



The Tansley Lecture

If You Build It, Will They Come?

Overcoming Unforeseen Obstacles
to Program Effectiveness

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If You Build It, Will They Come? Overcoming Unforeseen Obstacles in Policy Implementation

R. Kent Weaver

Voters elect governments to solve social problems. And governments design and implement a huge array of programs intended to lower school dropout rates, increase recycling or the use of public transportation, or reduce traffic accidents or smoking rates, to name a few examples. Sometimes, however, the results of those programs are disappointing: landfills continue to fill up, and traffic death tolls and death rates from lung cancer may increase. Of course, many social problems have deep roots, and there are simply no quick fixes – or perhaps no fixes at all – available. The 2009 Tansley Lecture will explore how policymakers can anticipate obstacles that may arise when government programs are implemented and strategies are developed that will lower the probability that those obstacles will interfere with the achievement of government objectives.

Very few policies are “self-implementing” – that is, there are few instances when a declaration of policy requires no further actions to bring about the desired changes in policy outputs and societal outcomes.¹ A number of problems might arise in program implementation – some of them inside government and some of them external. If it is a shared cost program, Ottawa might change its mind and provide less money than originally promised, or the provincial government may have to cut back on its funding in response to a budget crisis. Front-line workers might disagree with the program and implement it with less than total enthusiasm.

However, I will focus on implementation problems that have their roots outside of government. 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. For example, lowering the emission of greenhouse gasses may require increased use of public transit and the purchase of more fuel-efficient vehicles by millions of citizens. Reducing solid waste that is incinerated or dumped in landfills requires

citizens to recycle more. Indeed, for some programs, like public anti-smoking campaigns or bans on smoking in public places, changing the behaviour of some target group of citizens is the whole point of the policy.

While some public policies have the entire population as their target constituency – laws against littering, for example – many policies have more specific target constituencies. Policies to increase school attendance and achieve universal childhood vaccination, for example, require the cooperation of parents of young children. Many policies require the simultaneous cooperation of *several* potential sets of program targets to achieve their objectives. Increased employment by single mothers leaving welfare, for example, requires cooperation not just from those who leave welfare but also from employers who may view these potential workers as unreliable because of their care-giving responsibilities.

I will focus 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. For example, why do 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? Why did some residents of New Orleans and surrounding areas not move to safer areas even after a mandatory evacuation order was issued before Hurricane Katrina struck in August 2005? Why did many otherwise law-obeying citizens of Saskatchewan fail to comply with the Canadian Firearms Registry or the 2005 ban on smoking in most indoor public places? Why have single parents in the United States varied in the degree to which they have responded to increased work incentives and work requirements by obtaining and retaining employment? Why do many parents in developing countries fail to send their children to school, even when there is no charge for school attendance?

Compliance with government policies 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 non-compliance by citizens is actually the exception to the rule. In fact, in many cases, the compliance rate for government policies is surprisingly high, as it was with the imposition of a smoking ban in Irish bars and

The Tansley Lecture 2009

restaurants in March 2004 and in French restaurants and cafes in February 2008 – both places where a smoky atmosphere was considered an almost intrinsic part of the ambience. Indeed, in some cases, the compliance rate with government policies is so high that policy outcomes overshoot the desired policy objectives, and the policy has to be reversed (Anderson, 2004). A good example of this occurred in the 1970s, when the government of Singapore initiated a series of policy initiatives to reduce fertility rates on the small, crowded island country, which averaged almost 6.5 children per woman in 1967 (Tan, Lee, & Ratnam, 1979). These policies included both sloganeering (posters proclaiming “Take Your Time to Say ‘Yes’” and “Girl or Boy, Two Is Enough”) and incentives such as higher hospital delivery charges for children born later in the birth order, lower priority for admission to the most desirable primary schools for fourth and subsequent children, prohibition of paid maternity leave for third and subsequent children, and lower priority given to large families seeking housing in government-subsidized apartments. By 1987, admittedly for reasons only partly related to government policies, fertility had fallen to approximately 1.5 children per women, a rate that is well below replacement (Lee, Alvarez, & Palen, 1991). More recently, the Singapore government has pursued a pro-natalist policy, again including sloganeering posters (“Have Three or More Children If You Can Afford It”) as well as conventional incentive policies such as cash payments for second and third children, priority in housing and primary school access for larger families, promotion of more family-friendly workplaces, and more unconventional approaches like a government-sponsored dating service and relationship classes (Wong & Yeoh, n.d.; Saw, 2005; Mydans, 2008). Neither conventional nor unconventional approaches have succeeded in raising fertility rates in Singapore, however.

Compliance with government policy can also vary over time. In the late 1990s, Sweden instituted a new system of mandatory individual pension accounts. Workers were encouraged by the government to choose their own pension funds (up to five) from a broad array of options; those who did not choose were put into a government-sponsored default fund operated by an independent agency. In the initial round of pension fund choice in the year 2000, 67 percent of eligible workers made an active choice of funds, but by the year 2007, in the eighth round, less than two percent of newly-eligible

workers made an active choice of funds rather than going into the default fund. Why did compliance decline so much and so fast?

Whether individuals or other actors outside government comply with government policy in sectors that are as seemingly disparate as mandatory hurricane evacuations, school attendance, restaurant smoking bans, gun registration, and even condom use by commercial sex workers can all be said to depend on five broad factors. The importance of specific factors in influencing compliance or non-compliance will vary from policy sector to sector. However, it is important to think comprehensively about potential causes of non-compliance if governments are to reduce – as they can never eliminate entirely – potential barriers to successful policy implementation.

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 do I mean by 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.” (Oxford English Dictionary, n.d.). Compliance may, but need not, involve willing agreement to behave in this way: grudging compliance is still compliance.² Many citizens are not entirely happy about their tax bills, for example, but they still pay them.

Equally important, there are many shades of gray across political jurisdictions and policy sectors as to 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

The Tansley Lecture 2009

policy objectives. During World War II, for example, Canadians were strongly encouraged to turn in scrap metal to aid the war effort, and admonition is still used in a variety of sectors, from teen pregnancy prevention to anti-smoking campaigns. 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, or increasing gasoline taxes to encourage the purchase of fuel-efficient cars. Governments may also *prohibit, regulate,* or *require* specific behaviours, with penalties attached for non-compliance. These can take many forms, from zoning laws and indoor smoking bans to a bylaw recently proposed by the Toronto City Council that would require roofs on large new buildings to have a minimum percentage of vegetation coverage, with fines of up to \$100,000 for non-compliance (Hanes, 2009).

In some policy sectors, there is a high degree of uniformity across political jurisdictions, at least in the general strategy used to obtain compliance, if not in the specifics and the implementation of the policy. It is unlikely that many jurisdictions would consider either admonition or incentives as the dominant strategy in discouraging murder, for example: prohibition with sanctions is the preferred strategic approach, although the exact penalties vary. In some policy sectors, however, a mix of strategies has been utilized, with changes over time and variation across political jurisdictions. In attempting to prevent abuse of alcohol, for example, the United States and several Canadian provinces prohibited or severely restricted sale of alcoholic beverages toward the end of the second decade of the twentieth century. The later dismantling of prohibition regimes led to a diverse patchwork of policies, including a mixture of prohibition (of sale to minors), regulation (of acceptable blood alcohol levels while driving), incentives (alcohol content-based taxes), and admonitions (against teen drinking, binge drinking, alcohol consumption during pregnancy, etc.).

Governments may also issue exemptions from compliance requirements. Exemptions are frequently made because the benefits of compliance for a particular group are perceived to be low. Exemptions may also be based on perceptions that a group has a legitimate claim for “reasonable accommodation” in non-compliance that is based on special circumstances in a multi-cultural society – for example, the decision of British Columbia and Manitoba (but not Ontario) to exempt Sikh men from requirements that they wear a helmet when driving a motorcycle (Ivens, 2008).

Target compliance has both individual and aggregate elements. In both cases, the boundaries between “adequate” levels of compliance and inadequate levels of compliance which 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 behaviour, 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; policymakers and implementers are more concerned with avoiding gross violation with the anti-speeding policy (which are seen as most likely to endanger safety) than in enforcing the letter of the law or maximizing revenue collection (Edwards, 2006). 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 that are likely to be frequent non-compliers with government policies or almost any set of externally-imposed rules. Career criminals, for example, make their living from non-compliance with laws on theft, drug sales, arson, etc. Persons who have addictions – notably to drugs or alcohol – may also have difficulties complying with a variety of policies that conflict with the demands of their addiction. Persons with mental illness and some physical disabilities may have difficulties complying with some policies. Finally, there are people who are temporarily impaired in ways that may impair compliance – being drunk or under the influence of drugs. Each of these categories presents interesting and often extraordinarily difficult challenges for complying with government policy, but in what follows, I will set these groups aside and concentrate on people who are mostly compliers, as well as situations in which the “direction” being given (i.e., information on what constitutes compliance) is clear and the stakes of compliance or non-compliance are perceived by those implementing the policy to be consequential.³

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 compliance with the policy to ensure that compliance is appropriately rewarded and that non-compliance punished. The incentive structure should be tweaked occasionally to account for changes in behaviour and changing public objectives. If there is an increased problem with littering or drunk driving, for example, it would be wise to raise the penalties for those behaviours and enforce them more rigorously. If the goal is to increase the fertility rate, policymakers could raise family allowances and use public subsidies to make child care more affordable.

The second common perspective on target compliance flows from the relatively new discipline of “behavioural economics,” and it can be seen in works like the recent book by Thaler and Sunstein, *Nudge* (2008). Thaler and Sunstein argue that program targets have a limited capacity to process information, and 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 behavioural economics approach are numerous. First, policymakers and implementers should structure options in ways that will skew choices toward socially-desirable outcomes. For example, schools should put the healthier foods in a school cafeteria line in places where they are more likely to catch students’ eyes and are easy to reach; they should do the opposite for junk foods. If it is desirable to increase voluntary retirement savings, 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 that policymakers do not make options too numerous or too complicated, or people will “choose” the default option, which is frequently the status quo. I will explain this problem at work shortly in the context of the

Swedish pension system. Third, individuals are susceptible to what a variety of social scientists call “framing effects” (Kahneman & Tversky, 1981): for example, patients are more likely to have an operation if they are told that 90 percent of the people who have that operation will be alive after five years than they are if they are told that ten percent of the people who have it will be dead after five years, even though the two statements are mathematically identical (Thaler & Sunstein, 2008, p. 36). The reason for this tendency is that people are generally risk averse, and more sensitive to losses than gains.

Sources of Compliance and Non-Compliance

Both the rational target and behavioural 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 for policy designers and implementers. The seemingly disparate instances of the “target compliance gap” discussed above can, in fact, be understood as resulting from five broad underlying sets of factors:⁴

- 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;
- 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, drawing on some of the policy examples that I have already mentioned.

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 like Saskatchewan with long winters and lots of snow. Parking tickets that have low penalties and can easily be paid online make it less likely that people will rush back to avoid overstaying the time on their parking meters.

The appropriate policy response to incentive and sanction problems is usually to strengthen those incentives or sanctions and ensure that they are applied consistently, rather than haphazardly. However, there are also numerous complications that make the assumption that “stronger incentives equals greater compliance” a lot more complicated than it might seem at first glance. First, in thinking about the benefit/cost calculations of program targets, it is important to have a thorough understanding of how they themselves view those costs and benefits and to recognize that the elements of this calculus, and the weights given to various elements, may not be immediately obvious to program administrators. Moreover, this calculus may vary substantially from individual to individual. In particular, it may be difficult for program administrators to fully understand the opportunity costs of compliance – that is, what the target is giving up by complying. In many developing countries, for example, possible future income gains from sending children to school must be traded off against immediate family income that can be gained from child labour. If families believe that the returns to education are low or if they cannot afford to defer income, they may choose child labour.

Perverse incentives from poorly-designed programs are another potential problem with incentive approaches. A classic illustration is the Dayton (Ohio) Wage Subsidy experiment evaluated by Burtless (1985). Some participants in the experiment were given a voucher that entitled employers to a wage subsidy if they hired those participants, but participants with the vouchers actually had lower job placement rates than comparable participants without the vouchers. Why? Several elements of the program design may have contributed to this result, but the biggest culprit is seen by most scholars to be the fact the voucher clearly stated that the voucher-holder was a welfare recipient, which thereby stigmatizes the job seeker as likely to be an unreliable worker.

A final problem with the assumption that stronger incentives or sanctions ensure greater compliance is the need to recognize that strengthening negative incentives also creates a stronger impetus to try to maneuver around those incentives, rather than complying. This can be seen in the recent history of government initiatives to increase cigarette taxation in Canada as a way to increase compliance with the government policy to reduce smoking. The result was increased cigarette smuggling on the U.S.-Canadian border. The U.S. and Canadian experience with prohibitions on the sale of alcoholic beverages in the 1920s also shows the potential fallacy of the “stronger incentives/sanctions equals greater compliance” model. 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 the income of street vendors to make sure that they are complying with income tax requirements, for example, may be almost impossible. 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 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 solutions are not without risks, however, especially when concerning privacy.

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 incentives to do 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

The Tansley Lecture 2009

existing public infrastructure. A good illustration of this diversity can be seen in the reasons that many residents of New Orleans and surrounding regions did not leave before Hurricane Katrina struck in August of 2005. This is a case of uneven compliance with a decided racial and class component, and the reasons for non-compliance with the mandatory evacuation order are complex, rather than monocausal. An exhaustive report by the U.S. Senate Committee on Homeland Security and Governmental Affairs (2006) has laid out much of this complex story, but a lack of resources for the fleeing citizens clearly stands out as an important cause of non-compliance. Many poor residents and institutionalized populations in New Orleans and nearby areas lacked private transportation, 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, “no longer had enough money to support themselves and their families on the road” (U.S. Senate Committee on Homeland Security and Governmental Affairs, 2006, p. 254).

Targets who have multiple resource disadvantages are likely to have particularly severe problems complying with some policies. Single mothers trying to move from welfare to work in the United States are a good illustration of these problems. In 1996, the United States government dramatically increased its emphasis on requiring work from parents receiving cash welfare payments (overwhelmingly women in single-parent families) through a program that was relabeled as Temporary Assistance to Needy Families. Three years earlier, in 1993, the United States had enacted changes to the Earned Income Tax Credit that substantially increased returns to low-wage work. The results of these policy changes are complex and beyond what I am able to address here, but one key finding of subsequent research is that changes in work and income for this group were quite mixed. While many women increased income and earnings, at least when the economy was doing well, others' became much worse off. Why? The women with the worst outcomes in getting and holding onto jobs tended to have multiple compliance barriers for work requirements: for example, many women had very low skills and education levels, domestic violence problems, previously-undiagnosed health or mental health issues, and trouble accessing public transportation and affordable child care. Those who had the highest number of barriers to employment had the

greatest difficulty in getting, keeping, and advancing in jobs (Danziger et al., 2000). States have varied in how effectively they have responded to the problems of women with multiple employment barriers, but they have all become much more aware that what had seemed like an undifferentiated clientele when human services agencies were in the business of simply writing checks in a cash-transfer program began to look much more heterogeneous when those agencies started to have the responsibility to facilitate moving those clients into steady work at a level of earnings that can sustain a family.

The most common response to these previously-discussed resource problems is, of course, to provide those needed resources, but this strategy is likely to be more problematic when: (1) the resource needs of clients do not have a “one size fits all” character, (2) compliance is costly and complicated for targets, and (3) compliance is not a one-time action but stretches over time, as is the case of welfare-to-work transitions and many other types of actions that governments try to promote.

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 (Winter & May, 2001), as when governments have only vague goals for reducing energy usage, or what the stakes of compliance are. Targets may also lack information about how to comply; for example, they make lack information on HIV transmission mechanisms and prevention strategies.

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. Around the Washington, D.C. area, lettering has been etched into the pavement around storm sewers saying “Chesapeake Bay Drainage – Don’t Dump.” The implied idea is that if people are reminded that putting trash or bags of pet waste into the storm sewer will pollute this beloved and very fragile waterway, they are more likely to dispose of it properly instead.

The Tansley Lecture 2009

Information campaigns can also take more complex and targeted forms. For example, governments and non-government organizations (NGOs) in many developing countries have mounted campaigns to provide information on mechanisms of HIV transmission and prevention for long-distance truck drivers and commercial sex workers, who are seen as primary conduits for the spread of HIV (Orubuloye, P. Caldwell, & J. Caldwell, 1993; Witte, Cameron, Lapinski, & Nzyuko, 1998).

Attitudes and Beliefs

Attitude and beliefs constitute a very broad set of influences on target compliance. They include beliefs concerning the legitimacy of the policy itself, the government that imposes or enforces the policy, or a more general set of beliefs that simply have implications for compliance with a particular policy. Taking the last of these factors first, high rates of target compliance are unlikely where compliance contradicts deeply-held cultural beliefs. In many societies, for example, there is a strong desire for sons, in part because having sons is seen as a form of insurance against income loss in old age. While both China and India have banned the use of ultrasound equipment to determine foetal gender and engage in sex-selective abortion, compliance by both front-line health care workers and parents appears to be low, contributing to what is called Asia's "missing girls" and skewed gender ratios in both countries.

Compliance is likely to be higher when non-compliance is seen as socially unacceptable (Winter & May, 2001). 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. High compliance has occurred even where governments have taken a fairly passive attitude toward monitoring and enforcement, as in New Zealand, where monitoring and enforcing these policies relies heavily on front-line workers like bartenders and café managers who are not government employees. Several factors appear to be critical here: one factor is that the costs to targets of compliance are limited because citizens generally can still smoke if they go outside, and another factor is that in many places, smokers appear to have accepted their "pariah" status, accepted the argument that they should not inflict second-hand smoke on

others, and accepted the legitimacy of the smoking ban. But arrangements like the dual-smoking regime in Saskatchewan between on-reserve and non-reserve establishments may cause a policy or its enforcement to be seen as illegitimate, and thus may cause compliance to be lower.

Complex Roots of Non-Compliance

Where problems of non-compliance are severe, policy analysts should not look for a single root cause: there are likely to be multiple, reinforcing sets of causes. A good illustration of the complex set of forces that can contribute to non-compliance can be seen in the curious, but ultimately very understandable, case of why Swedish labour market participants stopped making an active choice of pension funds after the initial round of pension fund choice in 2000. It is important to start with the basics of how the system operates. In the 1990s, Sweden enacted a major revamp of their public pension system. One aspect of the reform was the establishment of a new mandatory, universal system of individual pension accounts. These accounts are funded by contributions of 2.5 percent of earnings up to an earnings limit (Weaver, 2005). Workers have a very wide choice of funds (465 choices in the initial round), and workers' pensions are determined in part by the performance of these pension investments. Workers who do not make an active choice of funds have their contributions invested in a default fund run by an independent agency set up by the Swedish government. This fund has the objective of providing a fund with a return "as least as good as everyone else," and so, the costs of non-compliance are likely to be seen as relatively low.

In this instance, compliance is defined as making an active fund choice, rather than having contributions go into the default fund, because active choice was clearly promoted by the Swedish government. Why then did compliance fall so quickly among Swedish workers after the initial round? The reasons are complex, rather than monocausal. The first reason is what can be called the decline of what is sometimes referred to as "herd mentality" after the initial round. Herd mentality simply means that people engage in a behaviour because it is the socially-acceptable thing to do. In the first round of pension fund choice, virtually everyone

The Tansley Lecture 2009

who had participated in the Swedish labour market in recent years, young and old, rich and poor, participated. Both the government and the media gave this policy a lot of attention, and so did fund providers, who saw a chance to gain a lot of new capital all at once. Choosing funds was often a family event around the kitchen table – just before the deadline, of course.

Lately, the situation has been very different. The number of participants is much smaller: only new labour market entrants. Thus, there is no society-wide “herd effect.” These workers are generally young, with very little financially at stake because of their low earnings. Many of these young workers also view choosing a pension provider as being of low salience because they have a long time until retirement. Coverage by the media has declined because a smaller part of their audience is directly involved in choosing funds, and advertising by fund providers is also much lower since the new contributions they can hope to attract are modest. And so, these young and unmotivated workers have little guidance on making a choice while the number of fund options has climbed to more than 700. Behavioural economics suggests that the more complex the choice, the more likely individuals are to go with a default option when it is available and acceptable. In fact, the default fund did better than the average actively-chosen portfolio in most of the early years of the Swedish pension system, so there appeared to be no positive incentive at all to an active choice of a fund. Indeed, by 2007, the Swedish government decided that it could no longer justify spending a lot of money trying to get new labour market entrants to choose a fund, so the government cut back their efforts, and active choice promptly fell to less than 2 percent in the 2007 round.

This example illustrates that when a major compliance failure occurs, multiple compliance barriers are often present. The Swedish pension fund system has some very good features, such as its low administrative fees, but many features of the system made it unlikely that the rate of active choice would be high after the initial round of fund choice. Compliance is always more likely when there are only a small number of simple, clear options and when people feel competent and believe that they have adequate information to make decisions. It also helps compliance if it is clearly advantageous for citizens to comply, if everyone else is complying, and if it is clear what the act of compliance entails. None of these conditions held in the case of the Swedish pension funds after the year 2000.

Lessons for Policy Designers and Implementers

As I have discussed, there are several quite distinctive potential causes of non-compliance with government policy, and multiple causes are often at work when non-compliance is widespread. The more important question, however, is one of policy action: even if policymakers and program implementers gain a better understanding of the causes of non-compliance, are there lessons they can draw from this understanding? I argue that there are several lessons.

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 they should not assume that compliance will be automatic and universal. Compliance is instead an issue that must be explicitly addressed when designing policies and implementation strategies.⁵ Many problems with target compliance can be anticipated in advance and incorporated into the design phase of policies, but this is unlikely to happen unless it is done consciously and explicitly. 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. Policymakers already understand that there are high-frequency non-compliers, such as career criminals and addicts, but they are much less likely to think about compliance for programs and clients in which compliance is the norm. Program targets, even if they are generally law abiding (like residents of Saskatchewan) are usually not passive and dependent “clients” who can easily be “trained” to comply (Lipsky, 1983).

The second lesson is that it is better to make the investment of thinking through compliance issues initially when a program is being created, rather than going back to try to rectify problems later. But how can you learn about programs that do not exist yet? There are several ways. 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. It is important to not carry these programmatic analogies too far, however, as subtle differences in program characteristics or clients may lead to big differences in compliance. Immunization compliance is an example: intensive worldwide vaccination efforts led to the eradication of

The Tansley Lecture 2009

smallpox, while polio has proven much more difficult to eliminate entirely because the oral polio vaccine used in developing countries requires multiple doses, and compliance cannot be verified by a mark left on the body.

Beyond analogies, another strategy for learning about potential implementation problems is to use pilot programs to get more detailed information on likely compliance rates, though 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 or, in parliamentary systems, in the next cabinet reshuffle. Focus groups of current front-line workers and potential clients can be useful in identifying potential compliance trouble spots, but often workers and program targets are not asked. If they are asked, they are often not listened to because politicians, policy advisors, and sometimes program designers see implementation as "someone else's problem." These groups may view their roles as getting a program up and running, even if it runs at less than optimal levels.

A third 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 fourth lesson is that policymakers should think about ways to make complying with government policies easier. Here the principles of behavioural 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. These principles can be seen in the New Zealand government's new "KiwiSaver" program that was implemented to increase individual retirement savings. While the program is not mandatory, workers are automatically enrolled unless a worker opts out, and this procedure is expected to keep participation high. Workers who do not choose a fund are assigned to a default fund, and there are both tax incentives for participation and direct government subsidies for contributions (Kritzer, 2007).

A fifth lesson is that the targets of policy sometimes face what Wilson (1991) 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.⁶ 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 labour or in household labour, rather than attending school. In this case, being able to eat is more important than acquiring human capital.

Governments need to develop focused strategies to respond to situational imperatives that put target compliance, and policy success, at risk. In the case of school attendance, for example, a number of countries have instituted school feeding programs and conditional cash transfers that require school attendance and other behaviours, such as routine immunizations, in order to receive those transfer payments. Of course, responding to the situational imperatives of some client groups will be more manageable, and more affordable, than others.

Sixth, it is important to not assume that targets 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 (including *secondary target* strategies), and (3) analyze impacts on *unintended targets* and develop strategies to mitigate them, if necessary. A strategy that may be sufficient to obtain compliance from one group of clients may not work for others, and strategies may have to be used to obtain compliance from the last 15 percent of program targets that are different than strategies that worked for the first 85 percent.

Seventh, it is wise to link the strategy for increasing compliance to the underlying reason for non-compliance. For example, in situations where the advantages to targets of compliance are high and costs to targets of compliance are low, and where targets of policy are unaware of these facts, public information strategies should generally be emphasized.

An eighth lesson is that in cases where resources are limited – which is almost always – it is important to analyze how much compliance is “good enough” (M. Grindle, 2004; M.S. Grindle, 2007), and by whom, for the policy

The Tansley Lecture 2009

to be a success. It is vital to link the strategy for increasing compliance to the severity of consequences of non-compliance. For example, there is a strong case for compulsion in quarantining highly contagious and fatal diseases like SARS.

The ubiquity of resource constraints also suggests that it is important to identify the most “mission critical” elements of target non-compliance and develop strategies and allocate resources to deal with them. These strategies and resource allocations need to be reallocated periodically to make sure that they are still appropriate, especially where client behaviour is changing rapidly, sometimes in response to government policies. In combating the spread of HIV, for example, it is important to consider differences between HIV *prevalence* (overall rates of infection in specific sub-groups of the population) and HIV *incidence* (rates of new cases in specific subgroups). If policies to discourage commercial sex work and encourage condom use by clients of commercial sex workers (CSWs) enjoy substantial success, for example, then at the margin it may be useful to devote more resources to blocking other pathways of transmission, such as intravenous drug use or spousal transmission by persons who have been past buyers or sellers of commercial sex (Pisani et al., 2003). Looking only at overall prevalence rates rather than incidence may understate important behavioural trends that have important implications for how resources are allocated and which strategies are pursued.

A ninth 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. Employers withholding income taxes and reporting and transferring 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. As citizens, knowing that the government already has our money and that they have an accurate record of how much we earned almost certainly increases compliance with tax laws over what the case would be if we were just asked to report our earnings (with no independent verification from employers) and send in a cheque for the tax owed at the end of the year.

Income tax withholding is not a unique case of using leverage points to increase compliance, however; thinking creatively about leverage points

has potential in a variety of policy sectors. A good illustration of this principle is the progress that has been made in eliminating physical and mental disabilities that are caused by insufficient intake of dietary iodine by requiring its inclusion in table salt. A *New York Times* article outlined the strategy pursued in Kazakhstan, which managed to increase the percentage of households using iodized salt from 29 percent in 1994 to 94 percent in 2006, with corresponding public health gains (McNeil, 2006). Their strategy focused on mandatory iodization of salt, combined with an intense public relations campaign. But as the *Times* article notes, Kazakhstan also had a critical advantage in terms of leverage points from having one salt producer with 80 percent of the market, whereas in “nearby Pakistan, where 70 percent of households have no iodized salt, there are more than 600 small salt producers,” making it much more difficult to use this strategy (McNeil, 2006, p. A1). As this example suggests, the availability of leverage points will vary from political jurisdiction to another, even within a single policy sector.

The iodization of salt is, of course, an extreme case where a cheap and very common leverage point is available that will result in a very inexpensive and massive increase in compliance with public health measures. However, it is a good illustration of the general maxim that it pays to think about where the leverage points are that can increase target compliance. Another illustration of the successful use of leverage points has been the use in recent years of free insecticide-treated mosquito net distribution in Africa, in combination with immunization campaigns for measles, polio, and other illnesses – in particular, making receipt of a free mosquito net, which tends to be highly valued by families, conditional on receiving immunizations (Dugger, 2006).⁷ In a pilot study in Malawi, for example, children in two districts who completed their immunizations by age one were given free mosquito nets, while immunizations in third districts were given without the offer of a free net. According to the Centers for Disease Control and Prevention (2008), in “the districts receiving the integrated services, the percentage of children aged 12-23 months who were both fully vaccinated by 12 months and who had slept under a net the night before their mothers was interviewed was four times higher (increasing from 10-14% to 40-44%)” (p. 4).

A somewhat more nuanced example of using leverage points comes from the case of paternity establishment in the United States. In 2007, a staggering 39.7 percent of births in the United States were to unmarried

The Tansley Lecture 2009

mothers (Hamilton, Martin, & Ventura, 2009, p. 3). Over the past fifteen years, state authorities in the United States have attempted to increase the establishment of paternity in such cases, especially as a mechanism to require that fathers pay child support for their children. Many of the relationships that lead to non-marital births are unstable, and the financial consequences for fathers of acknowledging paternity can be substantial. Thus, the longer it takes for paternity to be acknowledged or established, the more likely it is that it never will be. Two points of leverage have been used in the United States to increase paternity establishment. The first is that single mothers cooperate with state authorities in establishing paternity as part of the eligibility process for receiving benefits under the Temporary Assistance to Needy Families program (Mincy, Garfinckel, Nyaschy, & Nepomnyaschy, 2005). It is controversial because of the risk that it will disrupt often tenuous relationships between these parents and expose mothers and children to repercussions from fathers who do not want to face a legal obligation to pay child support.

Less controversial is a requirement in 1993 and 1996 legislation that requires states to establish a voluntary in-hospital paternity acknowledgement programs. At the time that births take place, many unmarried fathers do come to the hospital, the parents are much more likely to still be in a relationship, and many fathers are willing to acknowledge paternity. It should be noted, however, that while the rate of in-hospital paternity establishment has increased substantially, there is wide variation across states and individual hospitals in the success of the program (Turner, 2001). Front-line workers in hospitals are often uncomfortable taking on the role of facilitating paternity acknowledgement and are overwhelmed by other duties; when they do not focus on paternity acknowledgement, little progress tends to be made.

The iodine and paternity-establishment cases are quite different in detail but illustrate some common ideas about finding leverage points for increasing target compliance. Leverage points often do exist, but they may spark opposition of their own, especially if they impose additional costs or risks on program targets, and they are likely to pose their own specific implementation challenges that need to be thought through.

While it is important to be thinking of potential opportunities to use leverage points that will lower the costs of monitoring and the costs of compliance for program targets, it is equally important to be conscious of

potential challenges and risks for using leverage points. Creative use of leverage points may require developing partnerships with entities that do not see themselves as agents of government and may initially be suspicious or hostile, particularly if they see themselves as losing autonomy or competitiveness as a result of cooperation – salt companies that are asked to cooperate in iodizing table salt, for example.

Programmatic and bureaucratic “silos” may also need to be overcome to use leverage points effectively. For example, health departments and NGOs that have built up immunization campaigns around eradicating a specific disease will have to learn to cooperate and compromise on some of their own objectives if a combined multi-disease immunization campaign that is combined with mosquito net distribution is to be effective (Dugger, 2006). Implementation may also require cooperation of front-line workers who may see the new task as an unwanted imposition that is tangential to, or even conflicting with, their professional responsibilities and their organizational mission. As noted above, paternity acknowledgement has made more headway where it is a strong agency priority that is stressed in training hospital workers than where that is not the case.

A final critical problem in using leverage points is that excessive leverage may put clients at risk. Requiring unmarried mothers who receive government cash assistance to name the fathers of their children may put them at risk of violence or a reduction in informal support from fathers who do not wish to be subject to legal child support orders.

A tenth 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. Backup strategies can also be seen in a variety of other sectors. A good example can be found in AIDS prevention measures in sub-Saharan Africa, where campaigns focused on populations at high risk of infection, like long-distance truck-drivers, frequently stress abstinence or faithfulness to a single partner as a primary strategy, but also stress using condoms 100 percent of the time when that is not possible as a backup strategy.

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An eleventh lesson suggested by this discussion is that it is important to *use framing to the policy's advantage*. This precept of behavioural economics can have many applications beyond the placement of food items in school cafeteria lunch lines. A particularly dramatic example of framing the issue to obtain compliance can be found in the case of Hurricane Katrina mandatory evacuation orders. According to the U.S. Senate Committee on Homeland Security and Governmental Affairs' report on the disaster, because emergency workers could not force recalcitrant residents to leave, they:

were forced to resort to more psychological forms of persuasion. If a resident refused to evacuate in Harrison County, an officer asked him to fill out a form indicating next of kin, which seemed to have the intended effect... In Waveland and Bay St. Louis, first responders asked holdouts to make sure to have Social Security numbers on their body in permanent marker for easy identification after the storm.... These tactics proved effective in persuading residents to leave their homes. (2006, p. 256)

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. Indeed, governments in the Gulf Coast region have repeatedly expressed concerns that “crying wolf” too often in issuing hurricane evacuation orders would make it more difficult to get compliance later when the dire warnings of a hurricane's consequences turn out to be exaggerated. 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.

Research on campaigns to change health behaviours suggests that framing in these campaigns is quite complex, however. It is not enough to emphasize that there is a general threat: the targets of campaigns must believe that they are *personally* at risk. As well, it is not enough to stress that the targets of a campaign are vulnerable to a threat – that is, to merely stoke fear. It is equally important “to convince individuals that they are *able* to perform the recommended response...and that the recommended response *effectively* averts the threat” (Witte et al., 1998, p. 347; emphasis in original). In the case of HIV prevention, for example, campaigns that “just scare people” without

also conveying that individuals can take actions to avoid the threat may cause individuals who do not feel that they can control the danger to “instead *control their fear* by denying their risk of HIV infection, defensively avoiding the HIV/AIDS issue, or perceiving manipulation (e.g., ‘AIDS is a hoax; it’s really a government plot’)” (Witte et al., 1998, p. 347; emphasis in original).

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. Many examples could be given of this phenomenon (Scott, 1999), but suppression of native languages, cultures, and religions in native residential schools in the twentieth century is certainly one of the most poignant and compelling from a Western-Canadian perspective. Policy experts tend to think that they know best, that they possess all the relative information, and that the policy they have come up with is the best option, given myriad constraints, including political constraints. It can be both frustrating and difficult to comprehend why the targets of policy do not see things the same way, but it is important to also remember that policymakers in the past felt the same way 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.

The Tansley Lecture 2009

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The Tansley Lecture 2009

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Endnotes

¹ Usually self-implementing policy changes involve a decision by a government to stop doing certain things, such as requiring companies to obtain import licenses for capital goods or regulating entry into the inter-city bus-industry, for example.

² See, for example, May's (2004) discussion of affirmative or negative reasons for non-compliance.

³ I also want to set aside cases of target non-compliance that result from routine failures of service delivery or failure of front-line workers to do their job effectively. For example, workers in mass immunization campaigns may not keep the vaccines refrigerated, causing the vaccines to lose their effectiveness.

⁴ This list does not exhaust the reasons for non-compliance. In particular, 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 are likely to lack autonomy in decisions on whether to attend school or engage in child labour. Commercial sex workers may be pressured by brothel owners or clients to engage in sex without using condoms, and residents of high-crime neighborhoods may face pressure from gang members not to share information about the perpetrators of crimes with police.

⁵ It should also be recognized, however, that some target compliance problems (e.g., failure to get vaccinated) are really the result of failures of routine service delivery or failures to effectively monitor front-line workers who are supposed to deliver services. For example, failure of students to attend school in many developing countries may result in part from the failure of teachers to show up for class, weakening incentives for students to attend (Banerjee & Duflo, 2006; Chaudhury et al., 2006).

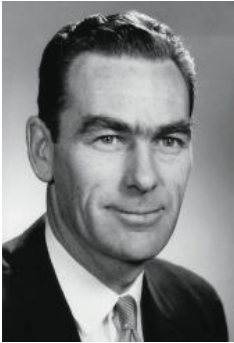
⁶ Wilson (1991) uses the term to refer to the behaviour of front-line workers. For example, he refers to the imperative of police officers to “establish control” when they arrive at the scene of a dispute between two citizens.

⁷ Joint campaigns pose other problems, however. As will be discussed below, they may complicate logistical coordination requirements, which can be a particular challenge in countries with weak governmental capacity. Moreover, providing mosquito nets for children does not mean that it is actually children (and not parents – especially breadwinners) who will use them. Actual household utilization is almost impossible to monitor (Mugisha & Arinaitwe, 2003).

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Donald D. Tansley (1925-2007)

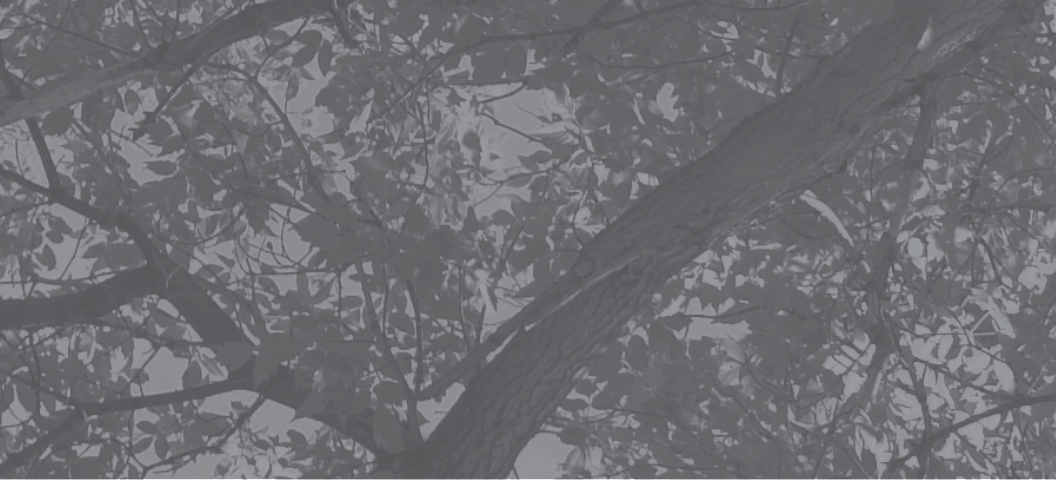
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Born in Regina on May 19, 1925, Don Tansley served overseas with the Regina Rifle Regiment. He joined the Government of Saskatchewan in 1950 after graduating in arts and commerce from the University of Saskatchewan. During his time in government, Tansley played a pivotal role in several areas, including chairing the committee that implemented the country's first working model of medicare. Tansley spent four years as a key deputy minister in the modernization of the New Brunswick government before moving to Ottawa where he served the federal government

in various positions including Deputy Minister of Fisheries and Oceans. Tansley was noted for his great organizational skills and his ability to work in challenging public policy environments.

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