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Beyond the Win: Pathways for Policy Implementation



Credits

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THE ATLAS LEARNING PROJECT

The Atlas Learning Project is a three-year effort coordinated by the Center for Evaluation Innovation to synthesize and strategically communicate lessons from the advocacy and policy change efforts that The Atlantic Philanthropies and other funders have supported in the U.S. The project's goal is to help push philanthropy and advocacy in bolder and more effective directions. To learn more, go to atlaslearning.org.



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Introduction

When it comes to policy, a lot of attention is given to “the win.”

Whether it is something new and big like the Affordable Care Act, a piece of legislation in a large federal omnibus bill, or inclusion of critical language in a state policy, seeing the fruits of advocacy efforts put into law makes advocates and champions feel that their hard work, often many years in the making, has paid off.

However, in reality, “the win” is just the beginning—a necessary first step in a much longer and equally as fraught process of policy implementation. Once a policy is created, there are numerous factors that shape and determine how that policy is implemented—and ultimately, the impact it will have—regardless of how well the policy is formulated. Some of these factors include rulemaking, funding, capacity of local implementing agencies, and fights to repeal or modify wins, among many others.

And, just as in the case of “the win,” advocacy plays an important role in shaping implementation whether in advocating across these factors or participating in ongoing monitoring over time. Interestingly, while the role of advocacy in agenda setting, policy formulation, and policy adoption has been widely explored in theory and practice, the role of advocacy in the policy implementation process has received less attention in the literature.

To learn more about the role of advocacy at the policy implementation stage, ORS Impact spoke with organizations that engage in, or provide funding for, advocacy efforts at the state and/or federal level. We focused on the following questions:

- » **When had advocates played a positive role in policy implementation?**
- » **When had implementation not gone as well as expected, and what did advocates take away from that?**

Our conversations yielded important learnings about the unique characteristics of, and range of approaches to, advocacy efforts during the implementation phase. The two following scenarios illustrate some of the different types and levels of advocacy intervention, as well as the results they produce, to demonstrate the ways advocacy can play out when shifting from policymaking to implementation.

Scenario 1

Policy Win with Little Implementation Advocacy and Limited Impact

State advocates developing legislation to address barriers to food assistance saw an eleventh-hour opportunity and successfully advocated for \$70,000 in state start-up funding to provide nutritious meals to children during the summer months. This new revenue was appropriated to purchase equipment and supplies, promotional materials, and other one-time expenses to expand programs in low-income areas. Advocates did not fully follow up with the education agency to ensure that the rules for the grant-making process carried out the intent of the legislation. In the end, the rules were poorly written, making it difficult for school districts and community organizations to access and take advantage of the available funds. For example, school districts that applied could only fund half of the equipment or materials they needed because they would not

In addition to illustrating the best and less-ideal results, these examples also show the different roles and approaches advocates can take to help support implementation.

be solely used for summer meals, but also for meal preparation during the school year. Advocates realized that while getting a little money late in the legislative session had seemed like a win, in hindsight, there was not enough thought given to the support built within the agency nor engagement in the rulemaking process to contribute to successful implementation.

Scenario 2

Policy Win with Strong Advocacy Support Post-Legislation

In another state, advocates contributed to a win for an early learning program to be implemented by school districts to help targeted four-year-olds enter kindergarten better prepared for school. Advocates saw an opportunity to support effective larger-scale implementation. They had more-than-typical content knowledge and were able to play an effective role in regulation development. Outside of the rulemaking process, advocates built support and fostered quality implementation by identifying early adopters to provide strong examples for other districts and launched communities of practice across the state to address implementation issues. They also engaged private funders early on to support a more robust monitoring and evaluation study to capture evidence about what was and was not working. In addition to these implementation advocacy efforts, there were a number of other contextual factors that facilitated the program's success: the program was phased in by the state over several years, the bill was cost neutral, and one of the state's largest districts was already piloting a similar program.

In the first scenario, a last-minute policy win that lacked clear strategy or intervention in the implementation stage resulted in little of the desired impact. In the second scenario, a direct advocacy strategy addressing several implementation processes—rulemaking, funding, and stakeholder engagement—was better positioned to achieve the desired outcomes. In addition to illustrating best and less ideal results, these examples also show the different roles and approaches advocates can take to support implementation.

As part of The Atlantic Philanthropies' Atlas Learning Project,¹ the Center for Evaluation Innovation commissioned ORS Impact to explore the question of how effective pivots can be made from policy change to policy implementation. Building from our prior work, *Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts*,² we describe a few key theories and frameworks to help advocates, funders, and evaluators think strategically about how to impact policy implementation.

¹ The Atlas Learning Project is a three-year effort supported by The Atlantic Philanthropies to synthesize and strategically communicate lessons from the advocacy and policy change efforts that Atlantic and other funders have supported in the U.S.

² Sarah Stachowiak, "Pathways for Change: 10 Theories to Inform Advocacy and Policy Change Efforts," Center for Evaluation Innovation and ORS Impact, 2013.

For each framework, we describe how it can be used, provide thoughts on measurement, and ask questions that warrant further attention.

This brief includes the following sections:

» **Setting the Stage: Advocates and Implementation**

Situating policy implementation within the policy lifecycle, we explore how policy implementation differs from campaign advocacy, and what forms implementation advocacy work can take.

» **Policy Implementation Advocacy: Relevant Frameworks and Theories**

Drawing on political science and public administration literature, we examine key frameworks that can help elucidate relevant contexts, strategies, and areas of focus for advocates:

1. Understanding Bureaucracy
2. Understanding Policy Implementation
3. Understanding Theories of Democracy

For each framework, we describe how it can be used by advocates, funders, and evaluators; provide initial thoughts on measurement and evaluation questions; and identify some questions that warrant further attention. Through exploration of these topics, we hope to:

» **Provide a Common Language**

By naming this area and differentiating types of advocacy efforts, we hope to help advocates, funders, and evaluators better communicate about their work.

» **Offer Perspectives to Support Strategy and Theories of Change**

We recognize that implementation advocacy is already being undertaken effectively in the field. By providing high-level information on relevant theories, we hope to support players in this space to strengthen the strategies and tactics they deploy and the ways in which they conceptualize change.

» **Improve Measurement and Learning**

As advocates deploy different strategies and tactics in given implementation scenarios, aligned measurement and evaluation that “asks the right questions” can help assess progress and support learning along the way.

We recognize that policy work and advocacy occur in incredibly diverse circumstances, with meaningful differences depending on the political venue (e.g., state versus federal versus global), the policy change vehicle (e.g., ballot measure versus international treaties versus legislative advocacy versus legal advocacy), the issues areas being addressed (e.g., education versus zoning versus immigration versus human services), and more. While some aspects of this brief may be applicable to a broader set of scenarios, we focus on the context of U.S.-based legislative advocacy efforts at the state and federal levels implemented through government agencies or formal bodies.

Setting the Stage:

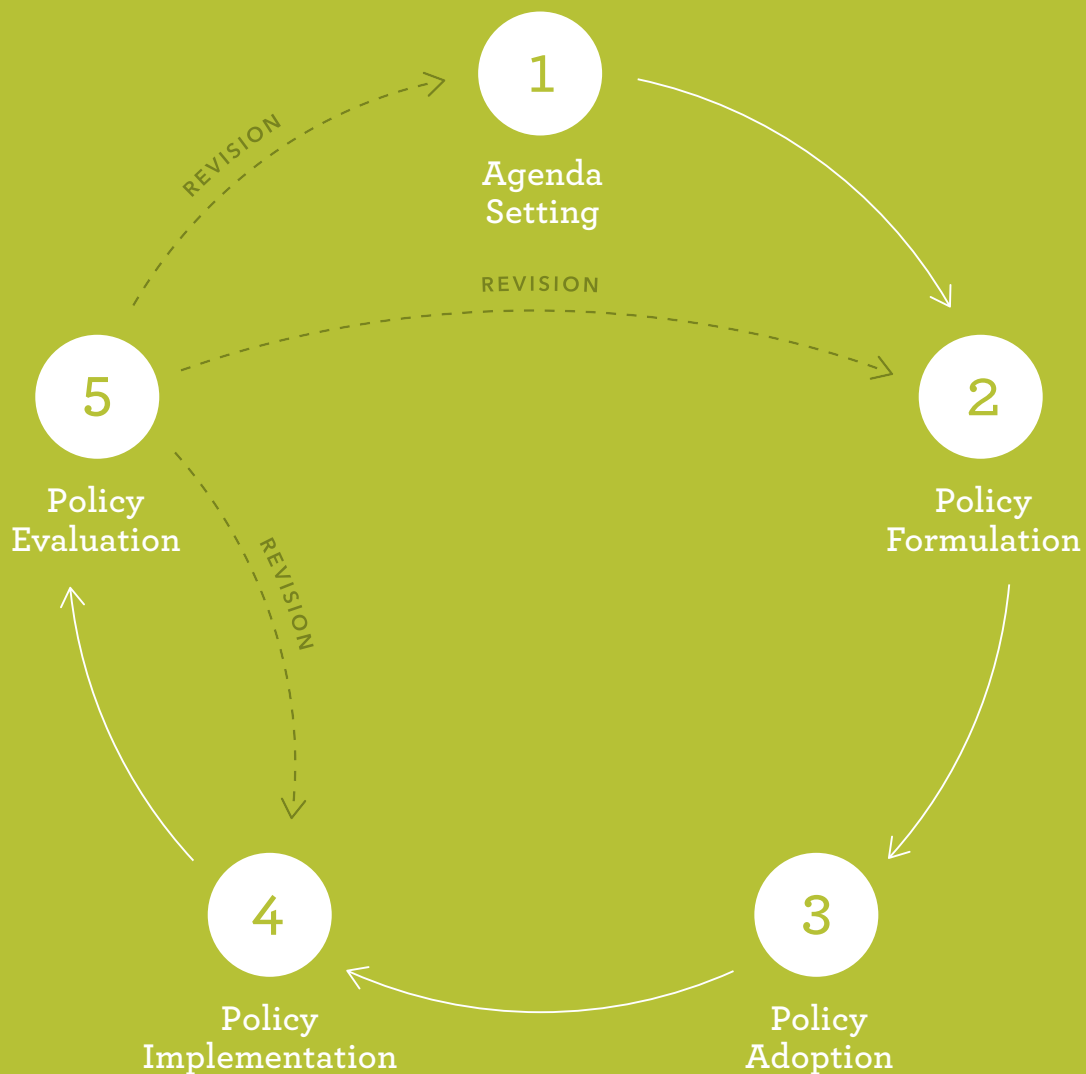
Advocates and Implementation

There are many different conceptualizations of the lifecycle or stages of policymaking. A commonly used model of the lifecycle includes: problem identification and agenda setting, policy formulation to address the identified problem, policy adoption, policy implementation, and evaluation of policy impact. While the lifecycle appears straightforward, it is often iterative and dynamic, with the possibility of movement backward at any stage.^{3,4}

³Additionally, focusing solely on policy adoption may falsely limit thinking that only new policies adopted is the primary policy victory, while other outcomes like policy blocking and policy maintenance can be equally important in achieving social impact goals.

⁴"A Diagram of the Policy Making Process" from The Texas Politics Project.

The Policymaking Lifecycle



1.

Agenda Setting

Public attention focuses on a public problem or issue. Officials' words and actions help focus attention.

2.

Policy Formulation

Policy makers in the legislature and the bureaucracy take up the issue. They create legislative, regulatory, or programmatic strategies to address the problem.

3.

Policy Adoption

Policy makers formally adopt a policy solution, usually in the form of legislative or rules.

4.

Policy Implementation

Government agencies begin the job of making the policy work by establishing procedures, writing guidance documents, or issuing grants-in-aid to other governments.

5.

Policy Evaluation

Policy analysts inside and outside governments determine whether the policy is addressing the problem and whether implementation is proceeding well. They may recommend revisions in the agenda, in the formulation of policy, or in its implementation.

When we talk about “implementation” in this brief, we mean both the more immediate step of administrative rulemaking and regulations as well as the actual implementation work carried out by administrative agencies or other intermediaries as mandated through policy.

For our focus on implementation advocacy, “implementation” refers to the “carrying out of a basic policy decision,”⁵ with a scope of activities that broadly includes the development of administrative regulations; numerous processes to carry out policies such as granting, other expenditure of funds, and development of advisory or feedback bodies; building capacity of local implementing agencies; and monitoring processes.

To date, much of the work on advocacy and policy change evaluation has focused on articulating clearer theories of change for policy change efforts and the identification of interim outcomes that can be assessed along the way.⁶ This means that the focus has largely been on advocates’ roles with regard to agenda setting, policy formulation, and policy adoption. When we talk about “implementation” in this brief, we mean both the more immediate step of administrative rulemaking and regulations as well as the actual implementation work carried out by administrative agencies or other intermediaries as mandated through policy.

While exploring existing policy implementation literature, we found that the subject has received a good deal of academic attention in the political science and public administration fields. This is particularly true in relation to understanding the degree to which agencies are implementing policies in accordance with the original policy intent, or the degree to which policies are having their intended impacts on direct beneficiaries. However, little attention has been paid to the role of advocates related to the policy implementation and policy evaluation stages of the lifecycle.

Because of the paucity of existing information in this area, we began this work with exploratory interviews with advocates and funders of advocacy who focused on state and/or federal policy in the United States.⁷ Through these conversations, we began to conceptualize advocates’ work related to policy implementation and identified considerations related to:

- » Unique characteristics and factors related to implementation that differ from legislative campaigns, and
- » Specific categories of advocacy tactics and approaches used to support successful policy implementation.

These are described in the following sections to provide a context against which to apply other theories and frameworks.

⁵ Daniel A. Mazmanian and Paul A. Sabatier, *Implementation and Public Policy* (Lanham, MD: University Press of America, 1989).

⁶ Jane Reisman, Anne Gienapp, and Sarah Stachowiak, “A Guide to Measuring Policy and Advocacy,” *The Evaluation Exchange* 13 (2015): 22-23. Julia Coffman and Tanya Beer, “The Advocacy Strategy Framework: A Tool for Articulating an Advocacy Theory of Change,” Center for Evaluation Innovation, 2015. Kendall Guthrie, Justin Louie, Tom David, and Catherine Crystal Foster, “The Challenge of Assessing Policy and Advocacy Activities: Strategies for a Prospective Evaluation Approach,” *Blueprint Research and Design*, 2005.

⁷ These findings emerged from our conversations with 11 individuals from nine organizations that engage in or support advocacy at the state or federal level. While not an exhaustive effort, we believe these considerations and resulting categories will be a good starting point for further fleshing out this part of the advocacy and policy change field. The list of interviewees can be found on page 47 of the brief.

Unique Characteristics of Policy Implementation Advocacy

One of the first questions we considered was what roles advocates played in policy implementation and if those roles are distinct from their better-documented work associated with legislative advocacy campaigns. Through our conversations, a series of themes emerged that illuminate key differences in policy implementation-related work.

Technical Expertise Matters—A Lot

The advocates we spoke with all expressed the need for those working in rulemaking or with administering agencies to have a high degree of technical knowledge. Technical knowledge is critical for conveying the intent or spirit of the original policy to implementing agencies, building knowledge of the research that informs policy development, and helping administering agencies understand the implications of different approaches to implementation. The implementation advocacy conversation is a very different one than trying to get a yes/no vote from a legislator who will vote on many different topic areas. One interviewee described the difference for federal-level advocacy as such: at the committee level, you need to be able to say, “On page 4, paragraph 2, line 3, you need to have the minimum standard be three,” whereas at the department level, you need to be prepared to talk about the original intent behind why the minimum standard was set to three and the myriad factors that need to be considered for the minimum standard to be rolled out from the federal level to states.

Who’s Interested Differs

In many cases, the set of actors involved in policy adoption is limited to elected officials and other interested advocates. However, when policies are passed, new stakeholders emerge, such as administrative agencies, intermediary organizations, and ultimate beneficiaries. These new voices—who may be for or against the policy—as well as continued efforts among those who “lost” in the legislative arena can have a strong influence on the policy through rulemaking. Failing to account for new parties who may have an interest at this stage can result in rulemaking that does not fully capture the intent of the policy, indifferent implementation, or strong repeal efforts post-win.

Those Interested Have Different Interests

In legislative advocacy, advocates are working with elected officials and their staff, who have many different motivations and incentives, including those related to their electability and other political aspirations. Advocates with whom we spoke generally saw differences in motivations among bureaucrats and political appointees compared to their elected counterparts, often relating to their specific expertise in a topic area and greater likelihood of being risk-averse.^{8,9}

⁸ See pages 9-13 of this brief for a framework that more fully lays out how to understand the actors and motivations of bureaucrats.

⁹ One of our interviewees noted that this trend holds less true at the federal level, where individuals over time hold various seats (elected, appointed, and bureaucratic positions) and may more often still operate with a political agenda.

Savvy advocates largely see this work as part of a continuum, where strategies must be developed and mobilized in parallel process to advocacy for adoption, rather than sequentially.

Oppositional Approaches are Often Less Useful

In almost all cases, advocates spoke of the need to work in partnership with administrative agencies rather than in opposition. Advocates often talked about their role in providing additional content expertise, connecting with community or other stakeholders, and participating as a member of processes where a collaborative approach was more likely to result in the desired outcome. They also spoke of the key importance of developing and maintaining relationships to be able to play formal and informal roles in the process. In fact, initially we expected to hear that serving as a “watchdog” would be an important role of advocates in support of effective policy implementation. Instead, we found that almost everyone with whom we spoke had a very negative view of the term watchdog and associated it with an adversarial “gotcha” role that did not support collaboration.

Venues Can Change

One acknowledged challenge among advocates with whom we spoke was the fact that success in one venue (e.g., state or federal legislature) often leads to implementation that happens in another (e.g., local or state implementers, newly developed commissions). Relationships and political capital that are developed to help advance an agenda in one arena may not have currency in another, or the influence of an organization may not extend beyond typically state- or federal-focused boundaries.

It's Not a “Pivot”

We entered into conversations with advocates and funders with the intention of exploring what the pivot from a campaign to implementation looked like, and quickly found that this conceptualization of advocates' role created a false sense of sequencing of advocates' activities. Savvy advocates largely see this work as part of a continuum, where strategies must be developed and mobilized in parallel process to advocacy for adoption, rather than sequentially. As shared earlier in the cautionary tale of the first policy win scenario, not laying the groundwork to have implementing agencies or stakeholders on board can stymie implementation of well-intentioned policies.

Three Types of Advocacy Activities Related To Policy Implementation

Beyond understanding the unique characteristics of advocates' work in this phase of the policy continuum, we also came to understand that there are three categories of advocacy work they undertake to support post-campaign success:

- » **Administrative Advocacy**
- » **Implementation Advocacy**
- » **Ongoing Capacity Maintenance**

Administrative Advocacy

Administrative advocacy is the work to influence rules and regulations that an administrative body is interpreting and applying to a law. Advocates with whom we spoke referenced tactics such as providing research and technical expertise to administrators, organizing support in known process windows (e.g., public comment periods), and convening and organizing stakeholders who will be impacted by the rules (e.g., implementing non-profit agencies, beneficiaries, etc.). Within this kind of advocacy, advocates may be trying to ensure that key components of the passed policy stay in place through rulemaking; alternately, when disadvantageous policies have made it through, administrative advocacy is an opportunity to continue to try to mitigate against rules that are seen as especially deleterious or to try to leave policies open to different amounts of interpretation.

Implementation Advocacy

When we asked advocates about success stories, many revolved around work they have undertaken to ensure successful implementation of policies they have sought. This took the form of ensuring funds were spent by administrative agencies in expected timeframes; communicating to organizations or individuals about the new services available; providing technical assistance to implementing agencies; and shoring up philanthropic resources to ensure that sufficient monitoring, research, and evaluation occurred. Often the advantage of these activities was described as showing the benefits of successfully implemented policies to protect against future withdrawal of funds or attacks from other interests.

While some of these activities fit neatly into expected roles of advocates (e.g., advocating for specific agency-level actions), others can be dependent on different kinds of capacities within an advocacy organization for training or technical assistance provision and more direct connections with on-the-ground implementers. In some cases, advocates talked about the need for an effective hand-off to different kinds of supporting non-profit agencies to take on these roles. They expressed some trepidation about the expanded expectations these kind of activities could have for what advocates need to take on. For some, an advocate's role is to maintain the momentum of a win by tackling new or additional wins. These advocates felt strongly that the role of advocacy organizations is to keep minimal staffing to protect against an immediate loss of the win and to focus their unique skills on the next legislative battle.

Ongoing Capacity Maintenance

While it is easy to focus on the new and different kinds of efforts that advocates undertake to support successful implementation of a policy (or to mitigate the effects of an undesired policy), advocates also described the need to keep relationships and connections in the legislative sphere “warm.” Because of changes from elections and the vagaries of the political environment, failing to maintain interest and some degree of championing among legislators increased the risk that desired wins could be rolled back or seen as vulnerable for those with different agendas. While this work is somewhat indirectly related to the quality of implementation, its role in the suite of activities that advocates juggle warrants acknowledgment.

We found these three designations of advocacy work useful in informing how advocates strategize to impact implementation, who they would target, and what the aspects are of policy implementation. Most advocates consider all three types of advocacy efforts to be part of their toolkit and use them simultaneously or variably, depending on the policy, the politics of the situation, and their content expertise and capacity, among other factors.

Given the unique and specific attributes identified previously, there is meaningful ground to explore in the intersection of policy implementation and advocacy. In the following section, we examine existing frameworks and theories that consider the contexts in which policies are implemented and how they can strengthen the strategies and tactics deployed by advocates.





Policy Implementation Advocacy: Relevant Frameworks and Theories

Given the key themes that emerged from our interviews, we decided to explore three frameworks to inform policy implementation advocacy: bureaucracy, policy implementation, and democracy. The first two are focused on larger contexts of policy implementation, and the third hones in on one particular lever in the realm of advocacy. While these topics are presented sequentially, we are not implying a hierarchy for when and how to apply them.

Three Relevant Frameworks



Bureaucracy

Much of policy implementation happens in administrative agencies. Government agencies are unique organizations shaped by different logics than standard private sector organizations. Using James Q. Wilson's seminal book, *Bureaucracy*, we outline the specific contexts in which government agencies operate, the specific types of bureaucratic organizations and how they influence agency process and behavior, and the levels and motivations of actors within those agencies. Together, this framework helps to inform strategies for engaging with government agencies and their actors.



Policy Implementation

The fields of political science and public administration have a robust discourse which explores how policies are best implemented with regard to the level of centralization or decentralization within a government agency—among which actors, through which kinds of regulations, through what level of public engagement, and many other factors. In many circumstances, the best choice can be contingent on the characteristics of the policy, including the levels of conflict and ambiguity that surround it. These theories—top-down, bottom-up, and hybrid—help advocates assess the characteristics of the policy and policy environment to identify which model provides the most effective framework, strategies, and tactics.



Theories of Democracy

The public can play a significant role in implementation advocacy, yet there are very different conceptualizations of the public's role in decision making and how their participation can be most effectively leveraged. We explore two theories of democracy—Deliberative Democracy and Stealth Democracy—to help advocates strategize about how and when to most effectively engage and mobilize the public in implementation advocacy efforts.

To support effective policy implementation, it is helpful to understand the structures, constraints, and incentives that inform and drive behavior within government agencies.

Some advocates may find it most useful to start with the bureaucratic context as a lens through which to understand their advocacy approach; others may prefer to understand the policy context first as a way to apply the ideas in the bureaucracy framework. Often, the most powerful way to understand effective advocacy for policy implementation is to consider them in tandem and iteratively.

For each framework or theory listed previously, we provide a summary, identify key assumptions, describe applicable contexts for advocacy, document key criticisms, and outline relevant questions for assessing progress and learning.

Following each area of exploration, we provide an overview table showing how to consider advocacy strategy and tactics differently depending on the framework applied as well as the type of advocacy that may be used (e.g., administrative, implementation, ongoing capacity maintenance).

1 Understanding Bureaucracy

In the move from legislation to implementation, bureaucracies play an increasingly central role. To support effective policy implementation, it is helpful to understand the structures, constraints, and incentives that inform the context of, and drive behavior within, government agencies. While popular discourse has framed government agencies monolithically—as inefficient organizations characterized by red tape and unqualified leadership—James Q. Wilson’s canonical text, *Bureaucracy*, provides a nuanced exploration of the complex contexts in which bureaucracies operate, the different types of bureaucratic organizations, and the different type of actors within bureaucracies and their motivations.

Summary

Context within Which Bureaucracies Operate

The context in which bureaucracies operate, Wilson illuminates, is fundamentally different than that of the private sector. While the private sector is driven by profit which works to maximize efficiency, bureaucracies are often shaped by constraint. As organizations, they are driven by goals, decision makers, and influencers that are largely external to them.

The type of organization has significant implications for agency behavior, both in terms of intensity of their managerial procedures and processes and the motivations of their actors.

This results in two important conditions:

» **Variability and Mutability of Goals**

The role of a government agency is to perform tasks and solve problems related to its mission and function in order to reach goals delegated by executive, judicial, and legislative bodies. However, government agencies are often delegated goals that vary significantly in clarity, observability, complexity, and controversy. In addition to explicit tasks, an agency may also contend with contextual goals that exist beyond what is embodied in statute. At times, delegated tasks and contextual tasks have competing motivations—and all of these can shift as legislators and political contexts shift.

» **Many “Masters”**

Bureaucracies must respond effectively to requirements of all branches of government, often at the same time. Congress has a large “arsenal” of ways to convert a bureaucratic decision into a policy choice: legislation, appropriations, hearings, investigations, personal interventions, “friendly advice,” directives, regulators, and commissions. The president has different but equal power to Congress. The president can choose people, alter procedure, and reorganize or require coordination of activities. Courts can create new mandates without additional resources, decrease an executive’s autonomy or ability to prioritize, and make decisions based on theoretical experts over practice experts.

As a result of these complex—and at times, competing—challenges, bureaucratic organizations have a greater incentive to focus on constraints, feel vulnerable to potential intervenors, are sensitive to risk-taking, focus heavily on equity and standard operating procedures, and require more management-level staff.

Types of Organizations

In addition to teasing out the complexity of the contexts in which bureaucracies operate, Wilson provides a typology for understanding bureaucratic organizations. The typology categorizes organizations based on their goals, as well as the extent to which agency activities (outputs) and results (outcomes) are observable. Here, outputs are described as the day-to-day work that agency actors perform, and outcomes are described as the changes produced. For example, outputs for a police officer might include tickets written and arrests made, and outcomes might include improved community safety. The type of organization has significant implications for agency behavior, both in terms of intensity of their managerial procedures and processes and the motivations of their actors. If outputs are not easily observed, Wilson argues, “A problem of moral hazard arises.”¹⁰

¹⁰ Wilson, 159.

Organization types include:

PRODUCTION ORGANIZATIONS

An organization in which both outputs and outcomes are observable is described as a production organization. Because both outputs and outcomes can be measured, a production organization has conditions “conducive to production-oriented management.”¹¹ It can implement a compliance system and hold operators accountable for achieving results. While a production organization can generate efficiency, it can also incentivize workers to “cheat the system” by fudging their numbers, etc.

Examples

Social Security Administration, Internal Revenue Service, U.S. Postal Service

PROCEDURAL ORGANIZATIONS

An organization in which outputs are observable, but outcomes are not—either because the result cannot be measured or will occur in the future—is described as a procedural organization. Because outcomes are not observable, procedural organizations rely on the professionalism of operators—those whose professional codes require prioritizing client needs over their own interests. However, because reliance on professionalism exposes an agency to risk, rigorous procedures are installed. In the absence of visible outcomes, how the job is done becomes the priority.

Examples

U.S. Armed Forces during peacetime, Occupational Safety and Health Administration

CRAFT ORGANIZATIONS

An organization in which outcomes, but not outputs, are observable, is described as a craft organization. They are often compliance organizations whose staff are in the field on a daily basis, so they have significant discretion over their work and may be susceptible to abuses of power. While daily activities cannot be monitored, their outcomes can, so these agencies typically focus on goal-oriented management and employ staff with a strong craft or profession-induced ethos that motivates them “to do a good job.”

Examples

U.S. Armed Forces during war time, Federal Bureau of Investigation

COPING ORGANIZATIONS

An organization in which neither outputs nor outcomes are easily observable is described as a coping organization. Since activities, behaviors, and outcomes cannot be seen, measured, or evaluated, coping organizations rely heavily on controlling the activities of their operators and must often function in a responsive or situational mode. This can result in a high degree of conflict between managers and operators.

Examples

U.S. Foreign Service, police departments

¹¹ Wilson, 160.

The motivation to protect autonomy decreases incentives for coordinating across agencies and increases resistance to outside regulation.

Bureaucratic Actors and Incentives

As Wilson's typology for government organizations intimates, there are a range of responsibilities, constraints, and motivations that inform how various levels of implementers within a government agency operate. Beyond the type of government organization, the behavior of government staff can also be shaped by the political environment in which they find themselves.

These are outlined below:

» **Operators Are Influenced by Many Factors**

Rank and file staff, referred to as “operators” by Wilson, are influenced by many factors, including managing workload, peer expectations or professional standards, and clients of the organization. How these incentives affect individuals depends on the type of goals being sought and the degree to which new tasks or regulations are believed to fit within the core goals already being sought. Any discretion that is available to staff is usually used to “stay out of trouble.”

» **Executives Have Incentives to Maintain Bureaucratic “Turf” and Autonomy**

Government agency executives' primary role is to maintain the necessary flow of resources (capital, labor, and political support) to their agencies while maintaining their autonomy—the “condition of independence sufficient to permit a group to work out and maintain a distinctive identity.”¹² Executives of agencies are disinclined to take on goals or tasks which could distract the agency from its core goals and tasks, create overlap with another agency, position the agency to be under more scrutiny, or risk lower levels of political support. The motivation to protect autonomy decreases incentives for coordinating across agencies and increases resistance to outside regulation.

» **Executives Have Incentives to be Risk-Averse**

Executives seek to avoid risk to maintain as much autonomy as possible. They have incentives to decrease the number of external stakeholders they have, decrease the number of rival agencies doing similar tasks, and increase the cohesiveness of their mission. Their desire to maintain autonomy means they avoid actions, goals, or tasks that could increase vulnerabilities that would give others the opportunity to assert control over their agency.

» **Managers Have Incentives to be Constraint-Oriented**

Similarly, managers have incentives that lead to a constraint orientation. Managers do not have full discretion of how to administrate the ways in which tasks are done; they have limited ability to determine or flexibly appropriate budget for tasks, they have limits on personnel decisions, and they have to deal with regulations about purchasing goods and services that focus on equity over efficiency. These conditions incentivize behaviors that show that managers have followed appropriate processes (e.g., Standard Operating Procedure) to protect themselves.

¹² Philip Selznik, *Leadership in Administration* (Evanston, IL: Row, Peterson, and Co., 1957), 12, as cited in Wilson, 182.

A deeper understanding of the type of bureaucracy can help advocates strategize about how to interact with government partners and frame policy priorities.

Applicable Context

More deeply understanding the types of bureaucracy that a policy may interact with, as well as the motivations and constraints that leaders may face, can help advocates strategize more effectively about ways in which to interact with or frame policy priorities to staff in administrative organizations. These are explored at length in the “Relevance in Application to Advocates” section of the brief.

Critiques

There are no substantive refutations or counterarguments about the content of *Bureaucracy*. The primary criticisms have to do with its organization, generalizations, and structure.

Relevance in Application to Advocates

In this section, we review how the ideas from *Bureaucracy* can have practical application to the work of advocates for each type of implementation advocacy. For each, we provide high-level thoughts about the approach or strategy that is relevant given the bureaucracy framework, as well as possible tactics that can be used.

Administrative Advocacy

Strategy

Influence government agencies' rulemaking by accounting for the type of organization and motivations of relevant actors. This includes considering the following:

Organizational Type. To what degree does the new policy fit into that type of bureaucracy or to what degree would the new policy represent a different set of assumptions about clarity of outputs and outcomes?

Goal Alignment. To what degree does the proposed policy change alter or expand the mission of the bureaucracy? Are there ways to more tightly align the policy to the agency's mission and key functions?

Oversight. To what degree does the new policy increase the risk of additional external stakeholders? How might external stakeholders want to or be able to increase oversight or involvement in the bureaucracy? To what degree can tasks be observed?

Autonomy. To what degree does the proposed policy increase perceived risk of more oversight, create overlap, or create the need for coordination with other bureaucracies?

Operator Behavior. How likely is it that operators will see this as outside of their core task? If high, what are the ways in which operators may work around the policy solution? To what degree is it possible to leverage the professional standards of operators?

Tactical Focus

- » Advocate for policy implementation to reside within bureaucracy with the greatest alignment of existing goals and type of activities.
- » Develop messages that emphasize alignment of policy goals with bureaucracy mission or minimize risk.
- » Minimize risk of potential for external "intervenors."
- » Support development of champions or external stakeholders/clients so that risk of unhappiness, oversight or "trouble" from them later decreases for the bureaucratic stakeholders.

Implementation Advocacy

Strategy

Influence government agencies' implementation of legislation by considering their types and motivations.

Tactical Focus

- » Ensure expenditure of resources in a timely way.
- » Develop adequate supports.
- » Perform ongoing interpretation of policy intent and rules.
- » Monitor relevant outputs and/or outcomes, depending on the organization type.

Ongoing Capacity Maintenance

Strategy

Develop and maintain relationships with those inside and outside of the target agency who can exert influence over the government agency.

Tactical Focus

- » Different types of staff (e.g., managers, executives, line staff), considering appointees and career staff connections
- » Influential external stakeholders or individuals who can exert power over agencies
- » Groups that represent or can organize the affected constituents

Questions for Assessing Progress and Learning

In addition to using the *Bureaucracy* framework for strategy purposes, it also provides some guidance for evaluation questions that may be useful for either assessing progress or learning from the work.

Sample Questions for Assessing Progress Relative to the Framework

- » What is the strength of relationships with government agency staff?
- » Who in the agency makes the final decision?
- » Does that person have to “manage up” to an executive?
- » How much diversity is there in relationships with agency staff?
- » To what degree did desirable rules get developed through advocacy?
- » To what degree were undesirable rules mitigated against through advocacy?

Sample Questions for Learning to Support Ongoing Advocacy

- » To what degree were assumptions about “fit” of policy and the implementing agency correct?
- » In what ways have officials seen the policy as a positive or negative force relative to their agency’s autonomy?
- » What can be learned about the constituents the agency must be responsive to?
- » How has this changed over time?

2 Understanding Policy Implementation

In addition to understanding the specific logics, constraints, and incentives of bureaucratic organizations in developing implementation advocacy approaches, it can be useful to strategize about the level of centralization or decentralization through which policy implementation can be most effectively executed.

There is a substantial body of literature on policy implementation, dating back to the 1950s, which examines case studies in order to develop a generalizable theory for moving from policy proposal to desired implementation and outcomes. While implementation theory has evolved in complexity, there remain two central frameworks that shape the field: top-down and bottom-up. At base, a top-down theory understands effective policy implementation as occurring in a centralized way—policy designers are the central actors and effective implementation is the result of factors that can be manipulated centrally. Conversely, bottom-up theory understands effective policy implementation as decentralized—through methods that engage and respond to specific local contexts, and with the input of frontline providers and beneficiaries.

While implementation theory has evolved in complexity, there remain two central frameworks that shape the field: top-down and bottom-up.

Recognizing value in each of these approaches, several scholars developed contingency theories.¹³ Contingency theories suggest that neither the top-down nor bottom-up model is inherently correct, but that the specific characteristics of the policy context can determine the optimal approach. One of these contingency theories, the ambiguity/conflict framework proposed by Richard Matland,¹⁴ suggests that the levels of ambiguity and conflict around the policy are critical determinants of which approach to select in order to achieve desired outcomes. According to Matland, ambiguity refers to lack of clarity in the policy's goals, means, or both. Conflict surrounding a policy results from interdependence of actors, incompatibility of objectives, and/or a perceived zero-sum element to interactions.¹⁵

Using the ambiguity/conflict framework on the next page, the following section explores top-down and bottom-up theories, as well as a hybrid model, which includes elements drawn from both the top-down and bottom-up approaches.

¹³ Peter deLeon and Linda deLeon, "Whatever Happened to Policy Implementation? An Alternative Approach," *Journal of Public Administration Research and Theory* 12 (2002): 471.

¹⁴ Richard Matland, "Synthesizing Implementation Literature: The Ambiguity-Conflict Model of Policy Implementation," *Journal of Public Administration Research and Theory* 5.2 (1995): 145-174.

¹⁵ Ralf Dahrendorf, "Towards a Theory of Social Conflict," *Journal of Conflict Resolution* 2.2 (1958): 170-83, as cited in Matland, 156.

Ambiguity / Conflict Framework



Top-Down Theory and Programmed Implementation

Summary

Top-down theory, also known as “programmed implementation” and “command and control,”¹⁶ posits that a centralized approach to policy implementation helps to regulate the complexity and dynamism of factors impacting policy implementation. In following, top-down theorists see policy designers as the central actors and concentrate their attention on factors that can be manipulated at the central level. These theories assume that problems can be minimized by careful and explicit programming of implementation procedures.¹⁷ They assert that implementation often fails because of ambiguity in policy goals or lack of centralized control over policy implementers, including participation of too many actors with overlapping authority and implementers’ resistance, ineffectiveness, or inefficiency.¹⁸

Top-down theorists identify the numerous and complex factors that can impact, and potentially derail, successful policy implementation, including the tractability of the problem, the ability of policy decisions to structure implementation, and non-statutory variables¹⁹ including socio-economic conditions, attitudes of constituency groups, etc. They argue that those variables must be carefully considered when planning implementation as they have implications for how implementation could or should proceed. It’s also important for implementation designers to understand which political levers, such as increasing the resource base or stiffening legal sanctions for non-compliance, are more amenable to short-term intervention.

Key top-down theorists, Daniel Mazmanian and Paul Sabatier, argue that effective implementation requires the following conditions:

- » Policies must contain clear and consistent objectives.
- » Policies must be based on adequate causal theory.
- » The implementation process must be legally structured to enhance compliance.
- » Implementers should include committed and skillful implementing officials.
- » Policies must maintain support of interest groups and sovereigns.
- » Implementing environment should include only changes in socio-economic conditions which do not substantially undermine political support or causal theory.

While all of these conditions are rarely met in practice, top-down theorists propose that this list be used as a checklist for explaining why a policy may or may not have succeeded, or as a to-do list for program proponents to accomplish over time.

¹⁶ deLeon and deLeon, 470.

¹⁷ Matland, 146.

¹⁸ Paul Berman, “Thinking about Programmed and Adaptive Implementation: Matching Strategies to Situations,” in *Why Policies Succeed or Fail*, ed. Helen M. Ingram and Dean E. Mann (Beverly Hills: SAGE, 1980).

¹⁹ Mazmanian and Sabatier, 20-35.

Top-down implementation theories are most appropriate to policies with clearly defined goals and well-articulated strategies and can work well with variable levels of conflict.

Key Assumptions

Government agencies are structured hierarchically, operate authoritatively, and function rationally.

Applicable Context

The ambiguity/conflict framework suggests that top-down implementation theories are most appropriate to policies with clearly defined goals and well-articulated strategies and can work well with variable levels of conflict. The examples below illustrate two scenarios: one in which ambiguity and conflict are low, and one with low ambiguity but high conflict.

LOW CONFLICT + LOW AMBIGUITY

Example

Immunization program or evidence-based programs

A low ambiguity/low conflict policy context is ideal for a top-down approach because it is largely administrative in nature. When both the goals and means are clear, the success of policy implementation is primarily determined by the allocation of sufficient resources, maintenance of realistic timeframes, the ability of the implementing agency to develop rules that ensure compliance, and the capacity of the implementing agency's actors to follow orders and carry out aspects of the policy. In other words, promoting administrative excellence is a good approach to ensuring successful implementation.

HIGH CONFLICT + LOW AMBIGUITY

Example

Taxation

A low ambiguity/high conflict policy context is also well aligned with a top-down approach. In this scenario, the policy means are clear, the goal may or may not be clear, and the goal or its means is contested. As a result, compliance is not forthcoming, but open to environmental influence. Given conflict and vulnerability to external influence, effective implementation is ultimately determined by sufficient power to force one's will or to bargain. Implementing agencies must maintain strong political direction and momentum at the front end, and sound governance to ensure policy decisions are adhered to at the back end.²⁰ As a result, control remains largely centralized, implementation is typically uniform and closely monitored, and local autonomy is effectively eliminated.

²⁰ Dahle Suggett, "The Implementation Challenge: Strategy is As Good as Execution," Occasional Paper No. 15, State Services Authority, September 2011, 8.

According to bottom-up theorists, implementation is heavily tied to contextual factors within a local implementing environment.

Critiques

There are two critiques of top-down theories. The first argues that top-down theories fail to consider the perspectives of non-policy makers, such as street-level bureaucrats and beneficiary groups. Street-level bureaucrats can exercise significant influence over policy implementation, so when their input, and that of target groups, is minimized, counterproductive effects may be ignored or exacerbated. The second argues that top-down theories' preoccupation with the ability of policy to structure implementation fails to acknowledge that policy must often be ambiguous in order to pass.

Bottom-Up Theory and Adaptive Implementation

Summary

Developed in response to top-down models, bottom-up or adaptive theories argue that successful policy implementation must consider the interaction of policy and local context—micro-level institutional settings, local actors, and social differences among target communities (race, gender, language, culture, class, citizenship status, etc.)—with regard to resources, access, power, and social capital. According to bottom-up theorists, implementation is heavily tied to contextual factors within a local implementing environment. In this view, implementation often fails when centrally developed policies are overly specified or rigid, seek excessive control over implementers, or do not include relevant local actors in decision making. As a result, bottom-up theorists argue that effective policy implementation relies on flexible policies that can be adapted at the local level²¹ and direct engagement with those who are most impacted by the policy—street-level bureaucrats and beneficiaries. Direct engagement contributes to an understanding of the goals, strategies, and activities of local actors, providing insight into how to best implement policy and illuminating or anticipating problems with existing policy.

Key Assumptions

Policies can be flexible while still maintaining their intent. Input from street-level bureaucrats and beneficiaries yields reliable data and contributes to sound policy.

Applicable Context

According to the ambiguity/conflict framework, bottom-up theory is optimally applied when there is ambiguity around the policy goal or means—either there is no well-defined or understood path to achieve the policy goal or there is a lack of consensus around the policy goal itself. Regardless of whether ambiguity lies within the means, the goal, or both, this theory is most applicable when there is little-to-no controversy around the policy, and adaptation to local context is viewed as an important aspect of policy implementation.

²¹ Berman.

Key elements of success will be evaluation, feedback mechanisms, and general knowledge sharing from the bottom up.

LOW CONFLICT + HIGH AMBIGUITY

Example

Universal preschool

A high ambiguity/low conflict policy context is well matched to a bottom-up approach. Because there is little controversy surrounding the policy but significant uncertainty about ideal implementation, local contextual conditions play a critical role, serving as the key driver of policy outcomes. The bottom-up approach promotes systematized engagement with local actors and partnerships to assess their specific pressures, perceptions, resources, etc., to customize policy and even to engage in “experimental implementation.” The focus on local implementation will result in widely variant approaches, and it can be beneficial to use formative evaluation to test, learn about, and improve implementation.²² Since responsiveness to local contexts and learning are the priorities, compliance monitoring mechanisms will be of limited use. Key elements of success will be evaluation, feedback mechanisms, and general knowledge sharing from the bottom up—in short, learning about what works, what doesn’t work, and why.

Critiques

There are two central critiques of bottom-up theories. The first argues that bottom-up theory overemphasizes the level and value of local autonomy. For example, variation in implementation may occur within a locality, but it does so within the constraints of the centrally developed policy. In addition, while local variability can be a strength, it can also be a drawback. For example, in some circumstances street-level bureaucrats have acted in their own interest, undermining a policy’s purpose and producing a negative impact on the target population. (An apt example of risks attendant to local implementation is desegregation in the 1960s.) The second line of critique argues that in a democratic context, policy should be enacted only by those who have been endowed to exercise power by the voting public.

²² Lawrence B. Mohr, “Impact Analysis for Program Evaluation,” (Chicago: Dorsey, 1998) as cited in Matland.

A Hybrid Approach

A third model, a hybrid of top-down and bottom-up theories, draws upon strategies of both approaches to respond to one remaining scenario within the ambiguity/conflict framework: a policy that is characterized by high conflict and high ambiguity. This occurs when there is significant controversy around a policy, and either its goal is not clearly defined and/or there is no clear path to achieve that goal—both likely attributable to conflicting views about what the goal and means should be. This is the most complex situation in which to determine a path forward, and requires drawing upon both approaches.

Applicable Context

HIGH CONFLICT + HIGH AMBIGUITY

Example

Climate Change Policy

Policies characterized by high levels of both ambiguity and conflict are often symbolic, designed to emphasize values or significant political shifts. Because these policies tend to have only a referential goal and an ambiguous plan of action, stakeholder interests are often tied to the policy definition, contributing to the formation of competing coalitions seeking to resolve policy ambiguity in their group's favor. As in bottom-up theory, then, the strength of coalition in a locality often determines the ultimate outcomes. While implementation will largely play out on the local stage, centralized government implementation still plays an important role. For example, centrally located actors can exercise their influence by providing resources and incentives, focusing attention on an issue area, establishing strong leadership around the vision for the policy, and engaging with networks and interest groupings.²³ In addition, the lack of tangible implementation common in a high ambiguity/high conflict policy environment can suggest the need to reduce either the level of conflict or ambiguity in order to move the policy to a more successful implementation scenario.

Below, some of the key factors to successful implementation in both high conflict and high ambiguity scenarios.

HIGH CONFLICT OUTCOMES DEPEND ON:

- » Administrative excellence
- » Strong mandate and governance
- » Resources to achieve outcomes
- » Capacity to engage opponents
- » Consistent messages
- » Sustained political profile
- » Compliance monitoring
- » Transparency for winners and losers

HIGH AMBIGUITY OUTCOMES DEPEND ON:

- » Clarity of owners and outcomes
- » Local solutions/networks
- » Tolerance of diversity
- » Consistency over long timeframe
- » Knowledge capture/feedback
- » Regular provider engagement
- » Capacity to adjust based on evidence

²³ Suggett, 8.

Relevance in Application to Advocates

In this section, we review how three different theories of policy implementation have practical application to the work of advocates for each type of implementation advocacy. For each, we provide high-level thoughts about the strategies attendant to top-down, bottom-up, and hybrid theories, as well as possible tactics that can be used.

Administrative Advocacy

Strategy

TOP DOWN

Influence rules to best align with advocacy goals or to minimize inclusion of undesirable rules.

BOTTOM UP

Minimize rule specificity to allow for more latitude in implementation at agency level.

HYBRID

Find ways to reduce conflict or ambiguity; ensure rules adequately account for inherent ambiguity.

Tactical Focus

TOP DOWN

Advocate for:

- » Clarity of goals, roles, and jurisdictions
- » Incentives and sanctions to ensure compliance
- » Sufficient resource allocation to carry out policy

BOTTOM UP

Advocate for:

- » Metrics of success that focus on outcomes versus outputs
- » Ongoing measurement or monitoring of the beneficiary experience
- » Implementer participation in rulemaking to ensure the right level of rules are created
- » Participation of experts in rulemaking to reduce ambiguity

HYBRID

Advocate for:

- » Strong messaging regarding vision for policy to reduce ambiguity and conflict
- » Participation of local implementers in rulemaking
- » Engage with leading local coalitions/partnerships to shape policy definition and approach
- » Work with interest groups to create/maintain momentum around particular vision of policy
- » Work with central actors to try to influence implementation approach through allocation of resources and incentives

Implementation Advocacy

Strategy

TOP DOWN

Ensure the implementing government agency understands the rules/areas of latitude and has capacity to implement effectively.

BOTTOM UP

Ensure the implementing government agency has the capacity to implement and learn from the process so that the policy goals are achieved.

HYBRID

Ensure the implementing government agency has the processes, tools, and support to reduce conflict and ambiguity where possible.

Tactical Focus

TOP DOWN

- » Provide technical assistance to ensure adequate knowledge and capacity at implementing agency.
- » Inform selection of skillful implementing officials where possible (i.e., inform which department within an agency will administer program).

BOTTOM UP

- » Provide technical assistance for informed policy implementation.
- » Monitor funding disbursement.
- » Secure private funds for evaluation focused on learning and improvement.
- » Support local implementing agency capacity-building.
- » Facilitate feedback mechanisms for beneficiary input.

HYBRID

- » Ensure monitoring and measurement account for ambiguity appropriately.
- » Identify leverage points at top and bottom levels.
- » Ensure that sufficient feedback mechanisms are in place to gather data from beneficiaries and street-level implementers.
- » Communicate policy details and implications to agencies.
- » Provide technical assistance to implementing agencies about how to best implement policies.

Ongoing Capacity Maintenance

Strategy

TOP DOWN

Maintain support of interest groups and sovereigns.

BOTTOM UP

Maintain the support of with street-level bureaucrats, grassroots organizations, and beneficiary communities.

HYBRID

Maintain symbolic consistency in communication and relationship maintenance with multiple stakeholders to preserve coalitional strength.

Tactical Focus

TOP DOWN

- » Provide information and preserve relationships among interest groups.

BOTTOM UP

- » Continue to engage audiences in feedback loops and learning processes and preserve relationships.

Questions for Assessing Progress and Learning

In any scenario, typical questions of interest could include:

- » To what degree did advocates' efforts influence final regulations?
- » To what extent do regulations reflect desired policy outcomes?
- » To what extent are desired policy impacts being seen?

However, more specific questions relative to the different policy implementation theories may be useful. Examples are provided here.

Sample Questions for Assessing Progress Relative to the Theory

TOP DOWN

- » To what extent are the goals, roles, and process within regulations clear and well defined?
- » Are the resources adequate to support implementation?

BOTTOM UP

- » To what degree have frontline staff been engaged in rulemaking processes?
- » To what extent do rules allow flexibility to adjust to local contexts?
- » Have evaluation and learning processes been put in place to adjust policy and practice based on data?
- » Have structures or processes been put in place to secure beneficiary input?

HYBRID

- » Have consensus, buy-in, and momentum been built among interest groups around the policy vision and approach? Are groups cohering around the vision?
- » Do monitoring and measurement account for ambiguity?

Sample Questions for Learning to Support Ongoing Advocacy

TOP DOWN

- » Are the goals and roles ensuring compliance and producing the desired outcomes? Are they the optimal/right goals and roles? Do adjustments need to be made?
- » To what extent are rules and processes being followed?

BOTTOM UP

- » Does engagement of street-level bureaucrats in the rulemaking process strengthen implementation in local contexts?
- » Do street-level bureaucrats have an understanding of beneficiary needs?
- » Are policies flexible enough/too flexible to support outcomes?
- » Are learning processes and beneficiary input being used to adjust implementation? Why/why not?
- » Are beneficiary input structures and processes accessible? Are they being utilized by beneficiaries?

HYBRID

- » Is the messaging effective in creating a unified vision? Has there been broad uptake? Among whom is there still discord or disagreement?
- » What strategies have been most effective for building consensus?
- » What is needed to move to lower levels of ambiguity or conflict, and to what degree can advocacy play a role?

3 Understanding Theories of Democracy

Democratic political theory generally posits that public participation and engagement in the political process are preconditions for a true democratic government. However, theorists have divergent understandings of what constitutes adequate moral rationale for decision making, legitimate representation, and optimal processes for engaging the public. The following section explores two countervailing theories of public participation in the policy process. The first, deliberative democracy, argues for direct public engagement where justification for a policy emerges through open public discourse and consensus. The second, stealth democracy, argues for indirect public representation through neutral experts. These two theories provide fertile ground for helping advocates strategize about how to most effectively engage and mobilize the public in implementation advocacy efforts.

Deliberative Democracy

Summary

Deliberative democracy is a democratic form of government in which political decisions are formed through public discussion and debate among citizens. In the deliberative process, citizens critically examine ideas, exchange information, and justify their policy preferences to one another.²⁴ The central premise of deliberative democracy is that deliberation leads to legitimate political decisions because citizens use information and reason to determine the best policy choice. Unlike a representative democracy, this reasoned dialogue leads to a political consensus based on the merit of a policy and not the influence of private interests or political power.

Public discourse and stakeholder input legitimize the policy process in a deliberative democracy. According to theorists, the resulting policy choice is justified as long as the deliberative process is one in which reasoned dialogue preceded a policy decision. Deliberation empowers citizens—ensuring that alternative voices, including those who are typically marginalized by race, class, gender, etc., are included in the rulemaking process—and in so doing, compels adherence to the procedures that they helped to articulate. While the policy decision is important, deliberative democracy recognizes that policy making is iterative and should be open to revision.²⁵

²⁴ Joshua Cohen, "Reflections on Deliberative Democracy," in *Contemporary Debates in Political Philosophy*, ed. Thomas Christiano and John Philip Christman. (Hoboken, NJ: Wiley-Blackwell, 2009), 248-263.

²⁵ Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, NJ: Princeton University Press, 2004), 12.

Deliberation allows for the public to consider broader perspectives and opinions when trying to determine the best pathway to a solution.

Elements of Deliberation and Policy Implementation

Theorists argue that the deliberative process increases equality, social capital, and the inherent political legitimacy of policies—the principal elements of collective decision making. Deliberation allows for the public to consider broader perspectives and opinions when trying to determine the best pathway to a solution. However, in order for this to take place, the following key elements of deliberation must be established:²⁶

» **Strong Stakeholder Involvement**

In order to define policy goals and articulate strategies, policy decisions must be based on strong stakeholder involvement, particularly from citizens who are most affected by the policies and procedures being debated. Ideally, in a deliberative process, those impacted by the policy will have an opportunity to voice their interests, needs, wants, and concerns and share valuable information that would have previously been overlooked. During the rulemaking process, new beneficiaries or policy “losers” may emerge. Transparency allows those who are newly affected to be a part of deliberation.

» **Equal Information and Knowledge of the Deliberative Process**

In order to publicly participate in a political discussion, all citizens must have equal access to information on policies or procedures being debated so that they can present meaningful arguments. Moreover, stakeholders should be educated on the deliberative process, their roles, and their rights.

» **Mutual Respect**

In order to effectively implement policies, citizens must enter the deliberative space with mutual respect and a willingness to adhere to the better argument, accepting that legitimate alternative decisions exist, and agreeing to a policy if consensus is reached. Stakeholders must recognize the potential for legitimate alternative arguments and be capable of compromise.

» **A Public and Welcoming Venue**

A public venue for deliberation must exist. Discourse in a public arena allows for transparency and legitimacy, and enables consensus to occur.

²⁶Gutmann and Thompson.

Providing a forum for input and feedback allows decision makers to incorporate opinions and concerns of beneficiaries and potential policy “losers” in the framing of rules and procedures.

Key Assumptions

- » Citizens want to participate in the political process and deliberate on alternative policies, specifically those citizens who will be affected by a policy’s implementation.
- » In order for deliberation to occur, citizens must be knowledgeable and able to voice their opinions. Deliberative democracy assumes that people will be engaging in the deliberative process on equal footing, having equal information and the same level of power to influence the ultimate policy decision.
- » Equitable dynamics across social difference (race, gender, class, language, citizenship status, etc.), and open, fair deliberation is possible.
- » Citizens are rational actors, and they are willing to compromise and accept the just or right solution.
- » Decision makers will listen to, and take account of, the public’s views.

Applicable Context

Key tenets of deliberative democracy are most applicable when policies need to account for local contextual factors that will impact policy implementation. Providing a forum for input and feedback allows decision makers to incorporate opinions and concerns of beneficiaries and potential policy “losers” in the framing of rules and procedures. An optimal time to use deliberative techniques in implementation policy is during public comment periods.

Critiques

There are two critiques of deliberative democracy. The first illuminates that—even while trying to promote equitable representation of multiple voices—deliberative democracy fails to acknowledge the power differences between marginalized and privileged individuals and communities within deliberative spaces, which can impair open and informed debate. In addition, critics argue that in practice, a deliberative democracy would favor those who are better able to articulate their ideas. For example, citizens who do not speak English or lack certain cognitive abilities would not be able to engage as easily as others, and could potentially be discouraged from participating at all.

The second criticism argues that deliberative democracy is impractical, given the scale of engagement that would be needed. While new scientific procedures such as deliberative polling²⁷ are beginning to create viable forums, critics remain skeptical of a fully functioning deliberative political process. In addition, deliberative democracy fails to address what happens when stakeholders don’t impact policy and procedural formation, specifically the resulting effect on their willingness to participate in the future.

²⁷ Deliberative polling is a social science procedure in which a representative sample of a particular population is brought together in a public forum, given information on a particular topic, and provided the opportunity to engage in public deliberation.

Stealth democracy posits that individuals prefer an indirect political system in which political decision making is ceded to non-self-interested independent experts.

Stealth Democracy

Summary

Contrary to the prevailing view that the public wants greater involvement in politics, stealth democracy argues that most citizens are disinterested in policymaking and therefore content to relinquish decision-making authority. Developed by John Hibbing and Elizabeth Theiss-Morse, the theory of stealth democracy argues that individuals prefer an indirect political system in which political decision making is ceded to non-self-interested independent experts. In fact, theorists believe that efforts to engage the public in the political process will fail because citizens are averse to conflict and are indifferent toward policy decision making.

Theorists attribute this aversion to the conflict and debate that occur in the policy process. For example, most people agree on overarching policy goals like lower crime and affordable healthcare; however, they overestimate consensus around the policy preferences that lead to the achievement of these goals. As a result, when conflict and debate occur in the policy process, they attribute it to self-serving politicians and not legitimate policy alternatives.

The desire for a latent democracy illuminates citizens' dissatisfaction with the policy process and not, as dominant theory suggests, with actual policy decisions. Theorists claim that attempts to engage citizens without a foundational understanding of the democratic policy process will be unsuccessful.

Elements of a Stealth Democracy

The following elements characterize a stealth democracy:

- » Citizens are concerned that politicians can directly benefit from their position at the expense of the larger polity and believe that legitimate decisions are made when there is no demonstrable benefit to the policymaker. As a result, they conceptualize ideal decision makers as non-self-interested and will separate politics from policy and procedure.
- » Proponents of stealth democracy want political decisions to be informed by experts who understand the general public and whose only goal is to improve their lives. As such, they hope decision makers internalize a sense of compassion.
- » Citizens would like to interject in the political process if they feel decision makers are taking advantage of their positions. However, their engagement would be limited and periodic.

In these situations, advocates can push for the rulemaking process to engage experts who can impartially inform rules and procedures.

Key Assumptions

- » Citizens are politically disinterested and have no real interest in political procedures. The underlying logic behind this assumption is that people have strong policy goals but ambiguous policy preferences.
- » Conflict makes citizens uncomfortable with political disagreement. This is a fundamental assumption in a stealth democracy and what makes citizens prefer decision makers who would make policies based on the good of the general public and absent of political ideology or personal interest.

Applicable Context

Key elements of stealth democracy are most applicable in situations where policy choices are marked by high levels of conflict and disagreement. In these situations, advocates can push for the rulemaking process to engage experts who can impartially inform rules and procedures. Furthermore, elements of stealth democracy would be most applicable to consider when advocates encounter apathy in public engagement efforts. Explaining the political process to citizens, through a stealth democratic lens, can result in increased understanding and engagement.

Critiques

A key criticism of stealth democracy theory is that its conclusions are overstated. Hibbing and Theiss-Morse developed the theory from one study of political attitudes. As such, stealth democracy is a working theory that has yet to gain validity through replication across time. Furthermore, critics argue that unchecked experts have the potential to produce the same corruptive behavior of the current democratic decision-making process. Theorists fail to reconcile this point or discuss characteristics of the standard “expert” decision maker. In addition, critics argue that active participation in the political process is the best way to understand democracy, suggesting that engagement itself is an educational experience in conflict and resolution. This scrutinizes the heart of theorists’ argument that the democratic political process must be learned prior to effective engagement.

Relevance in Application to Advocates

In this section, we review how the two different theories of democracy have practical application to the work of advocates for each type of implementation advocacy. For each, we provide high-level thoughts about the strategy respective to deliberative and stealth democracy, as well as possible tactics that can be used.

Administrative Advocacy

Strategy

DELIBERATIVE DEMOCRACY

Ensure participation of the public, particularly beneficiaries, in the rulemaking process.

STEALTH DEMOCRACY

Ensure the rulemaking process is neutral and depoliticized, drawing on data and professional expertise to inform all decisions.

Tactical Focus

DELIBERATIVE DEMOCRACY

Advocate for:

- » Creation of venues to solicit public input which encourage representation of multiple voices
- » Formation of stakeholder bodies to inform rulemaking
- » Transparency through dissemination of information about activities and discussions in regulatory environment
- » Directly support involvement of the public and beneficiaries in the process

STEALTH DEMOCRACY

Advocate for:

- » Involvement of external experts in the rulemaking process
- » Formation of watchdog groups to monitor rulemaking process
- » An element of transparency so public can ensure decisions are made without political interest or self-interests

Implementation Advocacy

Strategy

DELIBERATIVE DEMOCRACY

Integrate mechanisms for feedback from those who have been impacted by the policy.

STEALTH DEMOCRACY

Integrate mechanisms for monitoring the implementation process.

Tactical Focus

DELIBERATIVE DEMOCRACY

- » Form stakeholder bodies to inform the implementation processes.
- » Develop feedback loops to ensure beneficiary involvement and active participation.
- » Enable transparent public forums for information sharing on fund disbursement and evaluation.

STEALTH DEMOCRACY

- » Form watchdog groups to monitor implementation process, ensuring changes are vetted through experts or data.
- » Bring attention to the process if implementation process is politicized or ineffective.

Ongoing Capacity Maintenance

Strategy

DELIBERATIVE DEMOCRACY

Maintain public engagement and capacity.

STEALTH DEMOCRACY

Maintain media and expert relationships.

Tactical Focus

DELIBERATIVE DEMOCRACY

- » Ensure the public, and the beneficiaries in particular, remain informed and educated about implementation of the policy.

STEALTH DEMOCRACY

- » Maintain media relationships so media can be mobilized when necessary.
- » Maintain and develop relationships with experts to inform them of local context changes or seek advice.

Questions for Assessing Progress and Learning

In addition to informing strategy, the theories of democracy provide some guidance for evaluation questions that may be useful for either assessing progress or learning from the work. We provide some sample questions below:

Sample Questions for Assessing Progress Relative to the Theory

DELIBERATIVE DEMOCRACY

- » To what degree have stakeholders who will be impacted by the policy been actively involved in decision-making processes?
- » To what degree have stakeholders been provided quality information about the issue? Do stakeholders understand and value their role in the deliberative process?
- » Do the venues and mechanisms for engagement promote access and mutual respect?

STEALTH DEMOCRACY

- » Have experts been engaged to interface with the government agency leadership?
- » Is rulemaking informed by data?
- » Are structures and processes in place to monitor how state actors implement policy and expend funds?
- » Are media relationships in place if mobilization is necessary to counteract special interests?

Sample Questions for Learning to Support Ongoing Advocacy

DELIBERATIVE DEMOCRACY

- » Do stakeholders feel like their perspectives are being seriously considered in final policy decisions?
- » Has information been shared in ways that support uptake? Is information relevant and culturally competent?
- » Do all stakeholders feel comfortable and able to voice their opinions given possible power dynamics and cultural differences around communication?

STEALTH DEMOCRACY

- » Are the “right” sources of data being used to inform decision making?
- » Is engagement of experts helping to depoliticize rulemaking and implementation?

Conclusion

When we first began this endeavor, it wasn't clear the extent to which there would be a distinct sphere of advocacy for policy implementation to explore. Yet, drawing on the expertise of funders and advocates, as well as literature in public administration and political science, we have learned that this space is rich with information and ripe for further exploration.

We hope that the information shared in this brief provides a good foundation for:

» **Building a Common Language**

Throughout this brief, we have named and explored characteristics unique to implementation advocacy and outlined three different types of implementation advocacy: Administrative Advocacy, Implementation Advocacy, and Ongoing Capacity Maintenance. By sharpening the focus on these concepts, we hope to help advocates, funders, and evaluators better communicate about work in the policy implementation stage.

» **Focusing Strategy**

In addition to naming and exploring characteristics and types of advocacy, we have articulated strategies and tactics to deploy for each of those discrete types of advocacy, with consideration of specific contextual factors—including the bureaucratic context and the level of conflict and ambiguity surrounding the policy issue. We hope that the strategic guidance outlined in this brief will help advocates and funders select, prioritize, and communicate about targeted strategies to maximize their efforts.

» **Strengthening Advocacy Theories of Change**

Theories of change—a tool often used for defining interim outcomes in advocacy and policy campaigns—have been used little for policy implementation. Advocacy-focused theories of change have often punted around the policy win and gone directly toward the ultimate changes among people or the environment that the desired policies seek to have. We hope that the quality and utility of theories of change can be strengthened by having more clarity around: a) how advocates conceptualize their policy implementation work, b) how it occurs in tandem with campaign activities, rather than as a sequential set of activities, and c) which kinds of strategies might be employed under particular circumstances.

» **Improving Measurement and Learning**

We hope that more discussion between funders, advocates, and evaluators about work in this space can result in meaningful use of evaluation and data to understand progress and support learning. The sample questions provided for each of this brief's three key frameworks and theories will hopefully provide a starting point from which to consider where evaluation could provide a useful lens on this important aspect of policy work.

The framework and set of theories outlined in this brief can be added to the toolkit for strategists and evaluators who work in this space as a way to think more broadly about outcomes and areas of possible inquiry.

Beyond this, we regard this brief as an opportunity to open a broader conversation in the sector to refine the framework and more deeply explore some of the open questions we already see emerging. A few opportunities include:

» **Continuing to Clarify the Extent and Nature of Advocates' Role**

As we learned from our interviews, advocates vary in the degree and times with which they stay actively involved in supporting implementation. With the risk of greater “kitchen sink syndrome” of trying to do it all, advocates need to weigh costs, risks, and opportunities for when they double down on implementation and when they need to focus resources elsewhere. It could be helpful to better understand the criteria advocates use for determining when to engage in implementation advocacy and when to exit.

» **Supporting Effective Hand-Offs**

As described in the Setting the Stage section, there are frequently changes in venue from federal to state or state to local, and hand-offs between advocates who engage in administrative advocacy to other kinds of intermediaries or non-profits who can support implementation on the ground. It would be beneficial to develop a deeper understanding of how those hand-offs happen most effectively among the numerous potential stakeholder groups (e.g. beneficiaries, community-based service providers, content specialists, advocacy groups, etc.).

» **Implementing Larger-Scale Campaigns**

For the purposes of this brief, we have treated campaigns and implementation advocacy as a finite package; that is, implementation of a particular win is the goal. However, this is just one scenario within policy and advocacy work, an arena that is much more multi-faceted. For example, advocates within a broad campaign around marriage equality or environmental protection think of wins as discrete components of a much larger “momentum” that needs to be built and sustained across multiple campaigns—rather than a more singular focus on implementation for any one individual campaign. More exploration of larger-scale campaigns that may be multi-state, -province, or -country and the role of implementation could be useful.

» **Applying Theories and Concepts to Advocacy Evaluation**

As the field of advocacy and policy change evaluation continues to mature, new approaches, such as forecasting approaches (e.g., scenario planning, pre-mortems, appreciative inquiry) and systems mapping, are being added to the suite of tools that have been developed over the last decade. The framework and set of theories outlined in this brief can be added to the toolkit for strategists and evaluators who work in this space as a way to think more broadly about outcomes and areas of possible inquiry. It will be useful to continue to learn about how these concepts enhance evaluation design efforts, what questions yield fruitful learnings, and whether new methods emerge that help to capture some of the results of advocacy efforts in implementation that may differ from their efforts to achieve policy wins.

We hope this work provides a strong starting point for understanding strategy for implementation advocacy while laying the groundwork for further exploration.

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Interview List

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