

# Orphan Implementations of Public Policy for Conflict-Oriented Issues: A Conceptual Modality of Policy Processes

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## Abstract

This paper aims to broaden our understanding of public policy characterized by issues of non-consensus. The idea of *flexible, independent administrative decision-making for a conflict-oriented policy-type* is addressed in terms of chronological constructions of policy process. Distributions of limited resources are a source of public contention likely to draw *ambiguous* high-level policy decisions that lack practical administrative directives. Conflicting institutional, professional and stakeholder influences, at various levels of policy processes, illuminate circumstances fostering implementations incongruent with politically motivated macro-declarations. Yet, this does not necessarily represent failed policy. A reevaluation of administrative systems, by critical deconstruction of the dominant top-down discourse, provides a frame of reference for valid divergent implementations. A conceptual progression from field-level interpretation and adaptation of macro policy, *initiatory orphan implementations emerge as policy itself*. This revised bottom-up modality of the policy process implies a working balance of combined outputs, providing equitable *outcome* to serve largescale public interest.

**Keywords:** conflict and ambiguity, policy implementation, policy process, policy model, resource distribution

## 1. Implementations for Controversial Policy Issues in the Absence of Authoritative Directives

This paper outlines the conceptualization of *orphan policy implementation* relevant to issues of conflict. *As policy in its own right, implementation becomes a first major step in the policy process*. The deference of policymaking to independently initiated decisions made at the meso and micro implementation levels arises out of a political and practical desire to bypass heavy public controversy. When conflict threatens to paralyze resource distributions, macro decision-makers actively seek the consensus they lack. Falling back on generalized declarations with ambiguous policy goals and directives, politicians can counter opposition by paying lip service to popular social, economic or political agendas without offending others (Winter 2006, 2015).

Within classical paradigms of policy process, ambiguity of guidelines for implementation

weakens the hierarchical association between policy stages, which are expected to work linearly toward the achievement of successful policy implementation. Under these terms, avoidance of policy failure demands stringent adherence to a chronological process and has almost become a goal in itself. Policy failure is a central topic of study and discussion (McConnell 2010), particularly where issues of non-consensus or sociopolitical conflict are concerned. Parallel research in the field of performance psychology has shown that efficacy, goal commitment and task performance are negatively correlated with the human need to avoid failure (Edwards and Hinsz 2008). Given that governments and bureaucracies are dependent upon individuals engaged in the efforts of policy processes, personal and institutional avoidance of failure can severely disrupt policy action. The result could be endless administrative delays, incessant reevaluations or complete cancellation of valid policies. This would represent a costly investment of time and budgetary resources. Yet, a keen avoidance of policy failure does not guarantee successful policy implementation or a favorable *outcome* for the public interest. It may even have the opposite effect.

Well-known examples of policy failure relate to all levels of governance fostering issues of competition, contention or conflict. One case in point is the European Union's continent-wide COVID-19 vaccine strategy, which exercised control over the bloc's implementation policy for the distribution of a scarce pharmaceutical commodity. Hard and frugal negotiation with vaccine producers, in an attempted display of geopolitical strength and power, proved harmful to both public health and economies. Indeed, this policy failed to meet its stated goals. Some other examples of policy failure on national and local levels are couched in issues of socioeconomic conflict over land use. Urban policy implementations, intended to renew and improve city infrastructures by allocating cheap inner city lots for upscale real estate development, often cause gentrification and subsequent depletion of affordable housing stocks. Such socially unbalanced policy solutions pursue narrow agendas based on state-owned development rights employed by politicians, their star electorates, bureaucrats and nongovernmental stakeholders (Airey and Doughty 2020; El-Kholei 2020; Nussbaum and Spessot 2017).

A bulk of the literature centers on why certain policies fail to achieve policy goals while others succeed (see, for example, Hudson et al. 2019; May 2015; McConnell 2015; Mueller 2020). Of notable importance is Matland's (1995) association of policy failure with issues of conflict where a lack of political consensus is typically coupled with ambiguous procedural directives. There is a general tendency to equate policy failure with poor clarity of process, insufficient progressive feedback and scant correlation between policy goals and implementation outputs. This rational objective perspective presumes that decisions are made at the macro level and directly regulated down to the meso and micro implementation stages of policy processes. Implementation is meant to be a simple administrative procedure for active distribution of public resources to beneficiaries that is efficiently managed in accordance with clear and accurate guidelines.

Hupe and Hill (2016) remind us that even in relation to classic hierarchical paradigms of policy process, whereby macro policy directs tenable meso and micro actions, implementation is not synonymous with goals achievement. Acknowledging a sense of overreliance on the procedural mechanics of hierarchical top-down policy stages, many scholars continue to argue that implementations must correspond with high-level government agendas and specific policy directives. Thus, criticism of established causal paradigms of policy process as

a vehicle for effective policy implementation is accompanied by a hesitation to set it aside. For instance, Lindblom's (1959) classic description of policymaking as the "science of muddling through" would negotiate *interpretations* of macro policy, albeit from a modified-linear point of view. Policy models relying on modified-linear interpretations at implementation levels hope to achieve policy consensus, even when directives are ambiguous, without severing the chronological connections between macro, meso and micro decision-making (Hupe and Hill 2016; Matland 1995).

The need to interpret high-level decisions stems either from a lack of macro directives for implementation or from directives inappropriate at meso and micro levels. As a result, the interpretation and adaptation of macro policy at implementation levels might produce outputs that oppose established policy goals or fail to meet their potential. Indeed, the dominant linear paradigm of policy process requires adjustment in order to accommodate outputs that successfully serve larger, controversial public interests. As a measure of effectivity, democratic governments should use public policy to promote equitable distributions of public resources for the public benefit.

This paper addresses a gap in the literature pertaining to the distinction between conflict-oriented and consensus-based policies. The question is: *What would improve the effectivity and success of conflict-oriented policy implementations in the absence of corresponding authoritative policy decisions?* A reassessment of established chronological constructions of policy process for conflict-oriented issues recommends *flexible, independent initiatory decision-making at administrative levels*. The paper examines and develops the advantages of this approach.

The following section presents a focused discussion of literature relevant to the complexity of successful policy implementation for issues typically prone to conflict and ambiguity within decision-making processes. This relates to *how* and *why* such issues are impeded or facilitated, at which levels and subject to what influences. Policies involving the distribution of limited resources reflect a distinct policy-type. Modalities of policy process are grouped in terms of conflict and ambiguity and analyzed as a basis for exploring the benefits of flexible initiatory implementations. Sections 3 and 4 of the paper use theoretical foundations for hypothesis development to underpin the core argument. Under circumstances relating to conflict-oriented issues, *implementations may appear discordant with macro goals, but should not generally be mistaken for policy failure*. Instead, these implementations could legitimately be recognized as valid *orphan implementations*. Lastly, concluding remarks suggest an applicative value as a basis for practical policy proposals.

## **2. Policy Implementations for Complex Issues of Conflict**

What is the purpose of democratic policy processes if not to distribute or allocate public resources so as to benefit the public interest (Hussain 2018; Jaede 2017; Ostrom 2012; Sadler 1996, 39; Torjman 2005). It is the ways in which government systems define *public interest*, as *relevant to modalities of policy processes*, that provide a measure of effectivity. Difficulties arise when public benefit conflicts with public interest.

Successful policy processes are relevant to the significant *distinctions and connections*

between *public interest*, *public consensus* and *policy outcome*. Policies governing the finance of public services can be expected to enjoy wide-based democratic support (Jones et al. 2011, 5-16). Such services include *public goods* like education, street-lighting and national defense. These are *non-rivalrous* and *non-excludable* in consumption; all persons have the right to benefit from them, as they cannot be depleted (Gruber 2010). They are provided fairly by government in the interest of all, usually through a redistribution of income taxes. In contrast, non-consensus is prevalent where distributions of depletable commodity resources are concerned (Portugali 1980). These are *common goods*, including non-renewable resources such as gas, timber, coal, oil, water and land. Theoretically, common goods are *non-excludable*, since commodities facilitate essential public utilities, the benefit of which may be considered a basic human right (Kymlicka 1995; Splichal 2012, 93-94). However, they are *rivalrous*, implying that the more people who benefit from them, the less there is to go around. As such, their distributions are subject to economic laws of supply and demand, as well as political and sociocultural ideals. The limited supply of commodities renders their harvesting and distribution a considerable source of conflict for policymakers. This is because policy decisions have the potential to perpetuate exclusion and empower certain social, economic or political elites to the disadvantage of others (Anderson 2003, 4; Massey 1994). Premised on this added conceptual dimension of selective rights and benefits for a complex, heterogeneous public, the public interest becomes elusive and difficult to define. When democratic norms of equitability are challenged in this way, preferential policy *outputs* could negatively affect a wider sociopolitical *outcome*. This would be considered policy failure.

Hierarchical policy models assume that successfully achieved policies rest on efficient implementations of clear and rational government decisions fully equipped with professionally objective guidelines (Gustafsson and Richardson 1979). Yet, conflict-oriented issues complicate this ideal. As public commodity distributions represent issues of intractable public controversy, they are liable to challenge legitimate governance (Gertel Groome and Hovevar 2019). In order to create public consensus that includes a multitude of stakeholder interests, decision-makers need to promote a sense of equity amenable to a large majority of political and institutional frameworks. Governments may choose to accentuate popularly supported, declarative macro political activity, thereby inoculating themselves against failure. They can also take immediate political credit for their ideas, rather than waste energy on long-term implementation strategies (Hudson et al. 2019; Weaver 2010). The resulting popular macro-declarative statements might proffer vague terms of policy implementation, not designed for the active delivery of benefits (Rein and Rabinovitz 1978; Schneider and Ingram 1990). The final designation of policy beneficiaries is deferred de facto to the flexibility and discretion of administrative levels (Richardson et al. 1982). The result implies widely varied or unaccountable implementation outputs (Winter 2006).<sup>1</sup>

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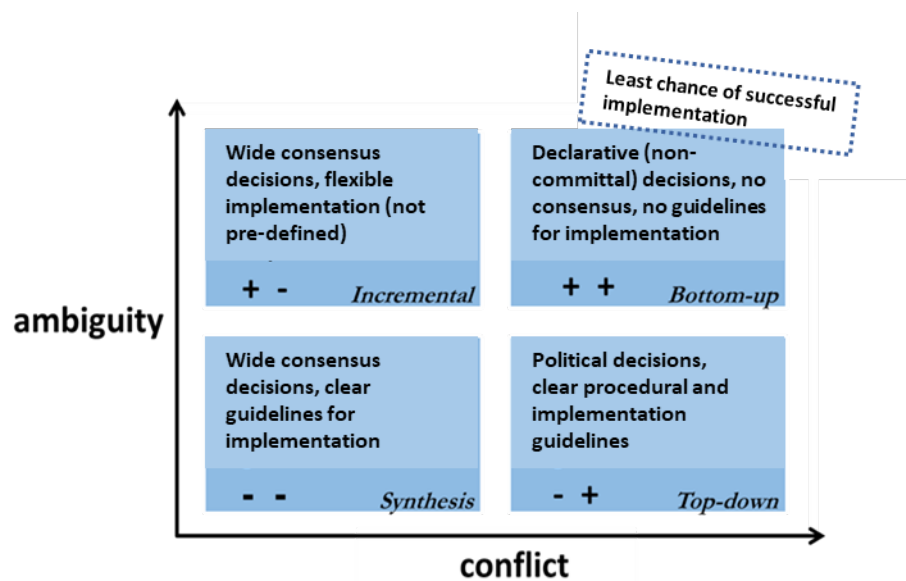
<sup>1</sup> Not all high-level policy decisions are expected to produce implementation output, as some are mere political declarations issued for no other reason than to generate publicity (Kingdon 2010). This paper concerns general macro-declarations born of the need to create public consensus as a basis for eventual policy action.

## 2.1. Models of Policy Process as Related to Issues of Conflict and Ambiguity

Abstract macro policies for issues of contention are applicable to Matland's (1995, 160) Ambiguity/Conflict Matrix. His famous categorization of political constellations combines issues of maximal conflict with ambiguous implementation guidelines. Under these conditions, socially cohesive political agendas advance political compromise at the expense of problem definition, goals and solutions. According to Matland, the *high-conflict/high-ambiguity* quadrant, where political non-consensus is combined with insufficient articulation of procedural directives, predicts policy failure – as shown in Figure 1. Exploring the likelihood of successful implementations within macro politicized policy processes, the matrix is comparable to other scholarly analyses as follows:

- The *low-conflict/low-ambiguity* quadrant, described as Administrative Implementation, is typified by public consensus and well-defined implementation guidelines. This is defined as the most feasible policy-type. It somewhat resembles Sabatier's (1986) *Synthesis* model. To promote ideal conditions for successful implementation, Sabatier's model touches on a disciplined bottom-up network based on consensus. Structured implementation defines *how* policy should be administered.
- The *high-conflict/low-ambiguity* quadrant, identified as Political Implementation, is geared toward the alleviation of conflict. Here policies are not always backed by consensus, but once goals and objectives are decided, there are very clear guidelines for expediting implementation. Within the framework of the top-down model, this is reminiscent of the style of majority rule, where hierarchy of process is observed (deLeon and deLeon 2002; Gustafsson and Richardson 1979, 434; Howlett 2017, 17).
- The *low-conflict/high-ambiguity* quadrant, labeled Experimental Implementation, is defined by active stakeholders in broad agreement about the macro policy direction who espouse various points of view on a policy's subsequent *interpretation*. High-level policy statements decide *what* public resources are distributed, while administrative policy levels deal with questions of for *whom* and *how* to accomplish this distribution. A wide consensus is implied regarding policy values and larger goals. Implementation is *incremental*, perhaps left to relevant localized actors (Braybrooke and Lindblom 1963).
- The *high-conflict/high-ambiguity* quadrant represents circumstances with the least chance of implementation, and is referred to as Symbolic Implementation. Without consensus, this type of policy process crafts declarative macro policies that are no more than mere symbolic gestures comprising scant clarification as to how policies might be implemented. In Matland's view, such purely bottom-up policy initiatives are unlikely to succeed because there is no concrete high-level policy to adapt or interpret, as the classic process hierarchy would demand.

**Figure 1: Implementation of Public Policy in Circumstances of Conflict and Ambiguity**



Source: Based on Matland R. (1995, 160)

Using Matland's Model of Policy Implementation as an aid to discussion, there are two high-conflict quadrants, each presenting alternative paths of implementation. The obvious difference between them is that the *high-conflict/low-ambiguity* quadrant does not associate conflict with political ambiguity, while the *high-conflict/high-ambiguity* quadrant does. The first alternative remedies ambiguity by promoting the adoption of unwavering top-down macro political policy intentions, complete with procedural guidelines for implementation (Heywood 2002; Hupe and Hill 2016). In support of this option, Gustafsson and Richardson (1979, 434) imply that policy failure could be prevented by forcing through rational policies using top-down majority rule. Rather than address and bridge the roots of public controversy, their idea is to uphold the prevalent point of view. They posit that "*political systems may react against the increased emphasis on consensus as the goal of policymaking. If consensus policies fail to 'deliver the goods', then citizens/voters may demand ... a return to ... majority rule. Thus, the policy process could change from a consensus dominated system to a more conflict-orientated one.*"

Undoubtedly, systems dealing with issues of consensus are different from conflict-oriented ones. Yet, the preclusion of failure might not necessitate a reversion to an inflexible top-down process. Where largescale controversial issues are concerned, majority rule tends to exclude relevant sectors of society, endangering both policy and governance. Instead, conflict-oriented policy could garner a vague political consensus that allows for a compatible coexistence of conflicting implementations, plausibly encouraging *initiatory bottom-up* policy solutions.

In essence, much of the literature is non-committal about what happens in cases where policy issues become loose, generalized macro-declarative statements. Are they just failed policies, as Matland would have us believe? Do they remain without implementation? Are they implemented inefficiently? Or, is there a better, more effective solution? Exploring pragmatic situations where a lack of public consensus draws political ambiguity, this paper focuses on

parameters comparable to those of Matland's *high-conflict/high-ambiguity* quadrant, but from a different perspective. The inclination here is to *question the pertinence of Matland's axiom*, which suggests that ambiguity ruins the chances of successful policy implementation for issues of conflict.

Typically, Elmore's (1980) discussion of varied types of implementation outputs concedes strong elements of conflict and ambiguity within the localized role of street-level operators while remaining beholden to the limited flexibility of classic hierarchical models. Such *incremental* modified-linear modalities maintain that within macro policy, administrators should have a large degree of fine-tuned discretion as to whether and how they implement policy. Yannow (2000) stresses that the formulation of policy guidelines, from macro to implementation levels, requires room for interpretation of institutional messages and their culturally embedded multiple meanings. For Lipsky (1980), administrators and bureaucrats are important to the policy process because of the decisions they make in delivering services or interpreting laws in their local environments. They are, after all, best acquainted with specific target populations. Sabatier and Jenkins-Smith's (1999) Advocacy Coalitions Framework for policy processes entails powerful policy actors at implementation levels who leverage incentives and constraints to tailor outputs to local conditions, while doing so under the umbrella of top-down coordination. The implication engendered by incremental policy processes is of general macro consensus where disagreement is approached through limited localized adjustments to policy decisions.

Interpretations and adaptations of policy are sometimes viewed as distortions or *failures* within chronological linear policy processes because they deliver various outputs stemming from loosely defined macro declarations. Ironically, multiple outputs deriving from macro policy decisions might have little influence on larger conflict-oriented *policy outcomes* (Mandl et al. 2008, 3). Although they tend to imply a measure of flexibility, such *modified linear modalities as described in the literature may not be suited to dealing with complex policymaking dilemmas of inherent conflict*. It is conceivable, however, that existing bottom-up theories could progress to enfold implementation initiatives, which themselves form and create policy outcome. This might help reconcile policy processes with largescale controversial issues.

If blame for policy failure is often aimed at implementation levels (Hupe and Hill 2016), there is reason to relax the characterization of these processes as failures. *In certain sociopolitical constellations, such failures represent valuable policy outputs*. The association of issues of conflict with ambiguity supports the view that policies may not always be the product of specific macro decisions. It follows that flexible bottom-up policy processes could be successfully initiated at implementation levels – more so, if their purpose was not to derive from, but to feed into larger policy processes that advance wider outcome. This embodies a thoroughly *bottom-up theoretical perspective that can accommodate a policy-type comprising issues compelled by both conflict and ambiguity*, such as the distribution of limited or scarce resources.

Table 1 illustrates the leading characterizations of policy process and implementation as identified by the seminal multi-model comparisons of four theorists (Heywood 2002; Hupe and Hill 2016; Matland 1995; Potucek and Vass 2003). These, among many others (see, for example, Cerna 2013; deLeon and deLeon 2002; Pulzl and Treib 2007; Sabatier 1986), portray an overlapping progression of the various conceptual modalities, from top-down to bottom-

up (left to right). An array of models represents theoretical trends, serving primarily to refute the rigid hierarchy demanded by top-down processes. Nonetheless, some discrepancies are discernible among them. Of the four theorists, Heywood's (2002) focus is less about issues of conflict and more about avoiding localized controversy and attaining agreement through incremental rather than purely bottom-up processes. Much like Matland's low-conflict models for implementation, *hybrid incrementalism* assumes largescale macro public consensus as a basic condition of policy. (*Hybrid synthesis* is only marginally within the scope of this discussion, as it contends with policymaking for issues unrelated to conflict or ambiguity, such as the availability of non-rivalrous public standards and services.)

Reflecting on issues of conflict, Matland (1995) does not expect bottom-up implementation processes to produce policy output. Hupe and Hill (2016) and Potucek and Vass (2003) come closest to considering that there can be successful bottom-up implementations, despite a lack of public consensus and ambiguous procedural policy guidelines. Under these conditions, Potucek and Vass suggest that multiple actors, using laws and administrative rules as a framework for participation, communication, and compromise, can implement favorable policy output. Hupe and Hill go as far as to describe various implementation styles that offer *policy output, which could actually be the same as policy itself*. Similarly, Hall and Taylor (1996, 949, 954) have observed the emergence of policies without supporting actors who seem to drop from sight, the result resembling *decentralized "action without agents"*. Political responsibility for practical action is abstract, and micro level policies are not synchronized within top-down decision-making processes. This holds testimony to the phenomenon of implementation outputs that are detached from macro policies.

Under the top-down paradigm, policies incongruent with hierarchical decisions cannot achieve predetermined policy objectives. Conversely, bottom-up models might produce combined policy outputs that could serve as foundation blocks for developing the concept of *independent initiatory outcome*; defined as policy itself.

**Table 1: A Multi-Model Comparison of Decision-Making and Policy Implementation Output**

| Theorists                            | Top down                                                                                                                                                                                                                                                       |                                                                                                                                                                         | Hybrid                                                                                                                                                                                                             |                                                                                                                                                           | Bottom up                                                                                                                               |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                                                                                                                                                                                                                                                |                                                                                                                                                                         | Synthesis                                                                                                                                                                                                          | Incremental                                                                                                                                               |                                                                                                                                         |
| Richard Matland (1996)               | <b>Political (macro)</b> <ul style="list-style-type: none"><li>Conflict on values, goals + on guidelines for implementation</li></ul> <div>Conflict + Ambiguity –</div>                                                                                        | <b>Administrative</b> <ul style="list-style-type: none"><li>Smooth transition from decision to implementation</li></ul> <div>Conflict – Ambiguity –</div>               | <b>Experimental</b> <ul style="list-style-type: none"><li>Consensus on values, goals</li><li>Interpretive, flexible implementation</li></ul> <div>Conflict – Ambiguity +</div>                                     | <b>Symbolic</b> <ul style="list-style-type: none"><li>No political consensus</li><li>No procedural guidelines</li></ul> <div>Conflict + Ambiguity +</div> |                                                                                                                                         |
| Martin Potucek and Lazlo Vass (2003) | <b>Authoritative (macro)</b> <ul style="list-style-type: none"><li>Hierarchical control of all levels</li><li>Clearly planned instructions for the entire policy process</li></ul>                                                                             |                                                                                                                                                                         | <b>Participative</b> <ul style="list-style-type: none"><li>Indirect control tactics, set goals</li><li>Adapt policies handed down by negotiation, cooperation</li></ul>                                            | <b>Endless learning</b> <ul style="list-style-type: none"><li>Optimal solutions</li><li>Trial, error, flexibility</li></ul>                               | <b>Coalition of actors</b> <ul style="list-style-type: none"><li>Multiple actors</li><li>Participate, communicate, compromise</li></ul> |
| Peter Hupe and Michael Hill (2016)   | <b>Control (macro)</b> <ul style="list-style-type: none"><li>Adopting the legislator's intentions</li></ul>                                                                                                                                                    | <b>Technical</b> <ul style="list-style-type: none"><li>Applying policy instructions</li></ul>                                                                           | <b>Institutional</b> <ul style="list-style-type: none"><li>Institutional mandate defined by preconditions</li></ul>                                                                                                | <b>Normative</b> <ul style="list-style-type: none"><li>Realizing ideal or optimal goal</li></ul>                                                          | <b>Comparative</b> <ul style="list-style-type: none"><li>Varying implement styles</li><li><u>The output is policy itself</u></li></ul>  |
| Andrew Heywood (2002)                | <b>Belief systems (macro)</b> <ul style="list-style-type: none"><li>Irrational, unpredictable, compromising</li><li>Individual value-based self-interested decisions</li><li>Can attempt to change legislation</li><li>Planned procedural guidelines</li></ul> | <b>Rational actor</b> <ul style="list-style-type: none"><li>Logical, goal oriented</li><li>National, institutional altruism</li><li>Min. costs, max. benefits</li></ul> | <b>Bureaucratic organization</b> <ul style="list-style-type: none"><li>Structured process</li><li>Reflection of institutional core values and customary behavior</li><li>Consensus on ideological values</li></ul> | <b>Incremental</b> <ul style="list-style-type: none"><li>Continual negotiations, bargaining</li><li>Multiple actors</li></ul>                             |                                                                                                                                         |

### 3. Toward Flexible Administrative Operatives for Conflict-Oriented Policy

#### 3.1. Trends in Literature

Lester and Goggin (1998) have referred to implementation as both a dependent and an independent variable in public policy. Yet, aside from some management and business policy models accommodating bottom-up market forces as effective processual catalysts (Goedertier and Vanthienen 2006), there is scant discussion of *independent, flexible, initiatory policymaking at implementation levels of policy processes*. A theory advanced by this paper is that implementation is not always a separate, final phase of a policy process; instead, it is often a non-linear working component of a wider policy cycle, capable of setting successful policy decisions in motion.

Of the two theoretically polar models of policy process, top-down implementations support objectives that command hierarchical continuity (see, for example, Hogwood and Gunn 1984; Mazmanian and Sabatier 1983; Pressman and Wildavsky 1984; Sabatier and Mazmanian 1980; Van Meter and Van Horn 1975). Such implementations are inflexible, representing either successful policy outcome or complete failure. Ambiguity is minimized because proposed implementations that would not necessarily meet set policy goals are hindered or blocked as

a matter of prudence. In comparison, hybrid and bottom-up modified hierarchical theories adjust linear policy methods to reduce contentions within policy processes. Yet, they do so mainly at parochial levels, thereby promoting assorted outputs that are incongruent with other outputs and/or macro policies. This sectarian flexibility may be construed as a failure to achieve originally stated goals as well as the overall outcome.

Similarly, some arguments continue to attribute policy failure to a lack of support at implementation levels, as linked to deficient policy preparation and design (Hudson et al. 2019; May 2015). The development of meso and micro interpretive adaptations of macro governing decisions redresses the risk of failure by relying on varying designs of policy instruments (Borrás and Edquist 2013; Howlett et al. 2015, 298–210; Yannow 2000). Common to most of these discussions is the top-down linear association between high-level policy and active implementations.

The general avoidance of policy failure is accompanied by hybrid and bottom-up convictions that the *greater public interest* must not be left wanting, especially in circumstances of political and procedural vulnerability. Notably, such implementation models advocate semi-autonomous administrative power within coinciding multi-level processes. They emphasize the significance of the relationship between policymaker and policy-deliverer (see, for example, Braybrooke and Lindblom 1963; Elmore 1980; Hjern 1982; Hjern and Hull 1982; Hjern and Poerter 1981; Lipsky 1971, 1980). Conflict relating to public policy is a multi-faceted concept with a wide circle of participants who either serve the public or benefit from public services. Hybrid and bottom-up flexibility regarding implementation is embedded in ambiguous high-level policy decisions. The focus is on flexible negotiation on the part of policy actors and bureaucrats at implementation levels (Braybrooke and Lindblom 1963; Dobuzinskis 1992; Dror 1964; Elmore 1985; Etzioni 1967; Goggin et al. 1990; Keeley and Scoones 1980; Lindblom 1959; Majone and Wildavsky 1978; Ripley and Franklin 1982; Sabatier 1986; Sabatier and Jenkins-Smith 1999; Scharpf 1978; Winter 1990). However, this localized flexibility is not always enough to produce *equitable policy outcome*.

Varying measures of policy success and failure may also be considered a function of policy-deliverers' work environments, which shape and are shaped by *institutionalist* considerations (Scott 1995). Civil servants experience professional constraints, incentives and conditions, such as budgetary and manpower allocations, institutional norms and procedures or adequate work space (DiMaggio and Powell 1983). Attention should also be paid to actors' personal benefits, as well as their cultural belief systems and values, all of which pertain to their interpretations of policy and its transformation into practice (Mohanty 2001; Pulzl and Treib 2007). Administrative decisions involving issues of conflict can be significantly impacted by, or dependent on, dominant institutional, professional and private stakeholders' world-views, values and loyalties (Oliver 1991; Radaelli et al. 2012). Certainly, institutional, social, cultural, economic and human resources are subject to competition and conflict, requiring negotiation and political flexibility (Nicholson-Crotty 2005).

Recent emphases are placed on the importance of recognizing complexities within policy systems, reiterated and developed in terms of innovative policy design or integrative policy mix (Rogge 2018). Solutions are sought to unpredictable, uncontrollable and conflicting elements within policy systems. These are identified as part and parcel of the traditional

hierarchical model (Braithwaite et al. 2018; Mueller 2020). Practical, scientifically objective models enable *evidence-based* responses to difficulties as they arise (Amanpene 2017; Ansell and Geyer 2016). Intended to minimize ambiguities in policymaking, this approach can be relatively devoid of moral and philosophical reasoning and limited in its ability to consider the dynamism of human nature in space and time. More flexible processes identify vagaries of the political cycles and other difficulties, such as dispersed levels of governance. These are seen in the light of complex cross-mapping throughout the lengthy policy process (Hudson et al. 2019; McConnell 2015; Norris et al. 2014). Remedies, such as interactive policy-tracking and ongoing professional implementation support, are suggested to provide flexible, on-the-spot direction for policy success.

In relation to complex, theoretical models of policy process, the term *pragmatism* is generally preferred to *flexibility*, perhaps because it respects the hierarchies of decision-making (Ansell and Geyer 2016). Richardson, Gustafsson, and Jordan (1982) have discussed *administrative flexibility and discretion*, primarily intended to offset strict macro policy directives and allow for some interaction between macro, meso, micro, social and economic or political actors. Yet, even as Lo (2015) debates the merits and limitations of *flexible implementation* with respect to desirable outcome (for policy and regulation of clean energy), he refers to the *adaptation* and *interpretation* of set policies, accepting only slight deviations from central government directives at decentralized levels of governance.

### 3.2. Independent Initiatory Outcome

The presumption that all implementation outputs directly derive from top-down macro goals is probably insufficient where policy issues do not inspire public consensus. This may cause politicians to promote abstract policy statements (Schneider and Ingram 1990). As such, paths for the implementation of ambiguous policy issues will rest on identifying conditions that produce controversy. The distinction between policies aimed at direct funding of public service goods and those regulating distributions of conflict-oriented commodity resources represents a pertinent condition that is often ignored. If issues regarding distributions of limited resources comprise a discernible policy-type characterized by conflict and ambiguity for decision-makers, relevant implementations should benefit from bottom-up policy initiatives.

In a democracy, official macro policies are expected to reflect the heterogeneous public interest equitably through conflict management. Micro interpretations or adaptations of ambiguous macro-declarations risk the inadvertent creation of imbalances among potential policy beneficiaries. Administrative advocacy is a complex exercise when various stakeholder roles are contingent on individual and sectorial potentials for gain, loss, favoritism and discrimination on local and national levels. The administrator's role in interpreting policy favors various implementation outputs to benefit specific publics. In these circumstances, the public benefit is not necessarily maintained on a macro or national level. When threatened political and democratic processes impede policy implementation, wider political conflicts may be exacerbated rather than resolved.

The interpretation and adaptation of high-level policies, as well as the design of policy instruments (Howlett et al. 2015, 298-310; Yannow 2000), is typically directed toward solving a specific implementation problem. As noted, outputs applicable to set macro goals that employ actions within measured or limited degrees of freedom may be unable to produce a valid institutionalized outcome in service of the larger, more complex public interest (Mandl et al. 2008, 3). In this way, conflict-oriented realities fall short of success by not allowing sufficient *scope of flexibility* to enable the initiation, formulation and achievement of higher policy goals at implementation levels.

The literature surveyed primarily endorses two main constructs, within modalities of policy process, that are relevant to implementation outputs for issues of conflict as follows.<sup>2</sup>

- *Congruent policy output* (policy congruence) – pertaining to democratic macro policy guidelines that adhere to, widely agree with, or correspond with the direct interest of a public majority (see, for example, Ferland 2021; Rasmussen et al. 2021).
- *Adaptive/interpretive policy output* – pertaining to creative options that permit limited design flexibility relevant to narrow public sectors, at meso and micro levels, without deviating from macro policy objectives (see, for example, Howlett et al. 2015; Yannow 2000).

Reflecting a need to prioritize public policy performance, effectivity and impact, both constructs largely respect the chronological hierarchy of decision-making. *Congruent policy output* (shown in Figure 2 below) is akin to top-down solutions for issues of conflict, leaving no room for ambiguity and flexibility. In support of hierarchical modalities of policy process, the theoretical argument that implementation outputs will always meet policy outcome is reiterated. Here, outcome somehow appears synonymous with policy goals, despite practical occurrences of policy failure, or *incongruence* of various outputs with set macro objectives. This construct relies on majority versus minority rule, possibly risking the stability of governance.

Conversely, the *adaptive/interpretive policy output* construct (shown in Figure 2) espouses flexibility by legitimizing varying implementations. Where policy issues are ambiguous, modalities of policy process strive for compromise through local consensus. This is also reflected in hybrid incremental models. Progression to high-level outcome is hardly addressed.

Given the theoretical debate concerning successful policy implementations not derived from authoritative macro policies, it seems reasonable to contend the necessity of an additional construct pertinent to the *high conflict and ambiguity policy-type* (Matland 1995). This proposed third construct represents conditions for policymaking that harbor inherent conflict accompanied by ambiguous directives for implementation. Comprising the sum of policy outputs initiated at meso and micro bottom-up levels, it should produce an effective and expansive impact. This construct can be referred to as:

- *Independent initiatory outcome* – respecting implementations flexible enough to provide a variety of outputs for issues of contention. The aggregate of these outputs, each centered on specific situations, form a balanced outcome in the interest of the general public.

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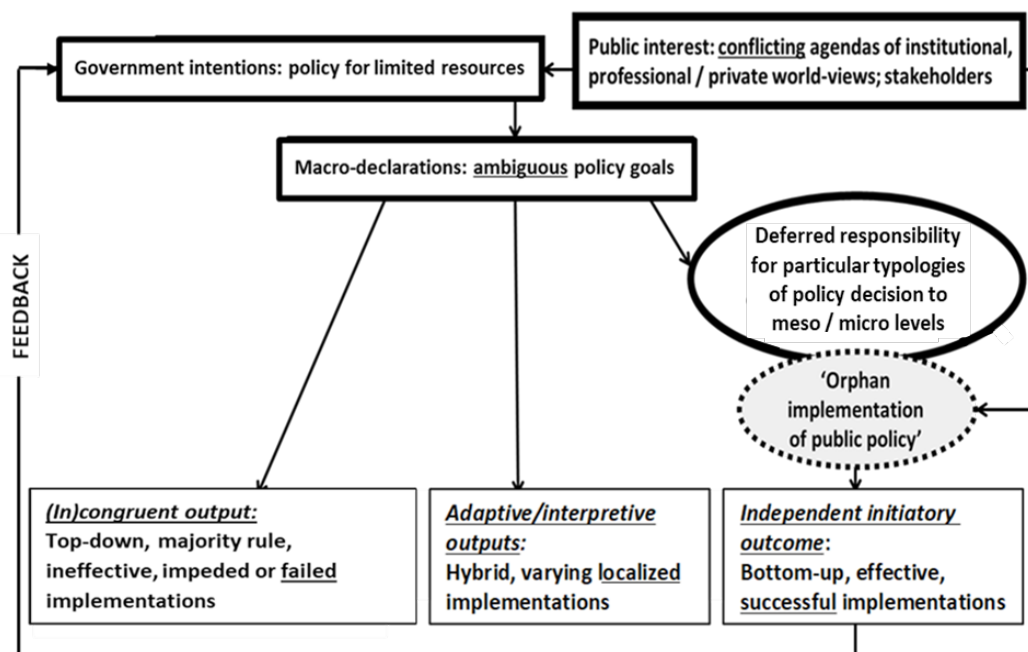
2 Note that the literature cited in this paper is not comprehensive but merely representative of categories of thought combining different perspectives and insights. This includes mixed-method studies determined by clarity and strength of argument as well as loose chronologies of publication.

If policy output is a means to achieve the larger purpose of public policy, Mandl et al. (2008, 3) suggest that the combination of various practical implementations, operating simultaneously, can yield a wider, more inclusive outcome. Such implementations would be considered beneficial to their target publics as well as to the larger public interest. Effective policy outcome relating to conflict-oriented issues can develop within a flexible policy process. Thus, practical solutions to problems are initiated independently at implementation levels, ultimately looping back to encompassing *macro parent policies*. These are *orphan implementations of public policy*. Here, the combined sum of implementations would provide maximal public benefit in the form of outcome, while minimizing conflict. In doing so, implementers require an acute awareness of political atmospheres and public contexts, as these provide an essential backdrop for *independent initiatory outcome* (as portrayed in Figure 2).

#### 4. Conceptualization of Orphan Implementations of Public Policy

Figure 2 refers to the question of *how and to what extent the public interest or benefit is achieved under contention*. It illustrates the dilemma surrounding the adoption of ambiguous statements which could either stymie, miscarry or positively generate effective policy solutions. Deliberately ambiguous policy goals, designed to avoid underlying favoritism or exclusion of stakeholders, can confound and impede implementation, as per Matland's (1995) theory. Alternatively, ambiguity can offer unprecedented freedoms to initiate policy at the meso and micro levels. The discussion pertains to the implementation of policies for conflict-oriented resource distribution. It is conducted in terms of the three modalities of policy process, *top-down, hybrid and bottom-up*, which serve as a frame of reference for relevant constructs.

Figure 2: Modalities of Policy Process for Issues of Conflict and Ambiguity Relating to Distributions of Limited Resources



The first of the modalities refers to classic hierarchical processes. Here, anything other than the production of *congruent output* might be considered policy failure (Hupe and Hill 2016). Issues of contention and ambiguity jeopardize effectiveness and may derail valuable implementations that stray from high-level decisions. Resulting outputs can be incongruent to existing substantive top-down policies or to other policy actions and hence rejected.

Outside of dominant linear constructions, it is evident that labeling policy implementations as either failures or successes matters far less than the extent to which the public interest is served by effective outcome. Fear of failure to achieve macro goals along with a conscientious dependence on macro decisions tend to disrupt the alignment of policy implementation outputs necessary to produce outcomes favoring the general public interest. If policy successes were measured based on *effectivity of performance within the framework of valuable public benefit or aggregate outcome*, instead of set objectives, existing models could move closer to resolving issues of conflict.

The difficulties attached to defining the public interest, or achieving any form of policy consensus regarding competition for resources, are further compounded by functional norms within administrative bureaucracies. Accordingly, institutionalist theories involve a multitude of policy actors, government regulators, bureaucracies, non-governmental institutions with intellectual and organizational resources, lobbies and collective or private stakeholders (Jacobs and Brown 2012, 115-138).<sup>3</sup> Ideologies and social realities motivate all these actors, who are, in turn, subject to constraints of political and public interests and agendas, organizational resources, electoral cycles and moods, and national and regional systems (Heywood 2002). Policy implementers may be personally bound by biases implicit to emotionally charged issues carrying social and moral implications (Gertel and Alterman 1994). Thus, in shaping implementation outputs, public administrators represent institutional and personal identities, in addition to an array of public and private stakeholders. Evolutionary, cultural and historical outlooks affect the social or economic legitimacy, and possibly the very survival of government (DiMaggio and Powell 1983; Scott 1995).

The hybrid construct of *adaptive/interpretive policy* allows administrators to take advantage of an absence of clearly defined goals and objectives. The superimposition of political ambiguity on issues of conflict offer pragmatic flexibility and attentiveness to the immediate needs of various cross-sections of the public. Such modified-linear policy processes produce an array of administrative implementation outputs, each applicable to a distinctive local field-level situation (Mueller 2020). With limited flexibility to stray from macro objectives, these provide specific benefits tailored to particular populations (Borrás and Edquist 2013; Braybrooke and Lindblom 1963; Howlett et al. 2015, 298-210; Yannow 2000). Processes relying on this construct are unlikely to offer largescale consensus-based policy outcomes. This is because localized outputs are not equipped to relate back to the conflicts and complexities of relevant high-level political declarations. For example, popular consensus broadly supports macro policy for the use of natural gas. But if the meso and/or micro policy levels are not advised on how to set ceiling consumer prices or contend with contracts for harvesting, implementations are free to vary. In the absence of clear directives for implementation, policy actions typically come to fruition through decentralized solutions tailored to local environmental contexts.

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3 Stakeholders can also be policy entrepreneurs, negotiators, academics and opinion leaders, civic representatives, citizens, politicians, legislators, judiciary, and/or civil servants.

It is therefore conceivable that, in all running cases, various implementation outputs may consistently benefit independent service providers over the consumer public. Countering the norms of social justice and fair practice, which dictate that parallel outputs should also reward other contenders, consumers are in this case overlooked. Here, a consequence of implementations formulated in isolation from greater national contexts is the inadvertent endorsement of socioeconomic imbalance.

As an extension of the bottom-up modality, the third *independent initiatory outcome* construct is set to optimize the *conflict ambiguity policy-type* by incorporating viable and sustainable parity among conflicting political and altruistic ideals. Moreover, the premise and purpose of effective, and hence valuable, public policy should include flexible bottom-up implementation outputs as part of improved processes. *Successful decision-making for the conflict ambiguity policy-type lies in the variety of implementations operating concurrently to yield integrated policy outcome.* This demands that *orphan implementations* be cognizant of their subsequent impact on high-level policy, which is achievable by inverted reflection on macro/political situations. The concept presumes that multiple independent implementation initiatives facilitate one or more loosely defined macro-declarative *parent policies*. These in turn, offer retrospective legitimacy for decisions originating at administrative levels. This enables a bottom-up feed of initiatory outputs into broader more inclusive macro government policy processes.

When non-consensus draws abstract political decisions, bottom-up modalities present a foundation for successful solution-driven policy outputs that advance significant outcome. In this regard, vague political statements are auspicious to the balance of the public interest. To preserve the integrity of governing mandates, high-level controversy concerning the designation of policy beneficiaries and non-beneficiaries may precipitate a *conscious deference of decisions to implementation stages*. Implementers can offer decision-makers administrative and procedural options that are already shaped, molded and complete with reasonable arguments for sustaining general macro policies. Such suggestions might be amenable to political decision-makers at opportune times and attributed to a range of general, declared macro policies that have already gathered wide consensus.

In sum, conflict-oriented policy issues relate to rivalrous resource distributions. They present a uniquely definitive *conflict ambiguity policy-type*. Predisposed to the adoption of vague macro policies that comprise ambiguous directives, this policy-type generates the need for different, coexisting implementation solutions to policy problems that together serve the public interest. The proposed remedy is original initiatory policymaking at the meso and micro levels, termed *orphan implementations of public policy*. Here, bottom-up segments of policy processes determine collaborations of outputs equipped to initiate outcome. This process is supported and strengthened by high-level policy systems where political decisions uphold socially progressive macro-declarations. The flexibility of ambiguous, politicized declarations is harnessed to support administrative actions. The actions become policy in and of themselves. Indeed, the impact or outcome of *orphan policies* depends on the extent to which implementation levels operate with an eye to greater, more comprehensive political awareness. This should represent a more pliable style of decision-making, tethered only by a need to benefit all sectors of the public in a fair and equitable manner.

## 5. Concluding Remarks

Established models of policy process highlight macro decisions, clear implementation directives, limited freedoms of interpretation, and output in agreement with set objectives. Within this chronology, there is a looming risk of failure or inaction. Yet, in avoiding policy failure, we must not avoid valuable progress, especially for issues of public controversy. Mainstream modalities of policy process endorse deliberate top-down regulation, leveraging power majorities in relation to weaker social or economic standards. Attempts to mitigate conflict by means of *interpretation* or *adaptation* of macro policies benefit certain publics at the expense of others. Such localized policy implementations are potentially discordant to the greater issues at stake. Under heightened partisan politicization of conflict-oriented issues, implementations should use flexibility to proffer largescale inclusionary outcome.

Proposing a reevaluation framework for policy processes, this paper represents an effort to examine the theoretical gap intrinsic to effective policy for conflict-oriented issues. The recognition of the integrity of *orphan implementations* as a practical medium for managing distributions of commodity-based public resources should expand the relevance of multi-model analyses for matters of contention. Ideally, policies initiated at administrative levels hold the capacity to improve, strengthen and sustain the quality and resilience of power-sharing within democratic systems. Practical solutions can contribute to the building of a more dynamic policy model that is ready and able to meet the challenges of increasingly complex ideals and values, while minimizing discriminatory bias in favor of social justice.

A formal acknowledgement of meso and micro initiatory decisions, generating enhanced autonomy for operative administrators, needs to inspire a more responsible and appropriately monitored hub of meaningful policy leadership. Active accountability and transparency in dealing with volatile socio-ethical principles must necessarily encourage the development of mechanisms for shared and balanced management of sensitive human rights dilemmas.

Hopefully, critical deconstruction of the dominant top-down discourse can contribute to the enrichment of academic and professional dialogue. The purpose is to nurture a greater understanding of how issues of conflict and ambiguity are decided, at which levels and relative to what influences; as well as why and for whom undeclared or unclarified policies are promoted. In seeking to expand the foundation for building modalities of policy process, further examination and analysis of the circumstances fostering divergent implementation outputs are suggested. The idea that successful policy can be decided at initial administrative levels, effectively *orphaned* from macro-declarations, might be bolstered by a research agenda focusing on catalysts for decision-making at various levels, to include the idiosyncrasies of political actors and other stakeholders. Use of case studies to map policy processes for distributions of resources and their outcomes are recommended to help investigate and advance comparative perspectives.

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