbor negative attitudes towards bureaucracy. Against

this background, Grube documents how bureaucratic leaders in Anglo-Saxon countries become more vocal and find a voice of their own. These bureaucrats have realized that increased public scrutiny not only bring disadvantages but that it also comes with new "political" opportunities. They accordingly cultivate a new bureaucratic leadership style that includes many of the tactics and tools that politicians have long employed to navigate blame games and influence the public interpretation of their actions (Hinterleitner and Sager 2017). As Grube (2019) puts it, these bureaucratic leaders "do not avoid the public gaze, nor do they overtly court political controversy. Rather, they use their increasingly public pulpits to exert their own brand of persuasive power." In sum, literature that zooms in on the strategic considerations and behavior of bureaucratic leaders provides valuable insights into how public administrations adapt to a more conflictual climate.

Finally, research on *street-level bureaucrats* has started to explore how actors at the farthest end of the accountability chain, where policies are applied to concrete cases and situations, adapt to a more conflictual politics. Street-level bureaucrats have been described as policy-makers "at the frontline," who have considerable discretion and autonomy in their daily operations (Lipsky 2010; Thomann, Hupe, and Sager 2018; Thomann, van Engen, and Tummers 2018). This insight spurred a wide range of research on the factors that explain how street-level bureaucrats use their discretion (Gofen, Sella, and Gassner 2019). A major finding of this research is that policy implementation occurs in a complex web of accountabilities (Hupe and Hill 2007; Meyers and Lehmann Nielsen 2012; Sager, Thomann, and Hupe 2020). While there are several categorizations of influencing factors that street-level bureaucrats are accountable to, there is an often-used distinction between micro-level and macro-level factors. Micro-level factors are the norms and resources held by street-level bureaucrats as well as worker-client relationships. Macro-level factors capture the organizational and political environment in which policy implementation takes place.

Overall, however, implementation research is still "dominated by micro-level analysis" (Gofen, Sella, and Gassner 2019, 1), and there is a comparatively short supply of studies on the political environment's influence on frontline workers being in comparatively short supply. Even the most theoretically advanced research in this tradition, which perceives frontline workers as working under the influence of different accountability regimes and which posits a separate "political accountability regime," has a rather narrow understanding of how "politics" influences frontline workers. This research suggests that elevated political and public attention or pressure primarily affects "the expectations of individual clients toward frontline workers" (Thomann, Hupe, and Sager 2018, 303).

Recent research has started to look at situations in which street-level bureaucrats are confronted with conflictual political demands and have to operate under the constant threat of media attacks. This research suggests that street-level bureaucrats engage in anticipatory forms of blame avoidance to make policy implementation less "scandal-prone" and to lower the likelihood that their actions will be criticized by politicians and the media (Hinterleitner and Wittwer 2021). For example, Hinterleitner (2018) shows that Swiss youth advocates that face the threat of being attacked for a soft, "leftish" legal practice choose more punitive sanctions for youth offenders to lower the likelihood that they will find themselves on the cover of tabloids.

Conclusion: What Follows for the Politics of Policy Implementation? A Research Agenda

The research reviewed in this chapter suggests that a more conflictual political climate can influence various aspects of administrative behavior that are relevant for policy implementation. A more conflictual politics may lead to the adoption of various strategies by bureaucratic leaders and street-level bureaucrats that in turn may affect administrative outputs. While important new insights into this causal chain have been developed in recent years, we still lack a comprehensive

picture of when and how public administrations respond to political pressure and whether and how their responses affect policy implementation. To make progress on this research frontier, scholars need to go beyond macro-level correlations and zoom in on public administrations to develop better conceptualizations of the impact of political pressure on *all* levels of the accountability chain, distinguishing between public agencies as a whole, bureaucratic leaders, and street-level bureaucrats and asking targeted research questions for these units of analysis.

To begin, we need a comprehensive overview of the various strategies both bureaucratic leaders and street-level bureaucrats employ to adapt to a more conflictual climate, from reputation management to blame avoidance to juggling to shirking and coping and then ask in which ways these strategies are combined and in which situations they are frequently employed. Moreover, research needs to trace these strategies' effects on specific administrative outputs to grasp their consequences for policy implementation. For example, it is possible to expect that public agencies that have to spend precious energy on reputation management have less time and resources at their disposal to focus on other tasks that are crucial for policy implementation (Hinterleitner and Sager 2018). Gilad (2012), for instance, shows that public agencies that concentrate on reputation management become slower at adapting to new cues from their environment. These public agencies neglect information that is potentially vital for effective public service delivery and instead opt to predominantly scan their environment for reputational threats. Hence, the strategies employed by bureaucratic leaders to prepare their agencies for a more conflictual political environment may divert precious attention and resources from other tasks, thereby threatening effective and goal-oriented policy implementation.

However, there is also research that suggests that the strategic reactions of bureaucratic leaders to a more conflictual political environment do not only have negative effects. For example, in their study on conflictual accountability, Schillemans and colleagues (2021, 24) note that "politicization

and conflict is not necessarily problematic, as is sometimes suggested in the literature, but may have surprising positive effects on the quality of bureaucratic decision-making and may also activate [agency leaders'] social identity as experts to withstand getting drawn into party politics" (see also Salomonsen, Frandsen, and Johansen 2016). Consequently, whether and which strategies pursued by bureaucratic leaders have negative and/or positive effects on policy implementation remains a question for systematic empirical research.

We also lack information on the strategies employed by street-level bureaucrats. There is research that suggests that frontline workers who come under increased public and political scrutiny struggle to implement policies in the spirit of their formal mandates. The previously mentioned Swiss youth advocates who increasingly apply more punitive measures to youth offenders to avoid the wrath of tabloids and conservative politicians are a case in point (Hinterleitner 2018). However, it is equally plausible to expect that the professional ethos of street-level bureaucrats allows them to resist political and media pressure when the latter contradicts what they deem adequate from a professional or ethical point of view. Testing these and other expectations is vital for a better understanding of policy implementation in more conflictual times.

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