
SOCIAL CONTROL AND PUBLIC POLICY: UNDERSTANDING

DILEMMAS OF REGULATION AND IMPLEMENTATION

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Social Control and Public Policy: Understanding
Dilemmas of Regulation and Implementation

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These are challenging, exciting, and disquieting times for those of us attempting to understand the making and implementation of public policy and the functioning of the administrative state. The challenge and excitement stems from a number of sources. First, old shibboleths about the senescence of regulatory agencies, about the iron and anti-public triangle of industry — congressional committee — agency are being attacked. On the one hand, scholars such as Richard Posner, James Q. Wilson, and Roger Noll have been showing the shortcomings of the established models. We begin to have a more differentiated, sophisticated, and powerful understanding of the regulatory process, the incentives governing congressional and agency staff, and the role of social movements in relation to regulation (cf. Sabatier). On the other hand, as the agencies introduce reform aimed at stimulating competition or public service, the protectionist image of the agencies has to give way.

The challenge and excitement also stem from the development of new modes of analysis. Not only do we have a variety of new models, but we have the growth of new sub-fields of study such as implementation analysis (see Hargrove, 1975; Williams and Elmore, Pressman and Wildavsky, Rein and Rabinovitz, etc.) that are likely to illuminate a massive and important black box of the administrative state — the gap between policy making and outcomes, the processes by which laws and court decisions and norms and understandings are transformed into organizational administrative routines and procedures that more or less faithfully execute the ambiguous and non-ambiguous mandates of policy, that transform the schemata of policy goals and manifest criteria and standards into more or less effective procedures and organizational forms and behavior.

At the same time that there is a great deal of excitement, there is also an undertone of disquiet. One source of disquiet stems from the pessimism of the post-60s era — a fashionable despair about our ability to govern, to change and implement reform. A second source of disquiet stems from the ferment of intellectual discovery — we seem to be developing new models and frameworks at an exponential rate, but with little coherence or synthesis. Moreover, we discard old approaches without incorporating or building upon their strengths. For instance, Lowi's powerful and exciting typology of policy arenas (regulatory, distributive, and redistributive) retains its fascination for many, yet its vagueness and difficulty of operationalization have led it to be abandoned, without an adequate replacement.

It is impossible for us to dispel the despair of the moment (anyhow it will change as the societal mood and problems change).¹ But we can do something about the second source of disquiet. This paper represents a modest attempt to provide a synthetic framework useful for the analysis of the interplay of policy making, regulation and implementation. Building upon earlier work on the social control of industries (Wiley and Zald, 1968; Zald and Hair, 1972; Zald, 1978) and implementation processes (Hargrove, 1975), we attempt to show how a relatively general, commonsensical, but complex framework can be useful in analyzing policy implementation and regulation.

¹Note that the pessimistic despair is based upon a narrow and ahistorical view of the effectiveness of government: Either we react to momentary problems in the management of a program as an indication of total failure, or we ignore the wide range of well established programs that function with fairly high efficiency and effectiveness.

The plan of the paper is as follows. First, we present a brief encapsulation of the Zald framework (1978). Then we construct a typology of policy cases which builds upon the work of Lowi and Hayes (1978) and develop propositions about processes in the implementation of programs which join the model and the typology. Finally we use the Zald framework to describe implementation and outcomes in specific cases.

On the Social Control of Industries

One aspect of modern society relatively ignored by sociologists has been its attempt to cope, through administrative and organizational mechanisms, with the negative effects of technological change and the social problems of industry and organization. Sociologists have documented the rate of change and the fallout for individuals and communities, but we have left to political scientists and economists the study of the public and private governance of industry. Thus, we have largely ignored the successful implementation of what Marx called "A Modest Magna Carta," the whole achievement of the rights of workers at the work place (but see Friedman and Ladinsky, 1967; and more recently Ratner, 1977). We have ignored the smooth operation of our regulatory mechanisms which, for example, have led to a virtual absence of explosions of pressure boilers in commercial and group establishments, or, miracle of miracles, the regulatory process by which radio stations are allocated channels in a way to serve the public's interest in having clear reception. In recent years Zald and his collaborators have conducted a number of studies designed to explore this process. The framework has been spelled out in some detail in an article appearing later this year. Here only a paragraph on each of the major elements can be given.

The components of analysis follow directly from a conception of social control and of industry and from a sociological perspective on the interaction

of units in a social system. By definition, social control involves expectations of behavior or performance (i.e., standards of behavior, rules of conduct, expectations of output) and the surveillance (evaluation) and sanction of deviation. Since, in the first instance, we are interested in the social control of industries, not individual organizations, we need a concept that describes industry performance; this is provided by the idea of a performance curve. Surveillance and sanction are conducted and imposed by differentiated units of the society, control agents. How control agents are mandated and operate and how they are controlled by other elements of the social system is treated in the sociology of control agents. If there were only one control agent for an industry for all standards of behavior, we could eliminate analysis of the structural context of control (the organization of the control environment), but since there may be several control agents with overlapping jurisdiction, the organization of the control environment must be considered.

Finally, since a social system view implies interaction and feedback loops, we introduce the concept of compliance readiness and capacity. The target elements of the industry may have varying degrees of readiness to comply or not comply with the normative standards and varying capabilities to comply or resist the imposition of standards. They are not inert recipients of control attempts.

The core of the analysis consists of an explication of five interrelated conceptual clusters:

Structural context refers to the organization of the control agents. Some institutions exist in hierarchical contexts, others in polyarchic ones, and still others in market contexts, with coercive law at the boundary. The structural context shapes and limits the range of performance. Contexts can be described in terms of the number of control agents, the degree of their coordination and consensus, and the sanction.

Norms and performance curves. The organizations that comprise an institution, an industry, vary in their performance on evaluative dimensions. The underlying norms vary in their clarity, their technical visibility, and the consensus about their importance among audiences and control agents. The shape of the performance curve is dependent upon both the clarity and precision of norms, and the strength of demand and sanctions for different levels of performance. Different control processes take place at upper and lower segments of the performance curve.

Control agents must interpret mandates from their controller and set operational norms, survey institutions for malperformance, and apply sanctions (incentives) to gain compliance. The multiple functions of control agents and their limited resources means that control agents may have to come to terms with their organizational limits. Moreover, these may be competitive and indeed contradictory norms enforced by different control agents. Further, the division of labor amongst control agents may make one agent dependent upon another whose goals and imperatives are not supportive.

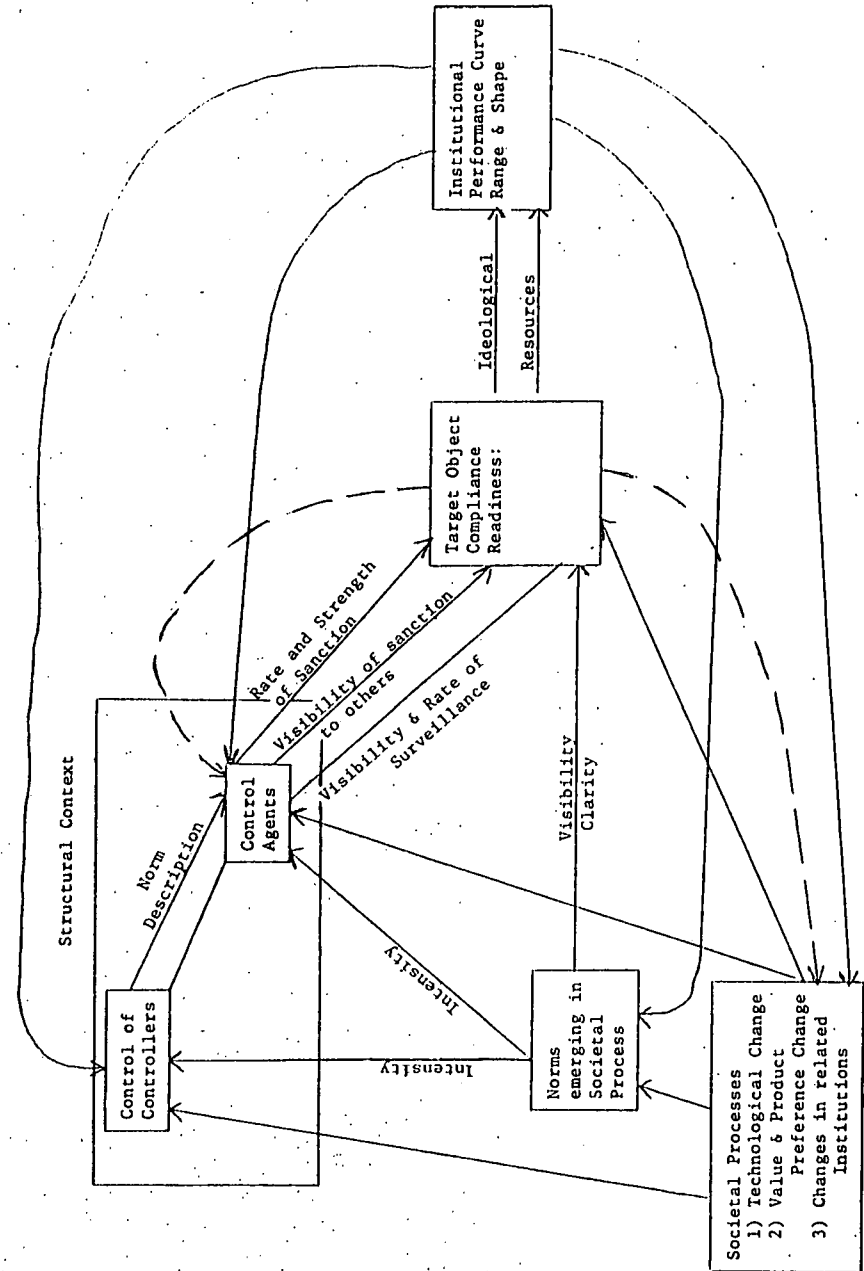
The surveillance capacity of control agents is partly based upon the extent to which performance can be measured and is permanent in its effect. Sanctions and incentives depend upon the intensity of the norms and the legitimacy and channels for gaining an authoritative position in the control process.

Compliance readiness (or capability) is an important dimension in social control studies because compliance is easily gained where the difference between the control agent and the target object is small. Compliance readiness, a term adapted from studies of the impact of judicial decisions, varies along two dimensions — ideological readiness and organizational or economic capability.

Compliance readiness deals with the organizational resistance and capabilities for implementing policies and programs. The basic elements of the framework are diagrammed in Figure 1.

Before we proceed, several prefatory comments are in order. First, in this social system framework, a sharp distinction is not made between policy making and policy implementation. New policies problems emerge from old policy implementation. Many of the same actors are involved, though to different degrees. Implementors have to interpret mandates and the industries being controlled attempt to shape the policies which the implementors interpret. Second, the emphasis on social control and on norms does not assume a societal consensus about norms and the legitimacy of power holders. We would argue that norms are emergent and that total consensus between controllers and controlled over what the standards are or should be is rarely achieved. We would also argue that some of the major problematics in the relation between control agents and target elements are found in conflicts over what should be the norms, the standards of behavior, and over the legitimacy of control agents attempting to enforce norms. Third, the idea of a performance curve can be used to cover compliance with a policy by bureaucratic agents or the actual impact of a policy upon social reality. It is important to be specific in discussions of performance about what is being assessed. Fourth, we use the term implementation to mean efforts by government to achieve devised policy outcomes. In this sense, we do not draw a distinction between conventionally perceived "regulatory" policy like environmental programs and conventionally perceived "service delivery" programs in health or education. There is often a regulatory component in both cases. The interesting questions concern processes of implementation.

Figure 1: A Schematic Overview of the Framework



Typology of Policy Issues and Implications for Implementation

One could employ an analytic model to endlessly explore and explain single cases. But in order to devise theory from a model which will explain a universe of cases, it is useful to develop middle-range typologies which group significantly similar implementation cases. The attempt in this section is to join the social control model to a typology of policy arenas so that one can develop understanding of the dynamics of given types of cases and of the conditions which affect varying levels of performance. An additional reason to join the model with a typology is to test the capacity of the model to capture reality and thus permit its possible revision. Finally, it is our purpose to begin the process of building a research base for policy analysts who would make "implementation estimates" of how programs are likely to work (Hargrove, 1975). Such estimates can only be based upon personal, prudential knowledge at present. We need to be able to generalize about types of programs so that analysts might see whether and how a given case fits into a larger framework.

The construction of a typology is a very difficult task:

1. It is difficult to get all dimensions of policy and programs within any one schema at the same time. For example, a case might be placed differently on a performance curve depending upon whether implementation or impact is the criterion of performance. Programs usually have more than one objective and location of a case in a set of categories might depend upon whether the manifest or latent objectives are the basis for judgement. Thus, The Elementary and Secondary Education Act of 1965 may be quite successful as a "distributive" program to convey federal money to school districts. But, it could be judged a failure in terms of the "redistributive" goal of targeting funds and services on disadvantaged children. In the first instance, the latent political goal of many Congressmen and school administrators is served but at the expense of the manifest language of the law and the groups who support those goals.

2. Objective indices for issue categories are difficult to develop. It is not sufficient to rely on the inherent properties of a policy. For example, from one vantage point, water resource "pork barrel" projects appear to be "distributive" in that all constituencies get something and none appear to lose anything. But, viewed from another perspective, such programs "redistribute" money in one direction which might well support other purposes. A reliance on the prevailing perceptions of the "purpose" of a program can also deceive. Such a perception, which will contain a value judgement, may have no relation to what actually happens in the program.

3. There are overlaps across types of issues and programs in ways that make it difficult to invent clear, mutually exhaustive categories. Thus, a "regulatory" program which is intended to promote new conduct according to rules may also contain "redistributive" elements. The Occupational Safety and Health Act both regulates and requires the redistribution of capital resources in the direction of labor. The Medicaid program is ostensibly "redistributive" but it contains heavy regulatory components in regard to participation and costs. One could perhaps find "regulatory" components in most federal programs which would be conventionally described as concerned with service delivery rather than regulation. This raises the question of whether there should be a regulatory category at all. If a phenomenon is ubiquitous, it cannot be a principle of classification. But if one defines "regulation" and "service delivery" in conventional, descriptive ways, the categories may cease to be analytic and become solely descriptive. Another complication arises in the question as to whether one is assessing the regulation or distribution of power or wealth. The processes and consequences are different in either case and categorization which embraces both possibilities is difficult.

These three problems are present in the best attempts at issue typologies (Lowi, 1964; Salisbury, 1968; Hayes, 1978). Salisbury and Hayes have developed adaptations of Lowi's three categories: distributive, regulatory, and redistributive, but the difficulties have not been fully overcome. Lowi supplies no objective indices for placing an issue in one category rather than another. Salisbury and Hayes turn to objectively determinable political patterns as the basis for categorization. We are arguing that these patterns of support and conflict over policy have strong implications for the effectiveness of implementation.

Salisbury develops objective indices for the categories according to the pattern of political support and opposition. "Distributive" policies are perceived to confer direct benefits upon one or more groups. But there is little or no political conflict over the passage of the legislation. Rather, there is bargaining about the distributive pattern. "Redistributive" policies confer benefits but are perceived to take benefits away from other groups and, therefore, generate strong political conflict. Salisbury does not require that redistribution win out. But there must be a perception of what is at stake. "Regulatory" policies constrain the behavior of groups in specific ways that will affect their future choices. The actual future outcome is not known and, therefore, focus is upon the rules which are written to regulate future behavior. (Salisbury, 1968, p. 158).

The strength of Salisbury's use of the term regulation is in its descriptive conventionality. We clearly understand that a regulatory policy is different from a policy that distributes goods or services. However, there is a problem. Regulation in this conventional sense also occurs in distributive and redistributive policy areas. In many social programs, there is an attempt to affect the distribution of power as well as benefits and services. Yet, Salisbury uses the terms distributive and redistributive to refer to "benefits" rather than "power." If one broadens the term benefits to include power, it is not clear why a regulatory category is required at all.

Hayes defines "regulatory" in an unconventional way as a policy area in which the balance of opposing political forces is neither non-zero sum nor zero sum. Rather, a balanced conflict leads to a balanced outcome in which there are no clear winners or losers. The question of the final distribution of either power or benefits is thus not fully resolved by the legislature but is passed on to the bureaucracy and the costs for a continuing politics of implementation. Regulatory policies, by this definition, are symbolic and discretionary. Unlike distributive and redistributive policies, they give us mixed results. (Hayes, 1978, p. 149). Hayes builds on the Salisbury definition by keeping the idea of uncertainty as a key to regulatory policies. New rules are written, but the benefits are not altogether clear. Yet, he broadens the definition to include both power and benefits.

One value of Hayes' definition of regulation is that we are given a term which captures a common reality in which outcomes are neither distributive nor redistributive. This use of the term also permits the dimensions of power and benefits to be present for all three types of issues. This permits one to group "regulatory" policies in the conventional sense, as defined by Salisbury, and "service delivery" policies to be grouped together on each dimension. Thus, many of the "regulatory" policies described by Hayes are service delivery programs such as the poverty program which failed to carry out redistributive purposes. By the same token, a service delivery program with a high regulatory component, such as The Education of All Handicapped Children Act of 1976, could be placed on the redistributive scale if the outcomes are in fact redistributive.

Lowi categorizes solely by perceptions of purpose. Salisbury adds patterns of politics about purpose. Hayes incorporates these ideas and adds a concern with actual outcomes. He refers to outcomes as the supply of types of legislation in relation to the pattern of political demands. There are matches between demand and supply patterns as seen in Table 1.

TABLE 1

		Demand Pattern	
		Consensual	Conflictual
Supply Pattern	Delegative	self-regulatory	regulatory
	Allocative	distributive	redistributive

Hayes argues that if the political process is consensual that Congress will develop either a self-regulatory or a distributive policy in response depending upon the issue. The delegation of decisions about price support levels to a given group of farm producers would be delegative and self-regulatory. The allocation of money in a classic "pork barrel" manner would be distributive.

Hayes postulates that interest groups will seek to win benefits through government action by avoiding open conflict with other groups if at all possible. They will try to disguise the special benefits by presenting the issue as a consensual, distributive one.

He also postulates that members of Congress will seek to convert an open conflict between groups into a consensual form by taking symbolic and ambiguous action which seemingly satisfies all parties but which actually transfers the conflict to bureaucracy or the courts. It follows from this, according to Hayes, that there will be very few genuinely redistributive cases. The intervention of additional actors and events, such as an overwhelming victory in a presidential election may create a brief period of redistributive politics and policy, but this is not the norm in American politics. In fact, when considered from the implementation perspective, redistributive programs which have become politically acceptable no longer appear to be redistributive because the conflict which took place at their creation has subsided, and they are often justified publicly in distributive language.

We favor Hayes' definitions because they have clear implications for the implementation process. Lowi and Salisbury focus upon the initial decision process of the legislature. They are concerned with the perceptions of protagonists about the benefits which are likely to occur from given legislative decisions. Hayes carries this further to include the actual legislative outcome

within his scheme of categorization. Thus, his model is most compatible with our interest in assessing the positions of programs on performance curves. Outcomes can be assessed according to the distribution of both power and benefits. Salisbury and Hayes both invent new categories of issue types to supplement the original three. We do not reject these but have stayed with three issue types in order to simplify what is already a complex discussion.

This scheme would seem to resolve the three problems of typology construction raised earlier:

1. The problem of plurality of policy goals on a one dimensional schema can be handled by making clear whether the performance curve is to be used to assess the implementation or the impact of policy. One schema cannot do both simultaneously.

2. The problems of absence of objective indices for the location of an issue is resolved by an assessment of actual demand and supply patterns. For example, one could contend that the Elementary and Secondary Education Act is a success as a distributive program but a redistributive failure. Latent, political goals, have won out over the manifest, rhetorical goals. But should the case be placed in our schema as a distributive case with a high performance curve or as a redistributive case with a low performance curve? Either location would fail to capture the actual demand and supply patterns. The case belongs on the regulatory dimension at the low end of the performance curve. The policy was a mix of symbol and substance and each contained both distributive and redistributive elements. The political struggle for control of the program has continued throughout its implementation.

3. The confusing overlap in issue characteristics among types is manageable if the categories are sufficiently abstract and analytically distinct. This has required a definition of regulatory which departs from common usage.

Finally the intended focus of the developers of this typology was on the policy formation stage and we have adapted it for the study of the implementation of policies. This enables one to see implementation successes and failures as in part the consequences of the politics of policy formation. This permits the development of prescriptions for improvement in implementation to take account of the fullness of political possibilities.

Table 2
Programs on a Performance Curve
Position on Performance Curve

<u>Type of Programs</u>	<u>H</u>	<u>M</u>	<u>L</u>
Distributive	water projects interstate highways		employment service
Regulatory	voting rights	clean air regulation urban redevelopment school desegregation manpower training	occupational safety and health medicaid aid to dependent children federal aid to schools for disadvantaged children
Redistributive	social security supplemental security income unemployment insurance	medicare food stamps	social services

The virtue of combining the model of implementation variables and the typology of issues is that one is able to compare cases on a performance curve of implementation according to type of issue. The typology issue is not just a static skeleton on which to hang cases. Rather, one wishes to ask if there are differences in implementation processes and problems according to the type of issue.

Two sets of measures are required for such a combination. Programs are placed on issue dimensions according to demand and supply patterns. Thus, a redistributive allocation of resources will follow from a conflictual demand pattern which leads to clear winners and losers. The second kind of measure required is the assessment of the degree of ease or difficulty of implementation on a performance curve within each issue area.

One must identify specific programs for each of these general issue characterizations. For example, federal aid to schools for disadvantaged children refers here to The Elementary and Secondary Education Act of 1969, manpower training refers to The Comprehensive Employment Act of 1973 and so forth. Categorization of this kind must be specific as to program because programs within the same issue area might belong in different places in the schema. For example, Head Start, which also aids disadvantaged children, is clearly a redistributive program.

Ambiguity is not eliminated by the typology. The ESEA, for example, could be placed on the distributive line if it is seen as a program which primarily distributes federal funds, as general aid, to school systems. However, some of those funds are targeted on disadvantaged children. There is sufficient political disagreement about the purpose of the program that it is better placed in the regulatory line. It falls short of being a redistributive issue because

those groups who demand a thoroughly redistributive program have not won. This accounts for the mix in ESEA programs between distributive and redistributive outcomes. Hayes' categories of demand patterns and supply provide the indices for location of cases on issue lines. In this sense the "supply" provided by the program is a function of the "demand" pattern.

However, these analytic categories do not provide indices for the location of cases on the performance curve. The chief criterion of a high, medium, or low position on the curve is the degree to which the program has actually been implemented in accordance with its manifest intent: At the present time, we have no indices for different degrees of implementation beyond general observation and familiarity with the program. Experts will surely disagree here (indeed, the authors disagree amongst themselves). But the discussion serves the purpose of the schema, which is to promote research upon the implementation of programs. It could be premature to formulate detailed, objective indices for the placement of cases at different points on the performance curve. There has not been sufficient comparative research on such cases. But the development of indices should be one objective of that research.

The positioning of programs at the three points of the performance curve in Table 2 follows from our judgment based on general familiarity with these cases.

The Zald concepts and variables do not supply indices of performance. They are used to develop propositions to explain the location of cases on the performance curve.

The characteristics of cases placed at the high end of the performance curve appear to be the following: high agreement upon specific objectives among the proximal dominating political actors; specificity of objectives; administrative simplicity of the implementation task; high compliance capability on the part of the targets of the policy; a high congruence of bureaucratic incentives in

accordance with the manifest purposes of the law at all levels of government; the existence of effective sanctions for higher levels of government to invoke against lower levels; and a tangible and highly-valued product from the program.

Those cases on the low end of the curve appear to share the following characteristics: considerable disagreement on goals among the proximal dominant political elite; ambiguous specific objectives; administrative complexity of implementation; low compliance readiness and capability of targets; less favorable leverage for the application of sanctions by higher levels of government against lower levels; intangible, uncertain or diffuse products from the program.

Cases at mid-point are difficult to characterize as a group but are better analyzed individually. They share characteristics of the high and low position in unique ways. For example, the Voting Rights Act of 1965 has been easier to implement than the Clean Air Act amendments of 19___. The former was targeted on a few southern states, was easily administered and gathered great political support behind it. The latter encompassed the entire nation, is difficult to administer and is the subject of continuous political and legislative challenge. Yet, it has been carried out to a considerable degree. It has not been subverted or watered down like many cases on the low end of the regulatory line.

There will also be variations in implementation on each of the issue dimensions according to variations in patterns of political demand and policy supply. One then employs the variables in the Zald model to discriminate between degrees of effective implementation of programs according to type of issue:

1. Implementation is easier in distributive cases than in the other two categories because there is less political conflict and greater congruence of bureaucratic incentives between levels of government.

2. Implementation is most difficult in regulatory cases because of the ambiguity of goals, the clash of bureaucratic incentives and the high levels of continuing political conflict about administration.

3. Implementation is less difficult in redistributive cases than in the regulatory area but more difficult than in distributive cases.

a. Once the outcome attains political legitimacy, political conflict is reduced. Thus, a complete redistributive case takes on some of the consensual characteristics of a distributive case.

b. The residue of the initial open political conflict continues at administrative levels.

The actual position of given programs as performance curves in each issue area are shaped by varying combinations of variables in the Zald model. The placing of cases becomes an empirical question.

Explaining the Variance and Level of Policy Outcome

Implementation arenas vary in the number of control agents involved, their sanctions and surveillance capacities, the implementation task or number and kinds of changes required, the channels through which implementation must take place, the degree of opposition to the change and the clarity of goals and programs that are associated with the underlying norm. Here we present several cases in which there is variance in one dimension or another relevant to our framework.

Voting Rights and School Desegregation in the South. Both of these issues required massive changes in the performance of the industries which were the targets of change. Both cases also involve massive political-ideological resistance. They differ mainly in the kind of sanction that ultimately proved effective, though in both cases the sanction was strong indeed.

Following the Civil War Blacks were enfranchised throughout the South. Yet after the retreat of Reconstruction Blacks were disenfranchised and barred from registration and voting. By 1904 Black registration was minuscule and stayed that way until the 1960s. The mechanisms through which Blacks were disenfranchised included the poll tax, literacy tests, outright discrimination, and economic and physical coercion and intimidation. The attack on the system of exclusion involved political-legal action at several levels; the poll tax was declared unconstitutional, the Justice Department sued employers who dismissed their workers when they tried to register, and so on. Moreover, with the emergence of the Civil Rights Movement in the early 1960s, a number of attempts were made to register Blacks and to bring suits against recalcitrant local registrars and even to replace them with Federal registrars. Yet the mechanism for doing so was cumbersome and involved a great deal of legal resources and time. In order to appoint a Federal referee, the government had to file suit in a federal district court and obtain a court finding not only of discriminatory disenfranchisement, but that such activity was a persistent pattern of or practice in that particular area. Then, for at least a year after such a finding, a person discriminated against could apply for an order declaring him or her qualified to vote. To get such an order required another long process. The court could hear the applicant or could at its discretion appoint referees from amongst qualified voters in the district. The Civil Rights Act of 1960 did contribute to an increase in registration. Between 1962 and 64, Black registration increased 683,000 or 46 percent in the 11 southern states and 43 percent of the voting age population was enrolled. Yet in many deep south states, little progress had been made.

The 1965 Voting Rights Act required the Justice Department to send in a Federal examiner wherever less than 50 percent of the voting age population was registered. That is, instead of a case-by-case proof of discrimination, a simple statistical criterion could be employed without court intervention. In Alabama, registration went from 19.3 percent to 51.6 percent, in Georgia from 27.4 to 52.5, in Mississippi from 6.9 to 59.8. While registration went up most dramatically in counties with federal registrars, other counties also showed great change, more than doubling their registration. However, the Justice Department lacked personnel and money to send registrars into every county, so they did not send registrars into counties with less than 1,000 blacks; this eliminated 185 counties from the program.

The voting rights case can be used to illustrate several aspects of our framework. First, there was a massive non-compliance with the normative goals based upon political-ideological disagreement of the element of the industry. Second, there was no economic or organizational problem. The implementing action was simple: register or not register. Third, only when the Federal government threatened and actually did remove the authority of the local registrar, in effect making registration part of the Federal bureaucracy (or transforming the structural context from a polyarchic one to a hierarchic one), was compliance actually achieved. (Note too that Congress never authorized criminal sanctions; we suspect that any attempt to have local registrars imprisoned would have been counter-productive, making martyrs of these middle class functionaries). Finally, the high level of the Civil Rights Movement

This analysis draws upon Handler, Chapter IV and upon Harrel Rodgers and Charles Bullock, III, Law and Social Change.

activity, with many voting registration projects in operation, meant that there was a high level of surveillance of local registration activity. Without that level of surveillance, many fewer registrants would have been mobilized, and token resistance would have discouraged the registrants.¹

A similar story can be told about the elimination of school desegregation in the south. The story has been well documented in Gary Orfield's masterly The Reconstruction of Southern Education. Again, the case-by-case approach failed. Local school boards were prepared to contest suits and spend money on appeals. Finally, Congress enacted The Elementary and Secondary School Act of 1965 which authorized spending large amounts of money for "disadvantaged" children. A proviso of the Civil Rights Act of 1964 prohibited the spending of Federal monies on segregated facilities. Many southern school districts found themselves with the prospect of losing one-fourth to one-third of their budget. The story is more complicated than this, including changes in the Office of Education leading to a more aggressive stance vis-a-vis the states and a massive increase in surveillance and processing capacity. But the Office of Education had to certify that systems were desegregated or had plans for desegregation that were acceptable. There was a great rush to get certification. By the end of the 1960s southern school districts were substantially desegregated, indeed more so than northern ones.

¹The existence of this concerted surveillance is one reason there has been so much more compliance in this area than in the area of school prayers. In the latter case, the virtual absence of effective surveillance may have resulted in the Supreme Courts edict creating more non-compliance after the Court's enunciation of public policy than before.

As contrasted with the voting rights issue, a technically complicated organizational change was required with greater financial implications. Yet the use of a massive economic sanction led to widespread change. Both the voting rights and school desegregation issues required draconian sanctions to change the performance level of the industries being regulated. Let us turn to a policy arena where the ideological controversy and resistance is much less, but where programs vary in their clarity of goals as mandated by Congress and where the relation of programs to ends-in-view is less apparent.

The necessity for strong sanctions appears to be more important in these two "regulatory" cases than it does in the distributive and redistributive cases at the high end of the continuum. However, strong positive sanctions of an undramatic nature are present in the latter instances. In both types of cases, political and bureaucratic incentives are congruent down the vertical line of government and the glue of unity is money distributed by the federal government.

Three programs for the unemployed: Unemployment Insurance, CETA, and the Employment Service. Unemployment Insurance and the United States Employment Service are the older of these programs. All three are administered through the Department of Labor; all three are decentralized programs in which the state and local governments have the responsibility for implementing and carry the burden of actual operation of the agencies, though with Federal funding. One might argue that the several states have a clearer and more authoritative role in UI and USES than in CETA, yet it does not appear to us that the variance in performance is a function of differences in state-federal relations as much as it resides in the clarity of objectives and of the relationship of tasks or programs to ends-in-view.

Unemployment Insurance

The norms that underlie the UI program are fairly clear if one is referring to policy objectives or ends. Regularly employed workers who are out of work are entitled to benefits for a given period of time as set in the legislation. There seems to be no challenge within the system of delivery or in the larger society to this goal. It has become increasingly legitimate over time. There is some disagreement over benefits to be paid during any periods of recession when hard times fall on many workers, and the question of the extension of the time for which beneficiaries are eligible for UI checks becomes paramount. The other question has to do with the desire of employers to keep benefits at reasonable levels and with state agencies to keep autonomy over the level of benefits. The benefits are tangible and, therefore, administration has a certain simplicity to it.

The unemployment compensation program is administered by the states according to quite different schedules of benefits. The program is paid for through the contributions of employers to a national trust fund. The Federal Office of Unemployment Insurance in the Department of Labor distributes funds to states according to a formula based on estimates of need and evaluations of state performance. The Interstate Conference of Employment Security Agencies speaks for the states to the Department of Labor and Congress in regard to the implementation of the program.

Surveillance and sanction of performance is done under the authority of the federal bureau over the state agencies of employment security which administer the law. It is our impression that historically the federal bureau has not had great authority but has engaged in technical assistance to the states on the development of computer systems and service delivery methods and has been an arbiter between the contending claims of the states in regard to levels of

benefits and an agent with the Congress in the same regard. In recent years, the federal bureau has begun to assess the performance of state agencies in terms of efficiency of operations and to allocate budgets accordingly. The UI Office has a cost model which it uses to assess the effectiveness of state agencies in distribution of benefits judged in terms of criteria of efficiency. Because there is a high degree of consensus in the system and the benefits are tangible and can be linked to varying degrees of efficiency in administration, there is a clear authoritative role for the federal agency, but it is constrained in part by the pressures which come up through the Interstate Conference on Employment and Security.

The states vary in compliance readiness and compliance capability as a function of bureaucratic and professional capacities and the political culture of the states in regard to the distribution and level of benefits. However, all unemployed citizens who are covered by the system are eligible for the benefits so that there are minimal performance curves which are achieved in every state. The target element elites seem to agree with the norms and the costs of compliance to a great extent. Although there is variance in actual benefit levels, there appears to be little variance in technical efficiency. Workers get their checks, funding formulas are clear, and within the mandated coverage criteria states exercise little discretion.

CETA (the Comprehensive Employment and Training Act).

CETA was passed in 1973 as the successor to the Manpower Development and Training Act of 1962. The Manpower Development and Training Act was originally developed in response to the assumed problem of automation and structural unemployment due to technological displacement. In time, it was converted to service to the disadvantaged and the poverty program in order to bring those

without skills into labor markets through skill training. It was thus tied to the War on Poverty. A number of categorical programs in MDTA were directed towards specific groups in the population, i.e. youth, older workers, agricultural workers, etc. MDTA was administered by federal regional offices who let contracts to deliverers of service in the states and cities, most of which were not local governments. It was thus a centralized and categorized program. CETA is a modified form of special revenue sharing. Over 400 Prime Sponsors composed of city, state, and county governments have organized themselves into planning and resource allocation agencies to develop manpower training plans for their areas. These plans must meet with federal approval, and the funding is federal.

The same ambiguity in regard to ends is found in both MDTA and CETA. The language of both laws, particularly in regard to subsequent amendments of MDTA and the creation of categorical programs, and the manifest language of the CETA Act states that the principal population target is to be the disadvantaged. However, there is also latitude for job training for the unemployed who are not necessarily disadvantaged. There is also, in CETA, a problem of ambiguity and instability of norms in that the relative degree of authority between the federal bureau and the Prime Sponsors is vague and must be worked out through bargaining. (This analysis excludes the public employment part of CETA, although that is a very important element of the law). During recessions, such as 1974-75, Congress has beefed up the public employment title of the Act to permit local governments to hire the unemployed on a short-term basis. There has been considerable controversy about whether the disadvantaged have been helped in this regard and whether, in fact, there has not simply been a displacement effect in which federal funds are used to pay for people who were formerly on state and local payrolls.

Surveillance and sanction of performance of Prime Sponsors by the federal bureau has been characterized by failure of the federal bureau to assume the technical assistance role expected of it in assisting local Prime Sponsors to develop planning and evaluation capabilities. Rather the federal agency has pursued a pro forma compliance, emphasizing approval of plans and financial accounting. Throughout this process there has been steady erosion of authority from the center to the periphery, and the Prime Sponsors have increasingly been able to set the terms of who is served by the program. Prime Sponsors have not developed the capabilities to actually plan services for labor market areas. Rather, political incentives of local elected officials have been paramount, and there has been an increasingly wide distribution of services to the relative neglect of the disadvantaged. (Political incentives have been created by the very ambiguity of the program, permitting officeholders, elected and appointed, to use CETA monies for favored projects and people). Services have been spread more thinly across a wider population. This, of course, is especially true in regard to public employment. The ambiguity of federal authority and the ambiguity of the ends of the law have led to this result.

The structural context is as described above. State and local governments have increasingly become a strong interest group with the Congress in regard to the protection of their stakes as they perceive them in the implementation of the program. This is a broader and more powerful lobbying front than in the case of the Unemployment Insurance lobby. There is a great deal of money at stake and a great many benefits to be distributed. It is, however, an extension of the principal of bottoms-up found in the Unemployment Insurance program.

Prime Sponsors are found to vary greatly in regard to their compliance readiness and compliance capability, simply because they are new to the business, planning and evaluation capacities are weak, professional capabilities are weak, and the process of contracting for services with provider groups and selection of target client groups has been very much influenced by local distributive politics. This has caused the federal government to think that if certain goals are to be served which are national in scope, it must be done through a recategorization of the law. For example, the Carter Administration recommended and Congress accepted language in the form of an amendment to stress the importance of services to the disadvantaged. However, the empowerment of so many local agencies of government has compounded the task of securing effective federal authority.

All the above means that the states vary greatly, one from another. The federal bureau can provide technical assistance, although it has been slow to develop capabilities to do so in the regional offices. But the authority of the federal bureau to enforce any standards has been seriously eroded by the structure of the law. The task now would seem to be to increase the federal technical assistance role in order to increase institutional capabilities at the grass roots for planning and evaluation. However, the question of securing the effective sanctions for the achievement of national objectives is very much in limbo. This is surely in large part because of the greater complexity of the service delivery task compared to the Unemployment Insurance Function. (Van Horn, 1978; Hargrove and Dean, 1978).

USES (United States Employment Services).

USES is a federal-state program in which all the costs are paid by the federal government, primarily through the UI trust fund. The task of state employment service agencies is to better facilitate the performance of job

markets by placing workers in positions as industry presents them to the agencies.

There is great ambiguity of the ends and norms here. The Employment Service has always been a foster child which has never had a clear objective of its own. The federal agency was created in World War I to place workers in production agencies, but it was permitted to lapse after the war because it was assumed that workers could find their own positions in free markets without help. A number of state agencies continued to exist, however. The Employment Service has fallen between stools. It was not needed as a labor market mechanism in a generally laissez-faire climate, nor was it fully understood to be a welfare program. So it could not be legitimate in those terms. The USES was created by the Wagner-Peyser Act in 1933. Its primary job during the Depression was to place workers in public works employment. The passage of the Social Security Act provided for financing the Employment Service system through Unemployment Insurance trust fund payments. This meant that its services were widely construed to be targeted solely on those who were involuntarily unemployed rather than the wider universe of those who wish to change jobs.

During World War II, the Service again turned to allocating labor to war industries. After the war the USES developed a mission of universal service, but that never took hold, and the performance levels were poor during the 1940s and 1950s. Labor unions developed their own hiring halls, manufacturers were able to find skilled labor for themselves through personnel offices, the civil service commissions of state and local governments began to recruit for themselves, professionals and middle-income salaried people did not need the service. Therefore, it increasingly found itself filling positions in secondary labor markets, i.e. low-paying jobs with high turnover.

The effort in the War on Poverty to turn the Employment Service into an agency to serve the needs of the disadvantaged primarily is generally accorded to have been a failure. The Employment Service agencies in the states were still concerned with meeting the needs of employers and, therefore, found themselves caught in the conflict between the disadvantaged and their interest groups and the needs of the employers. Placements fell off during the 1960s. Now, the emphasis has again been shifted toward placement and universal services, but with the same ambiguity about whether there is actually a widespread demand for such services.

Surveillance and sanction of performance of state agencies by the federal government have historically been weak. State officials have been able to play their own state governments off against the federal government by claiming to each that they are responsible to the other. Since the states do not provide any of the money for state agency budgets, governors and state legislatures have little incentive to consider effectiveness and efficiency of operations. This is reinforced by the fact that the services are diffuse and somewhat invisible compared to the tangible UI check or the tangible benefit derived from a CETA job or CETA training slot which carries a stipend. However, state agencies have been able to resist federal authority by claiming to be state agencies. The federal bureau has been weak in political resources to assert its authority over state agencies, because there has been no great demand for this service, either in the society or among significant elites at all levels of government. This refers back to the ambiguity of mission. One finds some effort at developing cost-effectiveness models at the federal level by means of which budgets can be allocated to the states according to performance, as already seen in the UI program. However, the greater complexity of the program

and the difficulty of measuring effective services, particularly in regard to highly complex environments, make the task more difficult.

The compliance capabilities of the state agencies vary greatly. Hargrove's (1976) study of the state agencies sets out the factors associated with effective agencies in some detail. Effectiveness is defined as the number of individual placements per staff person year. Both organizational and economic environment characteristics are related to high placement rates. States with high rates of economic growth are likely to have high rates of placement, but some states with low rates of growth also have high rates of placement. The organizational variables include small offices, relatively wide spans of control, delegation downward, and a highly supportive political-business community. High performing states are likely to have ignored the War on Poverty and focused on placements per se.

All this means that performance varies greatly among the states, but, given the ambiguities as to mission and low levels of political support, overall performance is low: these agencies do not greatly affect the operation of labor markets.

From the standpoint of our framework, the differential effectiveness of these three programs and the variance and level of performance stems not from structural context, nor from sanctions and incentives, nor from compliance readiness and capability, though some differences can be found here; the differences stem largely from the clarity of tasks and the ability to structure an organization around those tasks. UI basically is an eligibility-funding-disbursing program, while CETA and USES have large service delivery programs with ambiguous goals and imprecise or irrelevant technologies and in this respect USES is more cumbersome and complex than CETA.

We have placed unemployment insurance on the redistributive continuum because the fight has been won politically.

CETA manpower training is classified as a regulatory program because there is still a political struggle over whether the policy should be distributive or redistributive.

We see the Employment Service as a distributive program because it provides a diffuse, intangible service about which there is little controversy or even excitement. There is almost no Employment Service politics.

Of course, changes in political demand patterns for any of these programs could alter the policy beneath it and, therefore, the classification of the program.

This analytic framework is presented here as a guide to research by means of which case studies might be placed in a larger context. This would be the best way to derive theory from cases. The impression with which programs have been located in the schema can be improved by research. But, a schema is only that and no more. The cases exist on continua and must also be understood in terms of their uniqueness.

Conclusion

The framework could be an eventual guide to policy by suggesting the changeable and unchangeable properties of programs. The presentation of the implementation of a program in its larger political context might let us know the degree to which it can be improved administratively within that context and the degree to which political change is required for improvement. For example, economists often recommend that regulatory programs be improved by substituting tax incentives for direct regulation and that service delivery programs be improved by substituting transfer payments for the direct delivery of services. This might make it possible to increase the position on the

performance curve of given programs. Replacing AFDC with a guaranteed annual income would be such an instance. Such changes could then be assessed according to political feasibility.

This approach reminds us of the intractability of the problems which many programs attack and thus permits us to ask fundamental questions about the role of government. We have few redistributive programs and there is always political pressure to push them in the distributive direction. Perhaps benefits must be perceived to be universal to be politically acceptable in a society of middle class values. Regulatory programs so often appear to flounder in ineffectiveness because of the pluralistic political bases which struggle for control of them. This is democratic politics but we are provoked to ask how the society can resolve important questions of equity and justice.

We, therefore, present this provisional union of a model and typology as a guide to research, an approach to policy analysis and a source of normative discussion about policy in a democracy.

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