Surprisingly little theoretical attention has been devoted to the final step of the public policy implementation chain: understanding why the targets of public policies do or do not “comply” — that is, behave in ways that are consistent with the objectives of the policy. This paper focuses on why program “targets” frequently fail to act in the way that program designers intended and wanted, even when it appears to be in their self-interest to do so. This is a question that can be asked for a broad array of government policies. The paper begins by briefly defining target compliance and the main approaches that governments may use to secure compliance. It then discusses the dominant theoretical approaches to understanding target compliance, and develops a general categorization of reasons for compliance or non-compliance and strategies that are generally used to cope with each of these causes. Finally, the author suggests some lessons about what program designers and implementers should do to address problems of policy non-compliance.
Introduction

Voters elect governments to solve social problems. Governments design and implement a huge array of programs to ensure the public good. A sizable literature has developed suggesting that problems in program implementation are a major source of poor government performance, ranging from inadequate coordination between agencies and levels of government to front-line workers who disagree with the program and implement it with less than total enthusiasm.

Surprisingly little theoretical attention, however, has been devoted to the final step of the implementation chain: explanations of why the targets of public policies do or do not “comply” with those policies – meaning that they behave in ways that are consistent with the objectives of the policy. Very few policies are “self-implementing” – that is, a declaration of policy requires no further actions to bring about the desired changes in policy outputs and societal outcomes. And most policies that are not self-implementing require actions by a broad array of ordinary citizens, corporations, or other actors if they are to achieve their objectives.

Program “targets” frequently fail to act in the way that program designers intended and wanted, even when it appears to be in their self-interest to do so. For example, people continue to begin to smoke, even in countries where there are well-organized anti-smoking programs, including ghastly pictures on cigarette packages prominently displaying the ill effects of smoking. Many residents of New Orleans and surrounding areas did not move to safer areas even after a mandatory evacuation order was issued before Hurricane Katrina struck in August 2005. Single mothers in the United States vary greatly in the degree to which they have responded to increased work incentives and work requirements by obtaining and retaining employment. Compliance with tax laws is much higher in Chile than in neighboring Argentina.

Compliance with government policies also varies tremendously across policies. In some cases, it seems that compliance with government policies is hardly observed at all – think of parking regulations in Italy, for example – but in other cases, the compliance rate for government policies is surprisingly high, as with the imposition of a smoking ban in Irish bars and restaurants in March 2004 and in French restaurants and cafes in February 2008.

Whether individuals or other actors outside government comply with government policy can all be said to depend on six broad factors. The importance of specific factors in influencing compliance or non-compliance will vary from policy sector to sector. In examining the roots of compliance and non-compliance, I will begin by briefly defining target compliance and the main approaches that governments may use to secure compliance. I then discuss the
dominant theoretical approaches to understanding target compliance and
develop a general categorization of reasons for compliance or non-compliance,
and strategies that are generally used to cope with each of these causes. Finally, I
suggest some lessons about what program designers and implementers should
do to address problems of policy non-compliance.

Analyzing Barriers to Target Compliance

What is target compliance? The first contemporary definition of “compliance”
offered by the Oxford English Dictionary is “acting in accordance with, or the
yielding to a desire, request, condition, direction, etc.” Compliance may, but
need not, involve willing agreement to behave in this way: grudging compliance
is still compliance. Equally important, there are many gradations in how specific
and insistent governments are in their degree of “direction” they give to the
targets of policy, in the perceived stakes of compliance, and in the degree of
compliance that is received. Sometimes governments simply admonish
compliance with their policy objectives. Governments also use incentives to try to
obtain compliance with government policies – requiring deposits on soft drink
bottles and cans to encourage recycling, for example. Governments may also
prohibit, regulate, or require specific behaviors, with penalties attached for non-
compliance. These can take many forms, such as zoning laws and indoor
smoking bans.

Target compliance has both individual and aggregate elements. In both cases,
the boundaries between “adequate” levels of compliance and inadequate levels
of compliance that indicate or lead to policy failure are often unclear. In sectors
where a specific standard for individual compliance needs to be set and it is
unclear that there is a clear boundary between acceptable and unacceptable
behavior, a modest level of non-compliance may be tolerated. In many
jurisdictions, for example, driving a few miles per hour over the speed limit is
unlikely to draw a speeding ticket. Formal rules are more likely to be adhered to,
substantial resources are more likely to be devoted to monitoring and
enforcement, and severe sanctions are more likely to be imposed in sectors where
even very rare acts of non-compliance pose an unacceptable risk to policy
objectives, such as the enforcement of airport security rules on bringing potential
weapons or explosives onto airplanes. In short, there is no single, general
answer to the question “What constitutes a compliance problem?”

There are some groups (career criminals, for example), that are likely to be
frequent non-compliers with government policies or almost any set of externally-
imposed rules. But in what follows, the focus will be on people who are mostly
compliers, as well as situations in which the “direction” being given (i.e.,
information on what constitutes compliance) is reasonably clear and the stakes of compliance or non-compliance are perceived by those implementing the policy to be consequential.

Theoretical Perspectives on Compliance and Non-Compliance

Two paradigms have dominated analyses of why targets comply or do not comply with government policies. The first is the “rational actor” perspective. This perspective sees program targets as responding rationally to incentives they face in a way that maximizes their self-perceived utility. The main policy implication of this approach is that it is critical to get the structure of incentives and sanctions right and to monitor and enforce compliance with the policy to ensure that compliance is appropriately rewarded and that non-compliance punished. The incentive structure should be tweaked occasionally to take account for changes in behavior and changing public objectives.

The second common perspective on target compliance flows from the relatively new discipline of “behavioral economics,” and it can be seen in works like the recent book by Richard Thaler and Cass Sunstein, *Nudge*. Thaler and Sunstein argue that program targets have a limited capacity to process information, and that biases built into their projections of payoffs from various choices may lead them to make choices that are not optimal, either in terms of their own self-interest or that of society.

The policy implications of the behavioral economics approach are several. First, policymakers and implementers should structure options in ways that will skew choices toward socially desirable outcomes. If it is desirable to increase voluntary retirement savings, for example, it would be wise to change the default by enrolling employees automatically in employer-administered voluntary retirement savings plans and requiring individuals to opt out, rather than making non-participation the default option. Secondly, instead of trying to maximize the number of options from which policy targets can choose, it is important to ensure sure that policymakers do not make options too numerous or complicated, or people will “choose” the default option, which is frequently the status quo. Third, individuals are susceptible to what a variety of social scientists call “framing effects” that emphasize the potential costs of non-compliance: in two communities threatened by Hurricane Katrina, for example, first responders found that asking holdouts from a mandatory evacuation order to write their Social Security numbers somewhere on their body with a permanent marker so that it would be easier to identify their corpses after the hurricane hit worked well in persuading them that the threat was severe and that they should leave the area.
Sources of Compliance and Non-Compliance

Both the rational target and behavioral economics approaches have much to say that is useful. However, neither approach considers a sufficiently broad range of factors that affect policy compliance to serve as an adequate guide to policy designers and implementers. The seemingly disparate instances of the “target compliance gap” discussed above can, in fact, be understood as resulting from six broad underlying sets of factors:

- Incentive and sanction problems where positive and/or negative incentives are insufficient to ensure compliance;
- Monitoring problems where target compliance may be difficult or costly to monitor;
- Resource problems where targets lack the resources to comply even if they want to;
- Autonomy problems where targets do not have the power to make decisions that comply with policy even if they want to;
- Information problems where targets lack information that would make compliance more likely; and
- Attitude and objectives problems where targets are hostile/mistrustful toward providers or programs.

I will look briefly at each of these in turn.

Incentives and Sanctions

As suggested above, high rates of target compliance are unlikely where positive incentives and/or negative sanctions are not sufficient or certain enough to ensure compliance. Low gasoline taxes are unlikely to cause people to stop buying sport utility vehicles, especially in places with long winters and lots of snow. The appropriate policy response to incentive and sanction problems is usually to strengthen those incentives or sanctions and ensure that they are enforced consistently rather than haphazardly. However, the assumption that “stronger incentives equals greater compliance” is not always correct: an obvious case is the U.S. experience with prohibition on sale of alcoholic beverages in the 1920s. At a minimum, policymakers who are considering increasing incentives and enforcement need to consider the ways in which it may lead to new, and potentially more harmful, forms of non-compliance.
Monitoring

High rates of target compliance may also be hard to achieve where compliance is difficult or costly to monitor. Monitoring is likely to be especially problematic where the activities involved are illegal, take place in private, or both. Both the privacy and illegality barriers to monitoring can be seen in government policies in many countries to encourage 100 percent condom use by commercial sex workers and their clients. The common responses to monitoring problems is to find monitoring mechanisms that are cheaper, more reliable, less obtrusive and pose lower costs/risks on compliant targets. Most monitoring mechanisms are not without risks, however, especially in relation to privacy concerns.

Resources

Program targets may also lack the resources that they need to adapt to a policy, even if they want to comply and recognize the advantages of doing so. The kinds of resources that facilitate compliance with public policy may be diverse; these resources not only include cash assets, but also things like good health, human capital, strong social networks, and the ability to draw easily on existing public infrastructure. Many poor residents and institutionalized populations in New Orleans and nearby areas lacked private transportation to leave New Orleans before Hurricane Katrina struck, and the city of New Orleans and state of Louisiana did not provide it. Moreover, the hurricane struck at the end of August, and many individuals, especially those dependent on monthly government transfer payments, lacked the resources needed to support their families during an evacuation. Transitions from welfare to work have been particularly difficult for single mothers suffering from multiple resource barriers, such as low education, domestic abuse problems, and poor access to public transportation or a private vehicle.

Autonomy Problems

Targets may also be non-compliant because they lack autonomy over their decisions and thus are unable to comply, even if they would prefer to do so. For example, children in developing countries are likely to lack autonomy in decisions over whether to attend school or engage in child labor. Victims of domestic violence may not seek medical attention or report the assaults they experience due to the threat they perceive at home. Addressing this type of non-compliance may involve (1) influencing the party with the decision-making power, or (2) empowering the target so they can gain autonomy over their actions.
Information problems

Another possible barrier to compliance is that targets of a policy lack information that, if they did possess it, would make them more likely to comply. It may be unclear to targets what constitutes compliance, as when governments have only vague goals for reducing energy usage, or what the stakes of compliance are.

The most common response to information problems is to implement information campaigns. These campaigns can take many forms. Graphic warning labels on cigarette packages remind purchasers of the dangers of smoking. Large stickers on the windows of new cars that give their estimated gas mileage remind potential purchasers of the future environmental and economic consequences of their choices.

Attitudes and Beliefs

Attitude and beliefs constitute a very broad set of influences on target compliance. They include beliefs concerning both the legitimacy of the policy itself and the government that imposes or enforces the policy. Thus compliance is likely to be higher when non-compliance is seen as socially unacceptable. As noted earlier, compliance with indoor smoking bans that have been enacted in many countries and sub-national jurisdictions in recent years has generally been very high, including in French cafés and Irish pubs where cultural stereotypes might suggest that this would not be the case. In jurisdictions with high rates of compliance, smokers appear to have accepted their “pariah” status, and accepted the argument that they should not inflict second-hand smoke on others.

Lessons for Policy Designers and Implementers

If policymakers and program implementers gain a better understanding of the causes of non-compliance, what lessons they can draw that may improve governmental performance?

The first and most important lesson is that when policymakers are designing new public policies or revising old ones, they should not assume that they know how the targets of policy will react and that compliance will be automatic and universal. Compliance is instead an issue that must be explicitly addressed when designing policies and implementation strategies. An analysis of potential barriers to target compliance that draws on the set of factors examined here should be an important part of the initial policy design process, rather than going back to try to rectify problems later. But how can policymakers learn about programs that do not exist yet? One way is to look at experiences of other programs in the same political jurisdiction, or similar jurisdictions, that serve a
similar clientele and have similar program characteristics. Another strategy for learning about potential implementation problems is to use pilot programs to get more detailed information on likely compliance rates. However, this option is expensive and is likely to conflict with politicians’ desires to get a new program implemented broadly as fast as possible so that they can claim credit for it in the next election. Focus groups of current front-line workers and potential clients can also be useful in identifying potential compliance trouble spots.

A second lesson is that it is important to think comprehensively about the causes of target non-compliance and how to address those causes. There is a tendency to think that if policymakers have addressed the most glaring causes of non-compliance – for example, getting incentive structures right – then that is all that needs to be done. Less obvious causes of non-compliance, such as lack of client resources or opportunity costs of compliance, may be ignored. It is important for the government to make sure it has the right diagnosis, which may be multi-causal.

A third lesson is that policymakers should think about ways to make compliance with government policies easier. Here the principles of behavioral economics are particularly useful, notably in the ideas that choices should not be too complicated and that the default option should be one that is consistent with the government’s perception of socially-desirable outcomes.

A fourth lesson is that the targets of policy sometimes face what James Q. Wilson refers to as “situational imperatives,” which are conditions that overwhelm any other considerations in a target group’s decision on whether to comply with policy. Sometimes these situational imperatives substantially lower the prospects for target compliance. For example, families in developing countries who are desperately poor are more likely to have their children engaged in child labor or in household labor, rather than attend school. Governments need to develop focused strategies to respond to situational imperatives that put target compliance, and policy success, at risk.

Fifth, it is important to not assume that all targets of a policy are homogeneous and that strategies to secure compliance from the modal client will work for all. An effective analysis of target compliance should: (1) consider impacts of policy incentives, monitoring, resources, etc. on specific sub-groups of targets, (2) identify potential causes of target non-compliance and consider strategies to deal with them, and (3) analyze impacts on unintended targets and develop strategies to mitigate them, if necessary.

Sixth, in cases where resources are limited, which is almost always, it is important to analyze how much compliance is “good enough,” and by whom, for the policy to be a success. It is vital to link the strategy for increasing compliance to the severity of consequences of non-compliance.

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Policymakers should not assume that they know how the targets of policy will react and that compliance will be automatic and universal.

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Target Compliance: The Final Frontier of Policy Implementation
A seventh lesson is that policymakers should be on the lookout for “leverage points” where they can reduce targets’ compliance costs, reduce monitoring costs, and/or simplify program delivery. Withholding of income taxes by employers and reporting and transfer of amounts withheld to government is a good example of a use of a leverage point that is so deeply institutionalized that we do not even think about it.

An eighth overall lesson is that having backup strategies can be very important in securing compliance, especially when the primary strategy is problematic and the costs of non-compliance is high. A clear example is the multiple systems used to prevent additional terrorist hijackings of aircraft by even the most determined non-compliers. In addition to intensified airport screening of passengers, cockpit doors have been reinforced and air marshals put on some flights.

A ninth lesson suggested by this discussion is that it is important to use framing to increase compliance with policy. The dire framing noted above to get residents in the path of Hurricane Katrina to comply with an evacuation order is a particularly striking example. In most cases, of course, framing compliance as a choice that is literally between life and death is not credible, and an overly dramatic framing may cause government authorities to lose credibility. However, sometimes life-or-death framing is appropriate, as in the case of cigarette warnings and HIV, and governments should not be afraid of using it.

A final lesson, and this may be the hardest lesson for policymakers to learn, is that widespread failures of policy compliance may signal that there is something wrong with the policy, rather than that something is wrong with the targets who are being uncooperative by failing to comply with it. Policy experts tend to think that they know best, that they possess all the relative information, and the policy that they have come up with is the best option, given myriad constraints, including political constraints. It can be both frustrating and difficult for policymakers to comprehend why the targets of policy do not see things the same way they do. But history is replete with examples of situations in which policymakers in the past felt that they “knew better” about policies that we now regard as fundamentally wrong-headed.

Policymakers must, therefore, listen to and learn from the “targets” of public policy – who are, after all, also citizens. It is critical to listen to both what they say and what they do. Failure to listen can keep governments from learning quickly what mistakes of omission or commission (or both) policymakers have made and correcting those mistakes. Failure to correct policy mistakes is likely to be a recipe for policy disaster, either in the near-term or later.
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